

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURs 7303, 7380, 7566 and RR 19L-28
Martha McSally; McSally for Congress)
and Paul Kilgore in his official capacity)
as treasurer; McSally for Senate, Inc. and)
Paul Kilgore in his official capacity as)
treasurer and in his individual capacity)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on May 20, 2021, the Commission took the following actions in the above-captioned matter, subject to the Errata Memorandum to the Commission dated February 26, 2020:

1. Failed by a vote of 3-3 to:
 - a. Open a MUR in RR 19L-28.
 - b. Merge the new MUR and MUR 7566 into MUR 7380.
 - c. Find reason to believe that McSally for Senate, Inc. and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30116(f) by receiving excessive individual contributions.
 - d. Find reason to believe that McSally for Senate, Inc. and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30116(a)(5)(C) by impermissibly transferring funds from McSally's House Committee to her Senate Committee while she was actively seeking both nominations.
 - e. Find reason to believe that McSally for Congress and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30116(a)(5)(C) by impermissibly transferring funds from McSally's House

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Committee to her Senate Committee while she was actively seeking both nominations.

- f. Dismiss the allegation that Martha McSally untimely filed her Statement of Candidacy in violation of 52 U.S.C. § 30102(e).
- g. Dismiss the allegation that Martha McSally violated 11 C.F.R. § 110.8(d) by failing to establish separate campaign organizations for her House candidacy and potential Senate candidacy.
- h. Dismiss the allegations that McSally for Senate, Inc. and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 100.72(a) and 100.131(a) by failing to properly report receipts and disbursements in connection with her testing-the-waters activities.
- i. Dismiss the allegations that McSally for Congress and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 100.72(a) and 100.131(a) by failing to properly report receipts and disbursements in connection with her testing-the-waters activities.
- j. Enter into conciliation with McSally for Congress and Paul Kilgore in his official capacity as treasurer, and McSally for Senate, Inc. and Paul Kilgore in his official capacity as treasurer, prior to a finding of probable cause to believe.
- k. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated January 17, 2020, subject to the edits circulated by the Democratic Commissioners' Offices on May 14, 2021 at 12:11 p.m.
- l. Approve the conciliation agreement, as recommended in the First General Counsel's Report dated January 17, 2020, subject to the edits circulated by the Democratic Commissioners' Offices on May 14, 2021 at 12:11 p.m.
- m. Close the file in MUR 7303.
- n. Close the file as to Martha McSally in MURs 7380 and 7566.
- o. Approve the appropriate letters.

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

Commissioners Cooksey, Dickerson, and Trainor dissented.

2. Decided by a vote of 6-0 to:

- a. Open a MUR in RR 19L-28. **MUR 7910**
- b. Merge the new MUR and MUR 7566 into MUR 7380.
- c. Find reason to believe that McSally for Senate, Inc. and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30116(f) by receiving excessive individual contributions.
- d. Find reason to believe that McSally for Senate, Inc. and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30116(a)(5)(C) by impermissibly transferring funds from McSally's House Committee to her Senate Committee while she was actively seeking both nominations.
- e. Find reason to believe that McSally for Congress and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30116(a)(5)(C) by impermissibly transferring funds from McSally's House Committee to her Senate Committee while she was actively seeking both nominations.
- f. Dismiss the allegation that Martha McSally untimely filed her Statement of Candidacy in violation of 52 U.S.C. § 30102(e).
- g. Dismiss the allegation that Martha McSally violated 11 C.F.R. § 110.8(d) by failing to establish separate campaign organizations for her House candidacy and potential Senate candidacy.
- h. Dismiss the allegations that McSally for Senate, Inc. and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 100.72(a) and 100.131(a) by failing to properly report receipts and disbursements in connection with her testing-the-waters activities.
- i. Dismiss the allegations that McSally for Congress and Paul Kilgore in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. §§ 100.72(a) and 100.131(a) by failing to properly report receipts and disbursements in connection with her testing-the-waters activities.

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- j. Enter into conciliation with McSally for Congress and Paul Kilgore in his official capacity as treasurer, and McSally for Senate, Inc. and Paul Kilgore in his official capacity as treasurer, prior to a finding of probable cause to believe.
- k. Approve the conciliation agreement, as recommended in the First General Counsel's Report dated January 17, 2020.
- l. Close the file in MUR 7303.
- m. Close the file as to Martha McSally in MURs 7380 and 7566.
- n. Approve the appropriate letters.

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

Attest:



Vicktoria Allen Digitally signed by Vicktoria Allen
Date: 2021.06.01 12:58:01 -04'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission