## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	AO 2017-12
Take Back Action Fund	)	Agenda Documents No. 17-59-A, No.
		17-59-A-1, No. 17-59-B and No. and 17-
		59-C

## CERTIFICATION

I, Dayna C. Brown, recording secretary of the Federal Election Commission open meeting on December 14, 2017 do hereby certify that the Commission took the following actions in the above-captioned matter:

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

Approve Agenda Document No. 17-59-A, Draft A, in Advisory Opinion Request 2017-12, subject to the deletion of the following language, as found on lines six through nine of page 9:

but see Concurring Statement of Chairman Matthew S. Petersen, Advisory Opinion 2010-19 (Google) (indicating one Commissioner's approval of advisory opinion was rooted in belief that impracticable exception would apply to 95-character ads).

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Goodman, Hunter, and Petersen dissented.

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

Approve Agenda Document No. 17-59-B, Draft B, in Advisory Opinion Request 2017-12.

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

Commissioners Walther and Weintraub dissented.

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

Reconsider the vote made with respect to Agenda Document No. 17-59-A.

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

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

Approve Agenda Document No. 17-59-A-1, Draft A-1, in Advisory Opinion Request 2017-12.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Goodman, Hunter, and Petersen dissented.

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

Approve Agenda Document No. 17-59-C in Advisory Opinion 2017-12, subject to the following amendments made at the table:

- a. Page 1, Line 22: end the sentence after the word "advertising" and delete the language on lines 23, 24, and 25.
- b. Insert a footnote at the end of line 22, which reads:

In reaching this conclusion, the Commissioners relied on different rationales, some of which are reflected in Agenda Doc. No. 17-59-A-1, vote result of 2-3; Agenda Doc. No. 17-59-B, vote result of 3-2; Vote Certification dated December 14, 2017, available at [website address]. Because the affirmative vote of four members of the Commission is required to render an advisory opinion under the Act, neither agenda document is a Commission advisory opinion. 52 U.S.C. §§ 30106(c), 30107(a)(7); 11 C.F.R. § 112.4(a).

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

Attest:

Dayna C. Brown

Secretary and Clerk of the Commission