

BEFORE THE FEDERAL ELECTION COMMISSION

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

AMENDED CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 26, 2022, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:
 - a. Dismiss the allegation that Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. § 110.11(a) by failing to include a required disclaimer.
 - b. Open a Matter Under Review in Pre-MUR 628.
 - c. Find reason to believe that WeBuildTheWall, Inc., violated 52 U.S.C. § 30118 by making a corporate contribution by renting the email list below market value to Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer.
 - d. Find reason to believe that WeBuildTheWall, Inc., violated 52 U.S.C. § 30118 by making a corporate contribution by permitting usage of its corporate logo to Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer.
 - e. 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 the email list below market value from WeBuildTheWall Inc.

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- f. 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 using WeBuildTheWall's corporate logo.
- g. 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 contributions from WeBuildTheWall Inc.
- h. Dismiss the allegation that Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer violated 52 U.S.C. § 30125(e)(1)(A) by receiving prohibited non-federal funds from WeBuildTheWall, Inc.
- i. Enter into conciliation with Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity and WeBuildTheWall, Inc., prior to a finding of probable cause to believe.
- j. Approve the Conciliation Agreements, as recommended in the First General Counsel's Report dated August 4, 2021.
- k. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated August 4, 2021, and subject to the edits circulated by Commissioner Weintraub's Office on March 23, 2022 at 8:58 p.m.
- l. 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 2-4 to:
 - a. Dismiss the allegation that Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. § 110.11(a) by failing to include a required disclaimer.
 - b. Dismiss the allegation that WeBuildTheWall, Inc., violated 52 U.S.C. § 30118 by making a corporate contribution by renting the email list below market value to Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer.

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- c. Dismiss the allegation that WeBuildTheWall, Inc., violated 52 U.S.C. § 30118 by making a corporate contribution by permitting usage of its corporate logo to Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer.
- d. Dismiss the allegation 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 the email list below market value from WeBuildTheWall Inc.
- e. Dismiss the allegation 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 using WeBuildTheWall's corporate logo.
- f. Dismiss the allegation 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 an in-kind contribution from WeBuildTheWall Inc.
- g. Dismiss the allegation that Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer violated 52 U.S.C. § 30125(e)(1)(A) by receiving prohibited non-federal funds from WeBuildTheWall, Inc.
- h. Approve the appropriate Factual and Legal Analysis, as recommended in the First General Counsel's Report dated August 4, 2021.
 - i. Send appropriate letters.
 - j. Close the file.

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

3. Decided by a vote of 6-0 to:
 - a. Dismiss the allegation that Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. § 110.11(a) by failing to include the required disclaimer.

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b. Dismiss the allegation that Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her official capacity as treasurer violated 52 U.S.C. § 30125(e)(1)(A) by receiving prohibited non-federal funds from WeBuildTheWall Inc.

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



Date

Attest:

Vicktoria J Allen

Digitally signed by Vicktoria J
Allen
Date: 2022.10.19 20:41:32 -04'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission