BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
United Public Workers, AFSCME Local 646, AFL-CIO; Dayton Nakanelua, State Director, UPW; Clifford "Chip" Uwaine, Executive Assistant to the State Director, UPW; Laurie Santiago, Oahu Division Director, UPW; Hanabusa 2010 and Patry Saiki, in her official capacity as Treasurer

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 05, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:

   a. Find reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO violated 2 U.S.C. § 441b(a) when it coerced employees to contribute their off-hour time to the union's pro-Hanabusa independent expenditure campaign.

   b. Find reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) by directing and/or consenting to the coercion of UPW employees to contribute their off-hour time to the union's pro-Hanabusa independent expenditure campaign.

   c. Find no reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by coercing employees to make financial contributions to Hanabusa 2010.
d. Find no reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by directing and/or consenting to the coercion of UPW employees to make financial contributions to Hanabusa 2010.

e. Find no reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO or Hanabusa 2010, and Patsy Saiki, in her official capacity as Treasurer, violated 2 U.S.C. § 441b(a) by making or accepting prohibited corporate in-kind contributions in the form of coordinated expenditures.

f. Find no reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) by consenting to the making of prohibited contributions.

g. Find reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO violated 2 U.S.C. § 434(g) by failing to report independent expenditures.

h. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated January 31, 2011.

i. Authorize use of compulsory processes.

j. Approve the appropriate letters.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented.

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

a. Find no reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by coercing employees to make financial contributions to Hanabusa 2010.

b. Find no reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by directing and/or consenting to the coercion of UPW employees to make financial contributions to Hanabusa 2010.

c. Find no reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO or Hanabusa 2010, and Patsy Saiki, in her official capacity as Treasurer, violated 2 U.S.C. § 441b(a) by making or accepting prohibited corporate in-kind contributions in the form of coordinated expenditures.
d. Find no reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine,
and Laurie Santiago violated 2 U.S.C. § 441b(a) by consenting to the making
of prohibited contributions.

e. Find reason to believe that United Public Workers, AFSCME Local 646,
AFL-CIO violated 2 U.S.C. § 434(g) by failing to report independent
expenditures.

f. Approve the Factual and Legal Analyses as recommended in the First General
Counsel's Report dated January 31, 2011 with appropriate modifications
consistent with the Commission vote.

g. Authorize use of compulsory process.

h. Approve the appropriate letters.

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

Attest:

[Signature]
Shelley E. Gans
Deputy Secretary of the Commission

April 7, 2011