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COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 6357  
American Crossroads and Margee )  
Clancy, in her official capacity as )  
treasurer; Portman for Senate Committee )  
and Natalie K. Baur, in her official )  
capacity as treasurer )

AMENDED CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on January 24, 2012, the Commission took the following actions in the above-captioned matter:

1. Failed on a vote of 3-3 to take the following actions:
  - a. Find reason to believe that American Crossroads and Margee Clancy, in her official capacity as treasurer, violated 2 U.S.C. §§ 441a(a) and 434(b) by making an excessive in-kind contribution as a result of republishing campaign materials and by failing to properly disclose the cost of the communication as a contribution.
  - b. Dismiss, as a matter of prosecutorial discretion, the allegations that American Crossroads and Margee Clancy, in her official capacity as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b by accepting excessive and prohibited contributions, and send a caution letter.
  - c. Find no reason to believe that the Portman for Senate Committee and Natalie K. Baur, in her official capacity as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive in-kind contribution from American Crossroads in the form of a coordinated communication.
  - d. Authorize conciliation with American Crossroads and Margee Clancy, in her official capacity as treasurer, prior to a finding of probable cause to believe.

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- e. Approve the Conciliation Agreement as recommended in the First General Counsel's Report dated August 31, 2011, \_\_\_\_\_
- f. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated August 31, 2011.
- g. Approve the appropriate letters.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Patraen dissented.

2. Failed on a vote of 3-3 to take the following actions:

- a. Find reason to believe that American Crossroads and Margee Clancy, in her official capacity as treasurer, violated 2 U.S.C. §§ 441a(a) and 434(b) by making an excessive in-kind contribution as a result of republishing campaign materials and by failing to properly disclose the cost of the communication as a contribution.
- b. Dismiss, as a matter of prosecutorial discretion, the allegations that American Crossroads and Margee Clancy, in her official capacity as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b by accepting excessive and prohibited contributions, and send a caution letter.
- c. Find no reason to believe that the Portman for Senate Committee and Natalie K. Baur, in her official capacity as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive in-kind contribution from American Crossroads in the form of a coordinated communication.
- d. Authorize conciliation with American Crossroads and Margee Clancy, in her official capacity as treasurer, prior to a finding of probable cause to believe.
- e. Approve the Conciliation Agreement as recommended in the First General Counsel's Report dated August 31, 2011.
- f. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated August 31, 2011.
- g. Approve the appropriate letters.

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Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented.

3. Decided by a vote of 6-0 to take the following actions:

- a. Find no reason to believe that the Portman for Senate Committee and Natalie K. Baur, in her official capacity as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive in-kind contribution from American Crossroads in the form of a coordinated communication.
- b. Approve the Factual anti Legal Analysis for Portman for Senate Committee and Natalie K. Baur, in her official capacity as treasurer, as recommended in the First General Counsel's Report dated August 31, 2011.

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

4. Decided by a vote of 6-0 to take the following actions:

- a. Close the file.
- b. Send the appropriate letters.

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

Attest:

January 26, 2012  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission

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