

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MURs 7628, 7636 and Pre-MUR 628  
 Kobach for Senate; Elizabeth Curtis in )  
 her official capacity as treasurer; We )  
 Build the Wall, Inc.; Kris Kobach )

CERTIFICATION

I, Vicktoria J. Allen, recording secretary for the Federal Election Commission executive session on April 28, 2022, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MURs 7628, 7636, and Pre-MUR 628:

1. Open a Matter Under Review in Pre-MUR 628. MUR 7992
2. Find reason to believe that WeBuildTheWall, Inc., violated 52 U.S.C. § 30118 by making a corporate contribution by renting an email list below market value to Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer.
3. Find reason to believe that Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer violated 52 U.S.C. § 30118 by knowingly accepting a corporate contribution by renting an email list below market value from WeBuildTheWall, Inc.
4. Find reason to believe that Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to report the in-kind contribution from WeBuildThe Wall, Inc.
5. Instruct the Office of General Counsel to accordingly modify the draft Factual and Legal Analyses, as circulated by Chairman Dickerson's Office on March 24, 2022 at 11:30 a.m., and recirculate for Commission approval.

Federal Election Commissioner  
Certification

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6. Instruct the Office of General Counsel, upon approval of an appropriate conciliation agreement, to enter into pre-probable cause conciliation with Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity and WeBuildTheWall, Inc. reflecting an opening offer of the statutory penalties.
7. Instruct the Office of General Counsel to prepare an appropriate conciliation agreement for Commission approval.
8. Approve the appropriate letters.

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

Attest:

**Vicktoria J Allen**

Digitally signed by Vicktoria J  
Allen  
Date: 2022.04.28 23:25:02 -04'00'

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Vicktoria J. Allen  
Acting Deputy Secretary of the Commission