

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURs 7681 and 7715
 VoteVets and Rick Hegdahl in his)
 official capacity as treasurer; VoteVets)
 Action Fund; Cal for NC and Steve Mele)
 in his official capacity as treasurer; Cal)
 Cunningham; MJ for Texas and Adam)
 Reiser in his official capacity as)
 treasurer; and Mary Jennings Hegar)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on February 15, 2022, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-4 to:
 - a. Dismiss the allegations that VoteVets and Rick Hegdahl in his official capacity as treasurer violated 52 U.S.C. § 30116(a)(2)(A) and § 30104(b) and 11 C.F.R. §§ 110.2(b)(1) and 104.3(b) pursuant to the Commission's prosecutorial discretion under *Heckler v. Chaney*.
 - b. Dismiss the allegations that VoteVets Action Fund violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b)(1) pursuant to the Commission's prosecutorial discretion under *Heckler v. Chaney*.
 - c. Find no reason to believe that Cal Cunningham and Cal for NC and Steve Mele in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 11 C.F.R. 110.9.

- d. Find no reason to believe that Mary Jennings Hegar and MJ for Texas and Adam Reiser in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9.
- e. Close the file.
- f. Approve the appropriate letters.

Commissioners Dickerson and Trainor voted affirmatively for the motion.

Commissioners Broussard, Cooksey, Walther, and Weintraub dissented.

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

- a. Find no reason to believe that VoteVets and Rick Hegdahl in his official capacity as treasurer violated 52 U.S.C. § 30116(a)(2)(A) and 11 C.F.R. § 110.2(b)(1) by making excessive in-kind contributions or violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(b) by failing to report in-kind contributions.
- b. Find no reason to believe that VoteVets Action Fund violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b)(1) by making excessive in-kind contributions.
- c. Find no reason to believe that Cal Cunningham and Cal for NC and Steve Mele in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting excessive in-kind contributions.
- d. Find no reason to believe that Mary Jennings Hegar and MJ for Texas and Adam Reiser in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting excessive in-kind contributions.
- e. Approve the Factual and Legal Analyses for Cal Cunningham and Cal for NC and Steve Mele in his official capacity as treasurer, as recommended in the First General Counsel's Report dated October 22, 2020, subject to the edits circulated by Commissioner Cooksey's Office on February 10, 2022 at 12:59 p.m.
- f. Close the file.
- g. Issue the appropriate letters.

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

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

- a. Find reason to believe that VoteVets and Rick Hegdahl in his official capacity as treasurer violated 52 U.S.C. §§ 30116(a)(2)(A) and 30118(a) and 11 C.F.R. § 110.2(b)(1) by making excessive and prohibited in-kind contributions and violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(b) by failing to report in-kind contributions.
- b. Find reason to believe that VoteVets Action Fund violated 52 U.S.C. §§ 30116(a)(1)(A) and 30118(a) and 11 C.F.R. § 110.1(b)(1) by making excessive in-kind contributions.
- c. Direct the Office of General Counsel to draft the appropriate Factual and Legal Analysis and Conciliation Agreement consistent with these findings.
- d. Enter into pre-probable cause conciliation with VoteVets and VoteVets Action Fund.
- e. Approve the appropriate letters.

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

Commissioners Cooksey, Dickerson, and Trainor dissented.

Attest:



Vicktoria J Allen Digitally signed by Vicktoria J Allen
Date: 2022.02.20 21:46:20 -05'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission