

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 7646  
 1820 PAC and Thomas Datwyler in his )  
 official capacity as treasurer; Collins for )  
 Senator and Elizabeth McCandless in her )  
 official capacity as treasurer; Susan )  
 Collins )

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on February 17, 2022, the Commission took the following actions in the above-captioned matter:

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

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

Commissioners Cooksey, Dickerson, and Trainor dissented.

2. Failed by a vote of 3-3 to:

- a. Find no reason to believe that Susan Collins and Collins for Senator and Elizabeth McCandless in her official capacity as treasurer violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting an excessive in-kind contribution.
- b. Find no reason to believe that Collins for Senator and Elizabeth McCandless in her official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a) by failing to report an in-kind contribution.

- c. Approve the Factual and Legal Analysis for Susan Collins and Collins for Senator and Elizabeth McCandless in her official capacity as treasurer, as recommended in the First General Counsel's Report dated June 4, 2020, and as last circulated by Commissioner Cooksey's Office on February 10, 2022 at 12:59 p.m.
- d. Close the file as to Susan Collins and Collins for Senator and Elizabeth McCandless in her official capacity as treasurer.
- e. Issue the appropriate letters.

Commissioners Cooksey, Dickerson, and Trainor voted affirmatively for the motion.

Commissioners Broussard, Walther, and Weintraub dissented.

3. Failed by vote of 3-3 to:

- a. Find reason to believe that 1820 PAC and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. §§ 30116(a)(1)(A) and 30118 (a) and 11 C.F.R. § 110.1(b)(1) by making an excessive and prohibited in-kind contribution as a result of republishing campaign materials and violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(b) by misreporting the in-kind contribution as an independent expenditure.
- b. Direct the Office of General Counsel to draft an appropriate Factual and Legal Analysis and Conciliation Agreement consistence with these findings.
- c. Enter into pre-probable cause conciliation with 1820 PAC and Thomas Datwyler in his official capacity as treasurer.
- d. Approve appropriate letters.

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

Commissioners Cooksey, Dickerson, and Trainor dissented.

4. Failed by a vote of 2-4 to:

- a. Dismiss the allegations with regard to 1820 PAC and Thomas Datwyler in his official capacity as treasurer pursuant to *Heckler v. Chaney*.

- b. Find no reason to believe that Susan Collins and Collins for Senator and Elizabeth McCandless in her official capacity as treasurer violated 52 U.S.C. §§ 30116(f) and 30104(b) and 11 C.F.R. §§ 110.9 and 104.3(a)
- c. Close the file.
- d. Issue appropriate letters.

Commissioners Dickerson and Trainor voted affirmatively for the motion.

Commissioners Broussard, Cooksey, Walther, and Weintraub dissented.

5. Failed by a vote of 2-4 to:
  - a. Find no reason to believe with regard to all allegations against 1820 PAC and Thomas Datwyler in his official capacity as treasurer.
  - b. Find no reason to believe with regard to all allegations against Susan Collins and Collins for Senator and Elizabeth McCandless in her official capacity as treasurer.
  - c. Close the file.
  - d. Issue appropriate letter.

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

6. Decided by a vote of 4-2 to:
  - a. Close the file.
  - b. Issue appropriate letters.

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

Federal Election Commission  
Certification for MUR 7646  
February 17, 2022

Page 4



February 22, 2022

Date

Attest:

**Vicktoria J Allen**

Digitally signed by Vicktoria J  
Allen

Date: 2022.02.22 12:08:15 -05'00'

Vicktoria J. Allen  
Acting Deputy Secretary of the  
Commission