



AGENDA DOCUMENT NO. 15-34-A
APPROVED JULY 16, 2015

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JUNE 18, 2015

PRESENT:

Ann M. Ravel, Chair, presiding

Matthew S. Petersen, Vice Chairman

Lee E. Goodman, Commissioner

Caroline C. Hunter, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Lisa J. Stevenson, Deputy General Counsel - Law

Shawn Woodhead Werth, Secretary and Clerk

Chair Ann M. Ravel called the Federal Election Commission to order in an open meeting at 10:15 A.M. on Thursday, June 18, 2015 with a quorum present.

Chair Ravel stated that personal privilege requests will occur at the end of today's meeting.

**Chair Ravel recognized Vice Chairman Petersen who
MOVED to suspend the rules on the timely submission of
agenda documents in order to consider Agenda
Document No. 15-33-A and Agenda Document No. 15-29-B.**

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for May 21, 2015
Agenda Document No. 15-32-A**

Chair Ravel recognized Vice Chairman Petersen who

**MOVED to approve the minutes for the meeting on
May 21, 2015 as set forth in Agenda Document No. 15-32-A.**

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

Chair Ravel recognized Vice Chairman Petersen who

MOVED that the Commission add to the agenda consideration of the Motion to Authorize the Publication of, and Expenses for, a Forty Year Report and that the Commission determine, pursuant to 11 C.F.R. § 2.7(d), that business so requires and no earlier public announcement was possible.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

II. DRAFT ADVISORY OPINION 2015-01

**Green-Rainbow Party
by Ian T. Jackson, Treasurer**

Agenda Document No. 15-30-A (Draft A)

Chair Ravel recognized Mr. Anthony Buckley of the General Counsel's Office who presented the draft advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, and the Commission regulations to the Green-Rainbow Party's request which asks the Commission to determine whether it qualifies as a state committee of a political party.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve Agenda Document No. 15-30-A, Draft A, for the Advisory Opinion Request 2015-01 relating to the Green-Rainbow Party.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

**III. NOTICE OF AVAILABILITY AND PETITION FOR RULEMAKING
ON INDEPENDENT SPENDING BY CORPORATIONS, LABOR
ORGANIZATIONS, FOREIGN NATIONALS, AND CERTAIN
POLITICAL COMMITTEES (CITIZENS UNITED) FILED BY
ANN M. RAVEL AND ELLEN L. WEINTRAUB**

**Memorandum from the Office of the General Counsel
Agenda Document No. 15-31-A**

**Petition for Rulemaking filed by Ann M. Ravel
and Ellen L. Weintraub
Agenda Document No. 15-31-B**

Chair Ravel recognized Mr. Adav Noti of the General Counsel's Office who presented the draft Notice of Availability in response to a Petition for Rulemaking submitted by Chair Ravel and Commissioner Weintraub. The Petition asks the Commission to issue new rules and revise existing rules in 4 areas: 1) disclosure of financing information regarding independent expenditures and electioneering communications; 2) election-related spending by foreign nationals; 3) solicitations of corporate and labor organization employees and members; and 4) independence of expenditures made by independent-expenditure-only political committees and accounts. He requested authority to make any necessary technical and conforming changes for publication in the Federal Register if the Commission approves a Draft.

Mr. Noti participated in the discussion that followed.

Chair Ravel recognized Commissioner Weintraub who

MOVED to approve the Notice of Availability drafted by the Office of General Counsel and direct the Office to have it published in the Federal Register, and authorize any necessary technical and conforming amendments.

Mr. Noti participated in the discussion that continued.

Chair Ravel recognized Commissioner Walther who

MOVED to postpone any vote on this matter or lay it on the table until the Commission receives further legal advice from the Office of the General Counsel on the two issues raised at the meeting.

Mr. Lawrence Calvert of the General Counsel's Office participated in the discussion that followed regarding the two motions. He stated that, pursuant to Directive 10, Paragraph E.7, the second motion may supersede the first motion in consideration, depending on Commissioner Walther's intention. He summarized the distinctions between Paragraph E.7(e) which provides for a motion to lay a matter over and Paragraph E.7(f) which provides for a motion to postpone consideration of a matter to a date certain.

Chair Ravel recognized Commissioner Walther who restated his motion

to postpone this matter until the next open meeting to request further legal advice from the Office of the General Counsel.

