

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7912
Senate Leadership Fund and Caleb)
Crosby in his official capacity as)
treasurer; SMP and Rebecca Lambe in)
her official capacity as treasurer;)
Congressional Leadership Fund and)
Caleb Crosby in his official capacity as)
treasurer; Hold Them Accountable and)
Taryn Vogel in her official capacity as)
treasurer (f/k/a LMG PAC); Future45 and)
Maria Wojciechowski in her official)
capacity as treasurer; American)
Crossroads and Caleb Crosby in his)
official capacity as treasurer; American)
Future Fund Political Action and Chris)
Marston in his official capacity as)
treasurer; Carolina Blue and Doug Heyl)
in his official capacity as treasurer;)
DefendArizona and Benjamin Ottenhoff)
in his official capacity as treasurer; Faith)
and Power PAC and Taylor Reed in their)
official capacity as treasurer; Highway 31)
and Edward Still in his official capacity)
as treasurer; Illinois Conservatives PAC)
and Kim Ledesma in her official capacity)
as treasurer; Keep Kentucky Great and)
Caleb Crosby in his official capacity as)
treasurer; Liberty SC and Lisa Pearson in)
her official capacity as treasurer; Lone)
Star Values PAC and Maria)
Wojciechowski in her official capacity as)
treasurer; The Maine Way PAC and Ben)
Ottenhoff in his official capacity as)
treasurer; Mountain Families PAC and)
Benjamin Ottenhoff in his official)
capacity as treasurer; Peachtree PAC and)
Taylor Reed in their official capacity as)
treasurer; Plains PAC and Taylor Reed in)
their official capacity as treasurer; Red)
and Gold and Roy Herrera, Jr., in his)
official capacity as treasurer; Sunflower)

State and Jim Jesse in his official)
 capacity as treasurer; Texas Forever and)
 Christopher R. Lippincott in his official)
 capacity as treasurer; Truth Still Matters)
 PAC and Devy Enz in her official)
 capacity as treasurer)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on January 24, 2023, the Commission took the following actions in the above-captioned matter:

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

Senate Leadership Fund and its Recipient Committees

- a. Find reason to believe that Senate Leadership Fund and Caleb Crosby in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- b. Find reason to believe that American Crossroads and Caleb Crosby in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- c. Find reason to believe that DefendArizona and Benjamin Ottenhoff in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- d. Find reason to believe that Faith and Power PAC and Taylor Reed in their official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.

- e. Find reason to believe that Keep Kentucky Great and Caleb Crosby in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- f. Find reason to believe that The Maine Way PAC and Ben Ottenhoff in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- g. Find reason to believe that Mountain Families PAC and Benjamin Ottenhoff in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- h. Find reason to believe that Peachtree PAC and Taylor Reed in their official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- i. Find reason to believe that Plains PAC and Taylor Reed in their official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- j. Enter into conciliation with the Senate Leadership Fund and Caleb Crosby in his official capacity as treasurer, Faith and Power PAC and Taylor Reed in their official capacity as treasurer, The Maine Way PAC and Ben Ottenhoff in his official capacity as treasurer, Mountain Families PAC and Benjamin Ottenhoff in his official capacity as treasurer, and Peachtree PAC and Taylor Reed in their official capacity as treasurer prior to a finding of probable cause to believe, subject to the inclusion of the additional recipient committees

SMP and its Recipient Committees

- k. Find reason to believe that SMP and Rebecca Lambe in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- l. Find reason to believe that Carolina Blue and Doug Heyl in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- m. Find reason to believe that Highway 31 and Edward Still in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- n. Find reason to believe that Red and Gold and Roy Herrera, Jr., in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- o. Find reason to believe that Sunflower State and Jim Jesse in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- p. Dismiss as a matter of prosecutorial discretion the allegations that Texas Forever and Christopher R. Lippincott in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- q. Enter into conciliation with SMP and Rebecca Lambe in her official capacity as treasurer, Carolina Blue and Doug Heyl in his official capacity as treasurer, Red and Gold and Roy Herrera, Jr., in his official capacity as treasurer, and Sunflower State and Jim Jesse in his official capacity as treasurer prior to a finding of probable cause to believe, subject to the inclusion of the additional recipient committees

CLF and its Recipient Committees

- r. Find reason to believe that Congressional Leadership Fund and Caleb Crosby in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- s. Find reason to believe that American Future Fund Political Action and Chris Marston in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- t. Find reason to believe that Illinois Conservatives PAC and Kim Ledesma in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- u. Find reason to believe that Lone Star Values PAC and Maria Wojciechowski in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.

Other Committees

- v. Find reason to believe that Hold Them Accountable and Taryn Vogel in her official capacity as treasurer (f/k/a LMG PAC) violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- w. Find reason to believe that Liberty SC and Lisa Pearson in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.

- x. Find reason to believe that Future45 and Maria Wojciechowski in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- y. Find reason to believe that Truth Still Matters PAC and Devy Enz in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- z. Enter into conciliation with Hold Them Accountable and Taryn Vogel in her official capacity as treasurer, and Liberty SC and Lisa Pearson in her official capacity as treasurer prior to a finding of probable cause to believe, subject to the inclusion of the additional recipient committees
 - aa. Direct the Office of General Counsel to draft appropriate conciliation agreements for the remaining respondents.
 - bb. Direct the Office of General Counsel to draft appropriate Factual and Legal Analyses for the remaining respondents.

Commissioners Broussard and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Dickerson, and Trainor dissented. Commissioner Lindenbaum was recused and did not vote.

