

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 5365  
Club for Growth, Inc.; and )  
Club for Growth, Inc. PAC )

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission  
executive session on October 19, 2004, do hereby certify that the Commission  
decided by a vote of 4-2 to take the following actions in MUR 5365:

1. Find no reason to believe that Club for Growth, Inc. violated 2 U.S.C. § 441b(a) by airing electioneering communications.
2. Find reason to believe that Club for Growth, Inc. violated 2 U.S.C. §§ 433 and 434 by failing to register as a political committee with the Commission and report its contributions and expenditures.
3. Find reason to believe that Club for Growth, Inc. and Club for Growth, Inc. PAC violated 2 U.S.C. § 441a(f) by knowingly accepting contributions in excess of \$5000 and 2 U.S.C. § 441b(a) by knowingly accepting corporate contributions.
4. Find reason to believe that Club for Growth, Inc. violated 2 U.S.C. §§ 441a(f), 441b(a), and 11 CFR §§ 102.5, 104.10, 106.1, and 106.6 by failing to attribute and report expenses between multiple federal candidates, by failing to allocate and report shared administrative and fundraising activities, and by using prohibited funds to pay for the federal share of those expenses, which may have resulted in prohibited and excessive contributions.

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5. Find reason to believe that Club for Growth, Inc. PAC violated 2 U.S.C. §§ 441a(f), 441b, and 11 CFR §§ 102.5, 104.10, 106.1, and 106.6 by failing to attribute and report expenses between multiple federal candidates, and by failing to allocate and report shared administrative and fundraising activities, which may have resulted in prohibited and excessive contributions.
6. Find reason to believe that Club for Growth, Inc. violated 2 U.S.C. § 441b and 11 CFR § 114.2(a) by making prohibited corporate expenditures.
7. Approve the Factual and Legal Analysis, as recommended in the General Counsel's Memorandum dated May 13, 2004.
- 8.
9. Approve the appropriate letter.

Commissioners McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioners Mason and Smith dissented.

Attest:

October 19, 2004  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

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