

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) Civ. No. 24-2505 (ABJ) (D.D.C. filed
Lewicki, et al. v. FEC: Notification) August 30, 2024)
Regarding Lawsuit Filed Pursuant to)
52U.S.C. § 30109(a)(8)(C))

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on October 08, 2024, the Commission took the following actions,

 in the above-captioned matter:

1. Failed by a vote of 3-3 to:
 - a. In any briefing on potentially dispositive motions, the Office of General Counsel should describe the controlling statement of reasons as coming from a “controlling group” or similar descriptor, and not ascribe that rationale to the full Commission.
 - b. After the first dispositive decision, the Office of General Counsel is authorized to continue to represent the Commission only in connection with proceedings directly related to that decision and its implementation, including compliance with related court orders, requests for costs or attorney’s fees, and necessary communications with counsel for other parties to the litigation, while any such proceedings remain pending.
 - c. The Office of General Counsel will not seek in court to appeal or otherwise obtain further review, or to defend an appeal from, any dispositive court order or decision without advance approval from the Commission; but in the event that an appeal is taken in which the Commission is an appellee, the Office of General Counsel shall request, on an expedited basis, continued authorization to defend the Commission.
 - d. In the event of a lost of authority to represent the Commission in this case, following the conclusion of proceedings directly related to the first dispositive decision, the Office of General Counsel is authorized only to move to withdraw and to comply with any court

conditions for withdrawal, except that in the event the court denies the Office of General Counsel's request to withdraw, the Office of General Counsel will continue representation at the level required by the court's order and applicable rules of professional conduct.

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

2. Decided by a vote of 4-2 to:

Authorize the Office of General Counsel to defend the Commission in *Lewicki, et al. v. FEC*, Civ. No. 24-2505 (ABJ) (D.D.C. filed August 30, 2024)

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

Attest:



Vicktoria J Allen

Digitally signed by Vicktoria J
Allen
Date: 2024.10.11 13:05:41 -04'00'

Vicktoria J. Allen
Deputy Secretary of the Commission