

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

)  
) MURs 6078, 6090, 6108, 6139, 6142 and  
6214

Obama for America and Martin Nesbitt,  
as Treasurer; Obama Victory Fund and  
Andrew Tobias, as Treasurer

**CERTIFICATION**

I, Shawn Woodhead Werth, recording secretary of the Federal Election Commission executive session, do hereby certify that on August 24, 2010, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-1 to pass a motion to:

- a) Find reason to believe Obama for America and Martin Nesbitt, in his official capacity as Treasurer, accepted excessive contributions in violation of 2 U.S.C. § 441a(f).
- b) Authorize an audit of Obama for America and Martin Nesbitt, in his official capacity as Treasurer, pursuant to 2 U.S.C. § 437g.
- c) Take no action at this time that Obama for America and Martin Nesbitt, in his official capacity as Treasurer, violated 2 U.S.C. § 441e by accepting contributions from foreign nationals.
- d) Take no action at this time that Obama for America and Martin Nesbitt, in his official capacity as Treasurer, violated 2 U.S.C. § 441f by accepting contributions from unknown persons in the name of another.
- e) Find no reason to believe Obama Victory Fund and Andrew Tobias, in his official capacity as Treasurer, accepted excessive contributions in violation of 2 U.S.C. § 441a(f).

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- f) Find no reason to believe Obama Victory Fund and Andrew Tobias, in his official capacity as Treasurer, violated 2 U.S.C. § 441e by accepting contributions from foreign nationals.
- g) Find no reason to believe Obama Victory Fund and Andrew Tobias, in his official capacity as Treasurer, violated 2 U.S.C. § 434(b) by misreporting disbursements.
- h) Dismiss allegations that Obama Victory Fund and Andrew Tobias, in his official capacity as Treasurer, violated 2 U.S.C. § 441f by accepting contributions from unknown persons in the name of another.
- i) Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated March 30, 2010.
- j) Approve the appropriate letters.

Commissioners Hunter, McGahn II and Petersen voted affirmatively for the motion.

Commissioner Walther dissented. Commissioner Weintraub recused herself with respect to MURs 6078, 6090, 6108, 6139, 6142 and 6214 and did not vote. Commissioner Bauerly did not vote.

2. Decided by a vote of 4-0 to:

- a) Find reason to believe Obama for America and Martin Nesbitt, in his official capacity as Treasurer, accepted excessive contributions in violation of 2 U.S.C. § 441a(f).
- b) Authorize an audit of Obama for America and Martin Nesbitt, in his official capacity as Treasurer, pursuant to 2 U.S.C. § 437g.
- c) Dismiss allegations that Obama for America and Martin Nesbitt, in his official capacity as Treasurer, violated 2 U.S.C. § 441e by accepting contributions from foreign nationals.
- d) Dismiss allegations that Obama for America and Martin Nesbitt, in his official capacity as Treasurer, violated 2 U.S.C. § 441f by accepting contributions from unknown persons in the name of another.
- e) Find no reason to believe Obama Victory Fund and Andrew Tobias, in his official capacity as Treasurer, accepted excessive contributions in violation of 2 U.S.C. § 441a(f).

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- f) Find no reason to believe Obama Victory Fund and Andrew Tobias, in his official capacity as Treasurer, violated 2 U.S.C. § 441e by accepting contributions from foreign nationals.
- g) Find no reason to believe Obama Victory Fund and Andrew Tobias, in his official capacity as Treasurer, violated 2 U.S.C. § 434(b) by misreporting disbursements.
- h) Dismiss allegations that Obama Victory Fund and Andrew Tobias, in his official capacity as Treasurer, violated 2 U.S.C. § 441f by accepting contributions from unknown persons in the name of another.
- i) Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated March 30, 2010.
- j) Approve the appropriate letters.

Commissioners Hunter, McGahn II, Petersen and Walther voted affirmatively for the decision. Commissioner Weintraub recused herself with respect to MURs 6078, 6090, 6108, 6139, 6142 and 6214 and did not vote. Commissioner Bauerly did not vote.

Attest:

August 30, 2010  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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