Mr. Calvert participated in the discussion that continued.

**The Commission recessed at 12:00 P.M. and reconvened at 12:21 P.M.
with a quorum present.**

**III. NOTICE OF AVAILABILITY AND PETITION FOR RULEMAKING
ON INDEPENDENT SPENDING BY CORPORATIONS, LABOR
ORGANIZATIONS, FOREIGN NATIONALS, AND CERTAIN
POLITICAL COMMITTEES (CITIZENS UNITED) FILED BY
ANN M. RAVEL AND ELLEN L. WEINTRAUB (continued)**

Chair Ravel restated Commissioner Walther's motion.

Discussion resumed.

**The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter,
Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.**

**IV. PROPOSED DIRECTIVE 74 ON THE TIMELY RESOLUTION OF
ENFORCEMENT MATTERS**

**Memorandum from Commissioner Ellen L. Weintraub
dated May 18, 2015**

Agenda Document No. 15-25-B

(Held over from the meeting of May 21, 2015)

**Chair Ravel recognized Commissioner Weintraub who presented
her Proposed Directive 74 to move enforcement matters more quickly.
Commissioner Weintraub stated that because she has received indications from
her colleagues that they are interested in working with her on this issue, she will
make a motion on her proposal at the next open meeting.**

Discussion followed.

Chair Ravel stated that this matter would be held to the next open meeting.

Chair Ravel recognized Commissioner Goodman who requested that the following two matters be held to the next open meeting.

Chair Ravel stated that, absent objection, Items V (Notice to Respondents of Information Sharing by the Commission) and (Proposed Statement of Policy regarding the Public Disclosure of Closed Enforcement Files) would be held to the next open meeting.

V. NOTICE TO RESPONDENTS OF INFORMATION SHARING BY THE COMMISSION

**Memorandum from Commissioner Lee E. Goodman
dated May 14, 2015**

Agenda Document No. 15-26-A

(Held over from the meeting of May 21, 2015)

VI. PROPOSED STATEMENT OF POLICY REGARDING THE PUBLIC DISCLOSURE OF CLOSED ENFORCEMENT FILES

**Memorandum from Commissioner Lee E. Goodman
dated May 14, 2015**

Agenda Document No. 15-27-A

(Held over from the meeting of May 21, 2015)

VII. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON GARY JOHNSON 2012, INC.

Memorandum from the Audit Division dated June 4, 2015

Agenda Document No. 15-28-A

Chair Ravel recognized Ms. Camilla Reminsky of the Audit Division who summarized the 5 Findings in the Memorandum: 1) net outstanding campaign obligations; 2) amounts owed to the U.S. Treasury; 3) use of general election contributions for primary election expenses; 4) reporting of debts and obligations; and 5) extension of credit by a commercial vendor. The first 2 Findings involve Title 26 and the other 3 Findings involve Title 52.

Chair Ravel recognized Mr. Joshua Blume of the General Counsel's Office who noted the following corrections to the legal analysis that is attached to the Audit Memorandum: 1) deletion of footnote 12 on Page 7; and 2) replacing the statutory citation on Page 8 that currently reads "26 U.S.C. § 9038(a)(1)-(2)" with "26 U.S.C. § 9033(a)(1)-(2)." He stated that the corrected pages would be added to the document and the corrections do not change the substance of the legal analysis.

Chair Ravel stated that Mr. Dan Backer, counsel for the Gary Johnson 2012, Inc. committee, requested that he address the Commission again on this matter. Since there is no provision to allow him to do so, Chair Ravel asked Commissioners if they wanted to grant or deny his request.

Discussion followed.

Chair Ravel recognized Commissioner Hunter who

**MOVED to allow Mr. Backer to address the Commission
in a concise manner.**

Chair Ravel noted that this does not establish a precedence.

