

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MURs 7931 and 8059  
 Joseph R. Biden, Jr.; Biden for President )  
 and Keana Spencer in her official )  
 capacity as treasurer; Biden Victory Fund )  
 and Monica Guardiola 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 October 05, 2023, the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 6-0 to:
  - a. Find no reason to believe that Joseph R. Biden, Jr., violated 52 U.S.C. § 30102(e)(1) and 11 C.F.R § 101.1 by failing to timely file a Statement of Candidacy and designate an authorized committee within 15 days of becoming a candidate.
  - b. Find no reason to believe that Biden for President and Keana Spencer in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(5)(A) and 11 C.F.R.§ 104.3(b)(4)(i) by failing to properly disclose the purpose of its disbursements to Upland Software.
  - c. Find no reason to believe that Biden for President and Keana Spencer in her official capacity as treasurer and Biden Victory Fund and Monica Guardiola in her official capacity as treasurer violated 52 U.S.C. § 30103(c) and 11 C.F.R. § 102.2(a)(2) by failing to amend their Statements of Organization.
  - d. Dismiss pursuant to *Heckler v. Chaney* the allegation that Biden Victory Fund and Monica Guardiola in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.11(b) by failing to report a debt of greater than \$500 at the time it was incurred.

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

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

Approve the Factual & Legal Analysis for Joseph R. Biden, Jr., and Biden for President and Keana Spencer in her official capacity as treasurer, as recommended in the First General Counsel's Report dated May 3, 2023, subject to the edits last circulated by Commissioner Broussard's Office on August 1, 2023 at 7:18 p.m.

Commissioners Broussard and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Dickerson, Lindenbaum, and Trainor dissented.

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

- a. Approve the Factual & Legal Analysis for Biden Victory Fund and Monica Guardiola in her official capacity as treasurer, as recommended in the First General Counsel's Report dated May 3, 2023, subject to the edits last circulated by Commissioner Broussard's Office on October 4, 2023 at 3:08 p.m.
- b. Close the file.
- c. Send the appropriate letters.

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

4. Decided by a vote of 6-0 to:

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

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

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Certification for MURs 7931 and 8059  
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Date

Attest:

**Vicktoria J Allen**

Digitally signed by Vicktoria J  
Allen  
Date: 2023.10.06 17:28:56 -04'00'

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Vicktoria J. Allen  
Deputy Secretary of the Commission