

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7907
 Nebraska Democratic Party and Ted)
 Kessler in his official capacity as)
 treasurer)

AMENDED CERTIFICATION

I, Laura E. Sinram, recording secretary of the Federal Election Commission executive session, do hereby certify that on June 22, 2022, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:
 - a. Find reason to believe that the Nebraska Democratic Party and Ted Kessler in his official capacity as treasurer violated 52 U.S.C. § 30125(b)(1) and 11 C.F.R. § 300.33(d)(2) by using non-federal funds to pay employees who spent more than 25% of their compensated time on activities in connection with a federal election.
 - b. Find reason to believe that the Nebraska Democratic Party and Ted Kessler in his official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to disclose making in-kind contributions and coordinated party expenditures.
 - c. Take no action at this time as to allegations that the Nebraska Democratic Party and Ted Kessler in his official capacity as treasurer violated 52 U.S.C. § 30116(d)(3) by exceeding the limit on coordinated party expenditures in connection with the Eastman campaign.
 - d. Take no action at this time as to allegations that the Nebraska Democratic Party and Ted Kessler in his official capacity as

treasurer violated 52 U.S.C. § 30116(a) by making excessive in-kind contributions to the Eastman and Biden campaigns.

- e. Approve the use of compulsory process.
- f. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated December 22, 2021, subject to the edits circulated by Commissioner Broussard's Office on June 17, 2022 at 12:45 p.m.
- g. Approve the appropriate letters.

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. Dismiss the allegations that the Nebraska Democratic Party and Ted Kessler in his official capacity as treasurer violated 11 C.F.R. § 300.33(d)(2) by using non-federal funds to pay employees who spent more than 25% of their compensated time on federal election activities or activities in connection with a federal election.
- b. Dismiss the allegations that the Nebraska Democratic Party and Ted Kessler in his official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to disclose making in-kind contributions and coordinated party expenditures.
- c. Dismiss the allegations that the Nebraska Democratic Party and Ted Kessler in his official capacity as treasurer violated 52 U.S.C. § 30116(d)(3) by exceeding the limit on coordinated party expenditures in connection with the Eastman campaign.
- d. Dismiss the allegations that the Nebraska Democratic Party and Ted Kessler in his official capacity as treasurer violated 52 U.S.C. § 30116(a) by making excessive in-kind contributions to the Eastman and Biden campaigns.
- e. Close the file.
- f. Issue the appropriate letters.

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

Commissioners Broussard, Walther, and Weintraub dissented.



Attest:

**Laura e
Sinram**

Digitally signed by
Laura e Sinram
Date: 2022.06.28
15:14:59 -04'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission