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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Sumter Electric Cooperative, Inc.) MUR 5931
("SECO"); James P. Duncan)

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 03, 2008, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:
 - a) Find reason to believe that SECO violated 2 U.S.C. § 441b(b)(3) and 11 CFR § 114.5(a).
 - b) Find reason to believe that James P. Duncan violated 2 U.S.C. § 441b(b)(3) and 11 CFR § 114.5(a).
 - c) Find reason to believe that SECO violated 2 U.S.C. § 441b(b)(4) and 11 CFR § 114.7(a).
 - d) Find reason to believe that James P. Duncan violated 2 U.S.C. § 441b(b)(4) and 11 CFR § 114.7(a).
 - e) Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated January 23, 2008.
 - f) Authorize the use of compulsory process with respect to all respondents and witnesses, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary.
 - g) Approve the appropriate letters.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion. Commissioners Hunter, McGahn II, and Petersen dissented.

2. Decided by a vote of 6-0 to:

Refer MUR 5931 to the Alternative Dispute Resolution (ADR) Office.

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Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and
Weintraub voted affirmatively for the decision.

Attest:

December 3, 2008
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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