

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) RAD REFERRAL 23L-08  
 Spencer Toder for Senate and Spencer )  
 Toder in his official capacity as treasurer )

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on October 05, 2023, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-3 to:

Refer the matter to the Office of Alternative Dispute Resolution.

Commissioners Cooksey and Trainor voted affirmatively for the motion. Commissioners Broussard, Lindenbaum, and Weintraub dissented. Commissioner Dickerson abstained.

2. Failed by a vote of 3-3 to:

- a. Open a Matter Under Review. MUR 8178
- b. Find reason to believe that Spencer Toder for Senate and Spencer Toder in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(4) and 11 C.F.R. § 104.3(b) by failing to timely and accurately report disbursements.
- c. Enter into conciliation with Spencer Toder for Senate and Spencer Toder in his official capacity as treasurer prior to a finding of probable cause to believe.
- d. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated July 19, 2023.
- e. Approve the Conciliation Agreement, as recommended in the First General Counsel's Report dated July 19, 2023.
- f. Approve the appropriate letter.

Commissioners Broussard, Lindenbaum, and Weintraub voted affirmatively for the motion. Commissioners Cooksey, Dickerson, and Trainor dissented.

3. Decided by a vote of 5-1 to:

Open a Matter Under Review.

- b. Find reason to believe that Spencer Toder for Senate and Spencer Toder in his official capacity as treasurer violated 52 U.S.C. § 30104(b)(4) and 11 C.F.R. § 104.3(b) by failing to timely and accurately report disbursements.
- c. Enter into conciliation with Spencer Toder for Senate and Spencer Toder in his official capacity as treasurer prior to a finding of probable cause to believe.
- d. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated July 19, 2023.
- e. Approve the Conciliation Agreement, as recommended in the First General Counsel's Report dated July 19, 2023
- f. Approve the appropriate letter.

Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor dissented.

Attest:



Vicktoria J Allen

Digitally signed by Vicktoria J  
Allen  
Date: 2023.10.06 17:38:59  
-04'00'

Vicktoria J. Allen  
Deputy Secretary of the Commission