

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 8071
 NRSC and Keith Davis in his official)
 capacity as treasurer)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on February 08, 2024, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 1-4 to:
 - a. Find reason to believe that the NRSC and Keith Davis in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 52 U.S.C. § 30125(a)(1) by disbursing funds from its legal proceedings account under 52 U.S.C. § 30116(a)(9)(C) to OnMessage Inc., SRCP Media Inc., and The O'Donnell Group for "media placement," "media production," and "media," to America Rising, LLC for "research", and TAG LLC for "digital consulting."
 - b. Find no reason to believe that the NRSC and Keith Davis in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 52 U.S.C. § 30125(a)(1) by disbursing funds from its legal proceedings account under 52 U.S.C. § 30116(a)(9)(C) to Simio Cloud for "direct mail production."
 - c. Authorize the use of compulsory process.
 - d. Approve the relevant sections of the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated October 26, 2023.
 - e. Direct the Office of General Counsel to amend the Factual and Legal Analysis to substantiate the Reason to Believe finding for TAG LLC.
 - f. Approve the appropriate letters.

Commissioner Weintraub voted affirmatively for the motion. Commissioners Broussard, Cooksey, Lindenbaum, and Trainor dissented. Commissioner Dickerson was not present and did not vote.

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

- a. Find no reason to believe that the NRSC and Keith Davis in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 52 U.S.C. § 30125(a)(1) by disbursing funds from its legal proceedings account under 52 U.S.C. § 30116(a)(9)(C) to Simio Cloud for “direct mail production.”
- b. Approve the corresponding sections of the Factual and Legal Analysis, as recommended in the First General Counsel’s Report dated October 26, 2023.

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

3. Decided by a vote of 4-1 to:

- a. Find no reason to believe that the NRSC and Keith Davis in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 52 U.S.C. § 30125(a)(1) by disbursing funds from its legal proceedings account under 52 U.S.C. § 30116(a)(9)(C) to TAG LLC for “digital consulting.”
- b. Approve associated sections of the Factual and Legal Analysis for TAG LLC, as recommended in the First General Counsel’s Report dated October 26, 2023.

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

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

- a. Find no reason to believe that the NRSC and Keith Davis in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 52 U.S.C. § 30125(a)(1) by disbursing funds from its legal

proceedings account under 52 U.S.C. § 30116(a)(9)(C) to America Rising, LLC for “research”.

- b. Direct the Office of General Counsel to draft an appropriate Factual and Legal Analysis and to circulate it for Commission approval.

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

Commissioner Weintraub dissented. Commissioner Broussard abstained. Commissioner

Dickerson was not present and did not vote.

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

- a. Dismiss allegations that the NRSC and Keith Davis in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 52 U.S.C. § 30125(a)(1) by disbursing funds from its legal proceedings account under 52 U.S.C. § 30116(a)(9)(C) to OnMessage Inc., SRCP Media Inc., and The O’Donnell Group for “media placement,” “media production,” and “media”.
- b. Close the file.
- c. Issue the appropriate letters.

Commissioner Cooksey voted affirmatively for the motion. Commissioners Broussard, Lindenbaum, and Weintraub dissented. Commissioner Trainor abstained. Commissioner Dickerson was not present and did not vote.

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

- a. Find reason to believe that the NRSC and Keith Davis in his official capacity as treasurer violated 52 U.S.C. § 30116(f) and 52 U.S.C. § 30125(a)(1) by disbursing funds from its legal proceedings account under 52 U.S.C. § 30116(a)(9)(C) to OnMessage Inc., SRCP Media Inc., and The O’Donnell Group for “media placement,” “media production,” and “media.”
- b. Authorize the use of compulsory process.

- c. Approve the relevant portions of the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated October 26, 2023.
- d. Approve the appropriate letters.

Commissioners Broussard, Lindenbaum, and Weintraub voted affirmatively for the motion. Commissioners Cooksey and Trainor dissented. Commissioner Dickerson was not present and did not vote.



Attest:

Vicktoria J Allen

Digitally signed by Vicktoria J
Allen
Date: 2024.02.12 18:59:44 -05'00'

Vicktoria J. Allen
Deputy Secretary of the Commission