

FEDERAL ELECTION  
COMMISSION

2019 APR 25 AM 10:41

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## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MURs 6955 and 6983  
 John R. Kasich; Kasich for America, Inc. )  
 and J. Matthew Yuskewich in his )  
 capacity as treasurer; New Day For )  
 America and J. Matthew Yuskewich in )  
 his capacity as treasurer )

CERTIFICATION

I, Laura E. Sinram, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 23, 2019, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-2 to:
  - a. Find reason to believe John R. Kasich violated 52 U.S.C. §§ 30116(f) and 30118(a) and 11 C.F.R. §§ 100.72 and 100.131 by accepting impermissible and excessive in-kind contributions for testing-the-waters activity.
  - b. Find reason to believe that Kasich for America, Inc. and J. Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. §§ 30104(b), 30116(f), and 30118(a) and 11 C.F.R. §§ 100.72 and 100.131 by accepting and failing to report impermissible and excessive in-kind contributions for testing-the-waters activity.
  - c. Find reason to believe that New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. §§ 30116(f) and 30118(a) by making impermissible and excessive in-kind contributions for testing-the-waters activity.
  - d. Find reason to believe John R. Kasich violated 52 U.S.C. § 30102(e)(1) by failing to timely file his Statement of Candidacy.

- e. Find reason to believe that New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. § 30103(a) by failing to timely file its Statement of Organization.
- f. Find reason to believe John R. Kasich violated 52 U.S.C. §§ 30116 and 30118(a) by accepting prohibited and excessive in-kind contributions in the form of coordinated communications.
- g. Find reason to believe that Kasich for America, Inc. and J. Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. §§ 30104(b), 30116, and 30118(a) by accepting and failing to report prohibited and excessive in-kind contributions in the form of coordinated communications.
- h. Find reason to believe that New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. §§ 30104(b), 30116, and 30118(a) by making and failing to report impermissible and excessive in-kind-contributions in the form of coordinated communications.
- i. Find reason to believe that New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. § 30120(d)(1)(B) by failing to include complete disclaimers on three television advertisements.
- j. Find reason to believe that John R. Kasich and New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. § 30125 by soliciting, receiving, directing, transferring, or spending soft money.
- k. Direct the Office of General Counsel to draft an appropriate Factual and Legal Analysis to account for the two (2) additional reason to believe findings.
- l. Authorize the use of compulsory process.
- m. Approve the appropriate letters.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Hunter and Petersen dissented.

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

- a. Find reason to believe John R. Kasich violated 52 U.S.C. §§ 30116(f) and 30118(a) and 11 C.F.R. §§ 100.72 and 100.131 by accepting impermissible and excessive in-kind contributions for testing-the-waters activity.
- b. Find reason to believe that Kasich for America, Inc. and J. Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. §§ 30104(b), 30116(f), and 30118(a) and 11 C.F.R. §§ 100.72 and 100.131 by accepting and failing to report impermissible and excessive in-kind contributions for testing-the-waters activity.
- c. Find reason to believe that New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. §§ 30116(f) and 30118(a) by making impermissible and excessive in-kind contributions for testing-the-waters activity.
- d. Find reason to believe John R. Kasich violated 52 U.S.C. § 30102(e)(1) by failing to timely file his Statement of Candidacy.
- e. Take no action at this time as to whether New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. § 30103(a) by failing to timely file its Statement of Organization.
- f. Find reason to believe John R. Kasich violated 52 U.S.C. §§ 30116 and 30118(a) by accepting prohibited and excessive in-kind contributions in the form of coordinated communications.
- g. Find reason to believe that Kasich for America, Inc. and J. Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. §§ 30104(b), 30116, and 30118(a) by accepting and failing to report prohibited and excessive in-kind contributions in the form of coordinated communications.
- h. Find reason to believe that New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. §§ 30104(b), 30116, and 30118(a) by making and failing to report impermissible and excessive in-kind-contributions in the form of coordinated communications.

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- i. Find reason to believe that New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. § 30120(d)(1)(B) by failing to include complete disclaimers on three television advertisements.
- j. Take no action at this time on the allegation that John R. Kasich and New Day for America and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. § 30125 by soliciting, receiving, directing, transferring, or spending soft money.
- k. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated July 12, 2018,

l. Authorize the use of compulsory process.

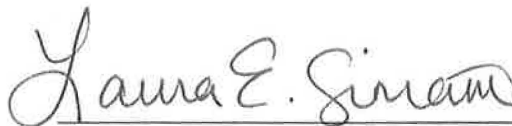
m. Approve the appropriate letters.

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

Attest:

4/24/19

Date



Laura E. Sinram

Deputy Secretary of the Commission