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

Senate Leadership Fund and its Recipient Committees

- a. Find reason to believe that Senate Leadership Fund and Caleb Crosby in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- b. Dismiss as a matter of prosecutorial discretion the allegations that American Crossroads and Caleb Crosby in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii)

- by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- c. Dismiss as a matter of prosecutorial discretion the allegations that DefendArizona and Benjamin Ottenhoff in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
 - d. Find reason to believe that Faith and Power PAC and Taylor Reed in their official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
 - e. Dismiss as a matter of prosecutorial discretion the allegations that Keep Kentucky Great and Caleb Crosby in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
 - f. Find reason to believe that The Maine Way PAC and Ben Ottenhoff in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
 - g. Find reason to believe that Mountain Families PAC and Benjamin Ottenhoff in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
 - h. Find reason to believe that Peachtree PAC and Taylor Reed in their official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
 - i. Dismiss as a matter of prosecutorial discretion the allegations that Plains PAC and Taylor Reed in their official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by

failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.

- j. Enter into conciliation with the Senate Leadership Fund and Caleb Crosby in his official capacity as treasurer, Faith and Power PAC and Taylor Reed in their official capacity as treasurer, The Maine Way PAC and Ben Ottenhoff in his official capacity as treasurer, Mountain Families PAC and Benjamin Ottenhoff in his official capacity as treasurer, and Peachtree PAC and Taylor Reed in their official capacity as treasurer prior to a finding of probable cause to believe.

SMP and its Recipient Committees

- k. Find reason to believe that SMP and Rebecca Lambe in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- l. Find reason to believe that Carolina Blue and Doug Heyl in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- m. Dismiss as a matter of prosecutorial discretion the allegations that Highway 31 and Edward Still in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- n. Find reason to believe that Red and Gold and Roy Herrera, Jr., in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- o. Find reason to believe that Sunflower State and Jim Jesse in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.

- p. Dismiss as a matter of prosecutorial discretion the allegations that Texas Forever and Christopher R. Lippincott in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- q. Enter into conciliation with SMP and Rebecca Lambe in her official capacity as treasurer, Carolina Blue and Doug Heyl in his official capacity as treasurer, Red and Gold and Roy Herrera, Jr., in his official capacity as treasurer, and Sunflower State and Jim Jesse in his official capacity as treasurer prior to a finding of probable cause to believe.

CLF and its Recipient Committees

- r. Dismiss as a matter of prosecutorial discretion the allegations that Congressional Leadership Fund and Caleb Crosby in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- s. Dismiss as a matter of prosecutorial discretion the allegations that American Future Fund Political Action and Chris Marston in his official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- t. Dismiss as a matter of prosecutorial discretion the allegations that Illinois Conservatives PAC and Kim Ledesma in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- u. Dismiss as a matter of prosecutorial discretion the allegations that Lone Star Values PAC and Maria Wojciechowski in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.

Other Committees

- v. Find reason to believe that Hold Them Accountable and Taryn Vogel in her official capacity as treasurer (f/k/a LMG PAC) violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- w. Find reason to believe that Liberty SC and Lisa Pearson in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- x. Dismiss as a matter of prosecutorial discretion the allegations that Future45 and Maria Wojciechowski in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- y. Dismiss as a matter of prosecutorial discretion the allegations that Truth Still Matters PAC and Devy Enz in her official capacity as treasurer violated 52 U.S.C. § 30103(b)(2) and 11 C.F.R. § 102.2(a)(ii) by failing to report an affiliated committee, and 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3 by failing to properly report receipts and disbursements.
- z. Enter into conciliation with Hold Them Accountable and Taryn Vogel in her official capacity as treasurer, and Liberty SC and Lisa Pearson in her official capacity as treasurer prior to a finding of probable cause to believe.
- aa. Approve the conciliation agreements, as recommended in the First General Counsel's Report dated November 15, 2022, subject to the discussion at the table.
- bb. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated November 15, 2022.
- cc. Approve the appropriate letters.
- dd. Close the file as to American Crossroads and Caleb Crosby in his official capacity as treasurer; DefendArizona and Benjamin Ottenhoff in his official capacity as treasurer; Keep Kentucky Great and Caleb

Crosby in his official capacity as treasurer; Plains PAC and Taylor Reed in her official capacity as treasurer; Highway 31 and Edward Still in his official capacity as treasurer; Texas Forever and Christopher R. Lippincott in his official capacity as treasurer; Congressional Leadership Fund and Caleb Crosby in his official capacity as treasurer; American Future Fund Political Action and Chris Marston in his official capacity as treasurer; Illinois Conservatives PAC and Kim Ledesma in her official capacity as treasurer; Lone Star Values PAC and Maria Wojciechowski in her official capacity as treasurer; Future45 and Maria Wojciechowski in her official capacity as treasurer; and Truth Still Matters PAC and Devy Enz in her official capacity as treasurer.

Commissioners Broussard and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Dickerson, and Trainor dissented. Commissioner Lindenbaum was recused and did not vote.

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

- a. Dismiss the matter pursuant to the Commission's prosecutorial discretion under *Heckler v. Chaney*.
- b. Close the file.
- c. Issue the appropriate letters.

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

Commissioners Broussard and Weintraub dissented. Commissioner Lindenbaum was recused and did not vote.

4. Decided by a vote of 5-0 to:

- a. Close the file.
- b. Send the appropriate letters.

Commissioners Broussard, Cooksey, Dickerson, Trainor, and Weintraub voted affirmatively for the decision. Commissioner Lindenbaum was recused and did not vote.



Attest:

Vicktoria J Allen Digitally signed by Vicktoria J
Allen
Date: 2023.01.31 14:41:18 -05'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission