

FEDERAL ELECTION COMMISSION

2019 SEP 30 11:10:14

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 7304, MUR 7331, RAD
Hillary Victory Fund and Elizabeth Jones)	REFERRAL 17L-36, RAD REFERRAL
in her official capacity as treasurer;)	17L-46, RAD REFERRAL 17L-48R,
Hillary Rodham Clinton; Hillary for)	RAD REFERRAL 18L-19,
America and Elizabeth Jones in her)	, RAD REFERRAL
official capacity as treasurer; DNC)	18L-25,
Services Corporation/Democratic)	and AUDIT REFERRAL 18-01R
National Committee and William Q.)	
Derrough in his official capacity as)	
treasurer; Alaska Democratic Party and)	
Carolyn Covington in her official)	
capacity as treasurer; Democratic Party of)	
Arkansas and Dawne Vandiver in her)	
official capacity as treasurer; Colorado)	
Democratic Party and Rita Simas in her)	
official capacity as treasurer; Democratic)	
State Committee (Delaware) and Helene)	
Keeley in her official capacity as)	
treasurer; Democratic Executive)	
Committee of Florida and Francesca)	
Menes in her official capacity as)	
treasurer; Georgia Federal Elections)	
Committee and Kip Carr in his official)	
capacity as treasurer; Idaho State)	
Democratic Party and Leroy Hayes in his)	
official capacity as treasurer; Indiana)	
Democratic Congressional Victory)	
Committee and Henry Fernandez in his)	
official capacity as treasurer; Iowa)	
Democratic Party and Ken Sagar in his)	
official capacity as treasurer; Kansas)	
Democratic Party and Bill Hutton in his)	
official capacity as treasurer; Kentucky)	
State Democratic Central Executive)	
Committee and M. Melinda Karns in her)	
official capacity as treasurer; Democratic)	
State Central Committee of LA and Sean)	

Federal Election Commission

Certification for MURs 7304 and 7331; RAD Referrals 17L-36, 17L-46

17L-48R, 18L-19, and 18L-25; Audit Referral 18-01R

April 25, 2019

Bruno in his official capacity as treasurer;)
 Maine Democratic Party and Betty)
 Johnson in her official capacity as)
 treasurer; Massachusetts Democratic)
 State Committee and Paul G. Yorkis in)
 his official capacity as treasurer;)
 Michigan Democratic State Central)
 Committee and Sandy O'Brien in her)
 official capacity as treasurer; Minnesota)
 Democratic-Farmer-Labor Party and)
 Tyler Moroles in his official capacity as)
 treasurer; Mississippi Democratic Party)
 and Ryan Brown in his official capacity)
 as treasurer; Missouri Democratic State)
 Committee and Emily Waggoner in her)
 official capacity as acting treasurer;)
 Montana Democratic Party and Sandi)
 Luckey in her official capacity as)
 treasurer; Nevada State Democratic Party)
 and Jan Churchill in her official capacity)
 as treasurer; New Hampshire Democratic)
 Party and Brian Rapp in his official)
 capacity as treasurer; New Jersey)
 Democratic State Committee and Kelly)
 Stewart Maer in her official capacity as)
 treasurer; Democratic Party of New)
 Mexico and Robert Lara in his official)
 capacity as treasurer; North Carolina)
 Democratic Party – Federal and Anna)
 Tilgham in her official capacity as)
 treasurer; Ohio Democratic Party and)
 Fran Alberty in her official capacity as)
 treasurer; Oklahoma Democratic Party)
 and Rachael Hunsucker in her official)
 capacity as treasurer; Democratic Party of)
 Oregon and Eddy Morales in his official)
 capacity as treasurer; Pennsylvania)
 Democratic Party and Alexander Reber in)
 his official capacity as treasurer; Rhode)
 Island Democratic State Committee and)
 Jeffrey Padwa in his official capacity as)
 treasurer; Democratic Party of South)
 Carolina and Kathryn Hensley in her)
 official capacity as treasurer; South)

Federal Election Commission

Page 3

Certification for MURs 7304 and 7331; RAD Referrals 17L-36, 17L-46

17L-48R, 18L-19, and 18L-25; Audit Referral 18-01R

April 25, 2019

Dakota Democratic Party and Bill)
 Nibbelink in his official capacity as)
 treasurer; Tennessee Democratic Party)
 and Geeta McMillan in her official)
 capacity as treasurer; Texas Democratic)
 Party and Gilberto Hinojosa in his)
 official capacity as treasurer; Utah State)
 Democratic Committee and Peter)
 Corroon in his official capacity as)
 treasurer; Democratic Party of Virginia)
 and Barbara Klear in her official capacity)
 as treasurer; WV State Democratic)
 Executive Committee and Jerry)
 Brookover in his official capacity as)
 treasurer; Democratic Party of Wisconsin)
 and Randy A. Udell in his official)
 capacity as treasurer; WY Democratic)
 State Central Committee and Chris)
 Russell in his official capacity as)
 treasurer)

CERTIFICATION

I, Laura E. Sinram, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 25, 2019, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-2 to:
 - a. Open a MUR for RR 17L-36 and merge it with MUR 7304.
 - b. Open a MUR for RR 17L-46 and merge it with MUR 7304.
 - c. Open a MUR for RR 17L-48R and merge it with MUR 7304.
 - d. Open a MUR for RR 18L-19 and merge it with MUR 7304.
 - e.
 - f. Open a MUR for RR 18L-25 and merge it with MUR 7304.

Certification for MURs 7304 and 7331; RAD Referrals 17L-36, 17L-46
17L-48R, 18L-19, and 18L-25; Audit Referral: 18-01R
April 25, 2019

- g.
- h. Open a MUR for AR 18-01R and merge it with MUR 7304.
- i.
- j. Find reason to believe that Hillary Victory Fund and Elizabeth Jones in her official capacity as treasurer, Hillary for America and Elizabeth Jones in her official capacity as treasurer, DNC Services Corporation/DNC and William Q. Derrough in his official capacity as treasurer, and the thirty-eight SPCs violated 11 C.F.R. § 102.17(c)(1) and (2).
- k. Find reason to believe that DNC Services Corporation/DNC and William Q. Derrough in his official capacity as treasurer violated 52 U.S.C. § 30116(f).
- l. Find reason to believe that Hillary Victory Fund and Elizabeth Jones in her official capacity as treasurer, DNC Services Corporation/DNC and William Q. Derrough in his official capacity as treasurer, and the thirty-eight SPCs violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- m. Find reason to believe the Texas Democratic Party, the Mississippi Democratic Party, the Idaho State Democratic Party, the Nevada State Democratic Party, the Utah State Democratic Committee, the Democratic Party of South Carolina, the Massachusetts Democratic State Committee, and the Kansas Democratic Party violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- n. Find reason to believe that DNC Services Corporation/DNC and William Q. Derrough in his official capacity as treasurer violated 52 U.S.C. § 30116(a) and 11 C.F.R. §§ 109.20(a) and 109.32.
- o. Find reason to believe that Hillary for America and Elizabeth Jones in her official capacity violated 52 U.S.C. § 30116(f) and 11 C.F.R. §§ 109.20(a) and 109.32.
- p. Take no action at this time with regard to the alleged violations of 52 U.S.C. §§ 30116(a)(8) and 30122 and 11 C.F.R. §§ 110.4 and 110.6 against all Respondents.

Federal Election Commission

Page 5

Certification for MURs 7304 and 7331; RAD Referrals 17L-36, 17L-46
 17L-48R, 18L-19, and 18L-25; Audit Referral 18-01R
 April 25, 2019

- q. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated September 28, 2018.
- r. Approve the appropriate letters.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Hunter and Petersen dissented.

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

RR 17L-36 (Texas Democratic Party)

- a. Open a MUR in RR 17L-36.
- b. Find reason to believe that the Texas Democratic Party and Gilberto Hinojosa in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- c. Enter into conciliation prior to a finding of probable cause to believe.
- d. Direct the Office of General Counsel to circulate a proposed conciliation agreement
- e. Direct the Office of General Counsel to circulate a Factual and Legal Analysis.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Hunter and Petersen dissented.

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

MUR # 7597

RR 17L-36 (Texas Democratic Party)

- a. Open a MUR in RR 17L-36.
- b. Find reason to believe that the Texas Democratic Party and Gilberto Hinojosa in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).

Federal Election Commission

Page 6

Certification for MURs 7304 and 7331; RAD Referrals 17L-36, 17L-46

17L-48R, 18L-19, 1

and 18L-25; Audit Referral

18-01R

April 25, 2019

- c. Enter into conciliation prior to a finding of probable cause to believe.
- d. Direct the Office of General Counsel to circulate a proposed conciliation agreement
- e. Direct the Office of General Counsel to circulate a Factual and Legal Analysis.

Commissioners Hunter, Petersen, Walther and Weintraub voted affirmatively for the decision.

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

RR 17L-46 (Democratic Party of South Carolina)

- a. Open a MUR in RR 17L-46 (Democratic Party of South Carolina).
- b. Find reason to believe that the Democratic Party of South Carolina and Kathryn Hensley in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- c. Enter into conciliation prior to a finding of probable cause to believe.
- d. Direct the Office of General Counsel to circulate a proposed conciliation agreement
- e. Direct the Office of General Counsel to circulate a Factual and Legal Analysis.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Hunter and Petersen dissented.

MUR # 7598

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

RR 17L-46 (Democratic Party of South Carolina)

- a. Open a MUR in RR 17L-46 (Democratic Party of South Carolina).
- b. Find reason to believe that the Democratic Party of South Carolina and Kathryn Hensley in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- c. Enter into conciliation prior to a finding of probable cause to believe.
- d. Direct the Office of General Counsel to circulate a proposed conciliation agreement
- e. Direct the Office of General Counsel to circulate a Factual and Legal Analysis.

Commissioners Hunter, Petersen, Walther and Weintraub voted affirmatively for the decision.

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

RR 18L-25 (Nevada State Democratic Party)

- a. Open a MUR in 18L-25.
- b. Find reason to believe that the Nevada State Democratic Party and Jan Churchill in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- c. Enter into conciliation prior to a finding of probable cause to believe.
- d. Direct the Office of General Counsel to circulate a proposed conciliation agreement
- e. Direct the Office of General Counsel to circulate a Factual and Legal Analysis.

Federal Election Commission

Page 8

Certification for MURs 7304 and 7331; RAD Referrals 17L-36, 17L-46

17L-48R, 18L-19, , and 18L-25; Audit Referral 18-01R

April 25, 2019

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Hunter and Petersen dissented.

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

MUR # 7599

RR 18L-25 (Nevada State Democratic Party)

- a. Open a MUR in 18L-25.
- b. Find reason to believe that the Nevada State Democratic Party and Jan Churchill in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- c. Enter into conciliation prior to a finding of probable cause to believe.
- d. Direct the Office of General Counsel to circulate a proposed conciliation agreement
- e. Direct the Office of General Counsel to circulate a Factual and Legal Analysis.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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

AR 18-01R (Utah State Democratic Committee)

- a. Open a MUR in 18-01R (Utah State Democratic Committee).
- b. Find reason to believe that the Utah State Democratic Committee and Peter Corroon in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- c. Enter into conciliation prior to a finding of probable cause to believe.

Federal Election Commission

Page 9

Certification for MURs 7304 and 7331; RAD Referrals 17L-36, 17L-46
 17L-48R, 18L-19, , and 18L-25; Audit Referral 18-01R
 April 25, 2019

- d. Direct the Office of General Counsel to circulate a proposed conciliation agreement
- e. Direct the Office of General Counsel to circulate a Factual and Legal Analysis.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Hunter and Petersen dissented.

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

MUR # 7600

AR 18-01R (Utah State Democratic Committee)

- a. Open a MUR in 18-01R (Utah State Democratic Committee).
- b. Find reason to believe that the Utah State Democratic Committee and Peter Corroon in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).
- c. Enter into conciliation prior to a finding of probable cause to believe.
- d. Direct the Office of General Counsel to circulate a proposed conciliation agreement
- e. Direct the Office of General Counsel to circulate a Factual and Legal Analysis.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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

- a.

Federal Election Commission

Page 10

Certification for MURs 7304 and 7331; RAD Referrals 17L-36, 17L-46

17L-48R, 18L-19, and 18L-25; Audit Referral 18-01R

April 25, 2019

b.

c.

d.

e.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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

RR 17L-48R (Mississippi Democratic Party)

- a. Decline to open a MUR in RR 17L-48R.
- b. Refer the Mississippi Democratic Party to the Alternative Dispute Resolution Office.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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

a.

b.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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

RR 18L-19 (Massachusetts Democratic State Committee)

- a. Decline to open a MUR in RR 18L-19.
- b. Refer the Massachusetts Democratic State Committee to the Alternative Dispute Resolution Office.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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

MUR 7331 (Hillary Victory Fund)

- a.
- b. Close the File.
- c. Send the appropriate letters.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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

MUR 7304 (Hillary Victory Fund)

- a. Close the File.

Federal Election Commission

Page 12

Certification for MURs 7304 and 7331; RAD Referrals 17L-36, 17L-46

17L-48R, 18L-19, and 18L-25; Audit Referral 18-01R

April 25, 2019

- b. Approve defense of suit in the event that the complainant in this matter subsequently files suit pursuant to 52 U.S.C. § 30109(a)(8).

Commissioners Hunter, Petersen, and Walther voted affirmatively for the motion.

Commissioner Weintraub dissented.

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

MUR 7304 (Hillary Victory Fund)

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

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

4/29/19

Date



Laura E. Sinram

Deputy Secretary of the Commission