

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURs 5976, 5984 and 6003
John McCain 2008, Inc. and Joseph)
Schmuckler, in his official capacity as)
treasurer; John McCain)

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on November 07, 2008, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in the above-captioned matter:

1. Find no reason to believe that John McCain 2008, Inc., Joseph Schmuckler, in his official capacity as treasurer, and John McCain violated 2 U.S.C. § 441a(b)(1)(A) or 26 U.S.C. § 9035.
2. Find no reason to believe that the Committee violated 2 U.S.C. § 434(b) and 11 CFR § 104.3(d)(1).
3. Approve the revised Factual and Legal Analysis, as submitted by the Office of General Counsel on November 7, 2008, subject to further revision pursuant to the meeting discussion and any necessary technical and conforming amendments.
4. Approve the appropriate letters.
5. Close the file.

Commissioners Hunter, McGahn II, Petersen and Walther voted affirmatively for the decision. Commissioner Weintraub dissented. Commissioner Bauerly did not vote.

Attest:

November 7, 2008
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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