**The motion carried by a vote of 5-1 with Commissioners Goodman, Hunter,
Petersen, Ravel, and Walther voting affirmatively for the decision. Commissioner
Weintraub dissented.**

**Chair Ravel recognized Mr. Backer who provided a statement to the
Commission regarding Findings 5 and 3 and expressed his appreciation for the
opportunity to speak.**

Chair Ravel recognized Vice Chairman Petersen who

**MOVED to approve Findings 1, 2, 3, and 4 and authorize
the Office of General Counsel to make the modifications
to the legal memorandum that were discussed at the table.**

**The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter,
Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.**

Chair Ravel recognized Commissioner Weintraub who

**MOVED to approve the recommendation for Finding 5 in
Agenda Document No. 15-28-A, the Audit Division
Recommendation Memorandum on Gary Johnson 2012, Inc.**

The motion failed by a vote of 3-3 with Commissioners Ravel, Walther, and Weintraub voting affirmatively for the motion. Commissioners Goodman, Hunter, and Petersen dissented.

VIII. PROPOSED FINAL AUDIT REPORT ON THE OAKLAND COUNTY DEMOCRATIC PARTY (A12-02)

Memorandum from the Audit Division dated June 8, 2015

Agenda Document No. 15-29-A

Memorandum from the Audit Division dated June 18, 2015

**Agenda Document No. 15-29-B
(Submitted Late)**

Chair Ravel recognized Ms. Paula Nurthen of the Audit Division who introduced the redline version of the Report which includes the edits circulated yesterday and stated that the Audit Division finds the changes acceptable.

Discussion followed.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve the Proposed Final Audit Report on the Oakland County Democratic Party as set forth in Agenda Document No. 15-29-B.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

IX. MOTION TO AUTHORIZE THE PUBLICATION OF, AND EXPENSES FOR, A FORTY YEAR REPORT

**Memorandum from Commissioner Steven T. Walther
dated June 18, 2015**

**Agenda Document No. 15-33-A
(Submitted Late)**

**Chair Ravel recognized Commissioner Walther who introduced his
Memorandum.**

Discussion followed.

Chair Ravel recognized Commissioner Walther who

MOVED to take the following actions:

- 1. Direct the appropriate entities within the agency to begin to prepare, and to prepare, a thorough, comprehensive, and educational Forty Year Report comprised of categories of information the same as or substantially similar to those in past decennial reports made available to the public, as more fully set forth in the draft outline.**
- 2. Direct and authorize the Chief Financial Officer to establish a line item for the estimated expenses, for the publication of 1,000 hard copies of a Forty Year Report, to be expended, to the extent necessary, before the end of the current fiscal year.**

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

Chair Ravel recognized Commissioner Goodman for a moment of personal privilege. Commissioner Goodman noted the passing of Michael Fleming who was a data coding specialist at the Commission for 34 years and will be remembered as a good person, as the highlight of office humor, and as a valued professional. He said that Mr. Fleming will be missed and remembered fondly by his colleagues.

Chair Ravel recognized Commissioner Hunter for a moment of personal privilege. Commissioner Hunter noted the recent departure of Mr. Eric Brown who was a valuable member of her staff for 7 years, after having worked together in the counsel's office at the Republican National Committee (RNC) before he moved on to private practice. She highlighted his excellent command of campaign finance law having previously worked in the Reports Analysis Division, the General Counsel's Office, and for Commissioner Mason. She said that Mr. Brown left to work as counsel for a presidential campaign. Commissioner Hunter also noted that Ms. Rebekah Miller Marino is leaving to join the Americans for Prosperity Foundation as an associate counsel. She previously worked with former Commissioner Toner in an election group at a law firm and in the RNC counsel's office during law school. Ms. Marino has provided excellent legal advice to Commissioner Hunter over the past 3 years and has become a good friend. Commissioner Hunter said that both of them will be sorely missed.

Chair Ravel recognized Commissioner Weintraub for a moment of personal privilege. Commissioner Weintraub acknowledged the extremely disturbing and sad events that took place last night at the Emanuel A.M.E. Church in Charleston, SC where 9 people were gunned down in an apparent act of racial hatred. She knows that all Commission staff joins her in saying that our thoughts and prayers are with the church, its members, and particularly the victims.

Chair Ravel recognized Ms. Shana Broussard, Commissioner Walther's Executive Assistant, who is being honored this weekend in her hometown of Houma, Louisiana and will receive the Trailblazer Award, which is given to the first African-American lawyer from that town. Chair Ravel said that the town must be very proud of Shana as is the Commission.

X. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 12:57 P.M.**

Signed:



Ann M. Ravel

Chair of the Commission

Attest:



Shawn Woodhead Werth

Secretary and Clerk of the Commission