



AGENDA DOCUMENT NO. 16-06-A
APPROVED FEBRUARY 11, 2016

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JANUARY 14, 2016

PRESENT:

Matthew S. Petersen, Chairman, presiding

Steven T. Walther, Vice Chairman

Lee E. Goodman, Commissioner

Caroline C. Hunter, Commissioner

Ann M. Ravel, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Daniel Petalas, Acting General Counsel

Shawn Woodhead Werth, Secretary and Clerk

Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 10:08 A.M. on Thursday, January 14, 2016 with a quorum present.

Chairman Petersen recognized Vice Chairman Walther who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of the following documents: Agenda Document 15-69-C, Draft C of the Hillary for America AO, and Agenda Document 16-03-A, Draft A of the WeSupportThat.com AO.

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 November 10 and 17, 2015
Agenda Document No. 16-01-A**

Chairman Petersen recognized Vice Chairman Walther who

MOVED to approve the minutes of the open meeting of November 10 and 17, 2015 as set forth in Agenda Document No. 16-01-A.

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

**II. REMARKS BY CHAIRMAN MATTHEW S. PETERSEN AND VICE CHAIRMAN
STEVEN T. WALTHER**

Chairman Petersen wished everyone a Happy New Year. He noted that the 2016 presidential election cycle is well underway and that it presents many challenges and opportunities. Because of the anticipated increase in the number of advisory opinion requests and complaints, he explained that the Commission will need to be on its “A” game to make sure it provides timely resolution of these submissions. Chairman Petersen reaffirmed his commitment to work effectively and efficiently to handle the Commission’s workload. While the Commission is often criticized for its disagreements, he noted, they are often based on principled views of the law and held in good faith, and he will endeavor to identify those areas and issues on which the Commission can work together and move forward. Chairman Petersen said that he hopes that the Commission can find agreement wherever possible and, if it can’t, will disagree respectfully. He stated that he looks forward to working with Vice Chairman Walther with whom he has always enjoyed a professional and cordial relationship, noting that they are both optimistic about what can be accomplished in 2016. Lastly, Chairman Petersen expressed his gratitude and thanks to staff, especially their yeomen-like, behind the scenes work on which, he noted, he heavily relies.

Chairman Petersen recognized Vice Chairman Walther who said that each year brings new hope and a fresh approach, and he is hopeful that the Commission can find common ground in 2016. He noted that the Commission is comprised of many longtime, dedicated employees, but that recent surveys indicate that the Commission is an unpopular workplace. To help identify why this has occurred, the Commission has made outside professionals available for staff to provide anonymous feedback. To reverse this trend, Vice Chairman Walther strongly encourages staff to take advantage of this resource. He noted that he is pleased to work with Chairman Petersen who is a great gentleman. They have already discussed how to get started and develop a constructive relationship for 2016; and he pledged to work with the Chairman as cooperatively as possible to move the ball forward.

Chairman Petersen recognized Commissioner Ravel who said Ms. Sarah Rozensky, who works for her as well as other Commissioners, is leaving the Commission. She valued Ms. Rozensky's incredibly good counsel and advice and her wealth of knowledge about the workings of the Commission. Commissioner Ravel said that she is hardworking, tenacious, cooperative with everyone, and a genuinely good person. Although she is sad to see her go, Commissioner Ravel wished her well in her new endeavors at Planned Parenthood.

Chairman Petersen echoed Commissioner Ravel's remarks and said that Ms. Rozensky has always been a constructive force in moving the agency's business forward and in trying to find ways to best work together. She has always been a friendly presence, and he appreciated her positive demeanor and professionalism.

III. DRAFT ADVISORY OPINION 2015-13

**Senator Harry Reid by Marc E. Elias, Esq.,
Jonathan S. Berkon, Esq., and David J. Lazarus, Esq.**

Agenda Document No. 15-68-A (Draft A)

Agenda Document No. 15-68-B (Draft B)

**Agenda Document No. 15-68-C (Draft C)
(Submitted Late)**

**Agenda Document No. 15-68-D (Draft D)
(Submitted Late)**

(Held over from the December 17, 2015 meeting)

(Commissioners Walther and Weintraub are recused.)

Chairman Petersen stated that the request was withdrawn.

Chairman Petersen recognized Commissioner Hunter who commented on the letter from the requestor withdrawing the request.

IV. DRAFT ADVISORY OPINION 2015-14

**Hillary for America by Marc E. Elias, Esq.
and Jacquelyn K. Lopez, Esq.**

Agenda Document No. 15-69-A (Draft A)

Agenda Document No. 15-69-B (Draft B)

**Agenda Document No. 15-69-C (Draft C)
(Submitted Late)**

(Held over from the December 17, 2015 meeting)

Chairman Petersen recognized Mr. Elias and Ms. Lopez, requestor's counsel, who were available to answer Commissioners' questions.

Chairman Petersen recognized Mr. Sean Wright 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 Hillary for America's request. The requestor asks whether DePauw University may provide a stipend and academic credit to a student who interned in the requestor's compliance and vetting departments. Mr. Wright summarized the distinctions among the three Drafts.

Mr. Elias and Ms. Lopez participated in the discussion that followed. In response to a Commissioner's request, Mr. Elias stated that the requestor was amenable to an extension of time should the Commission decide to hold this matter over to the next meeting. He also indicated that the requestor will provide additional information based on the meeting discussion.

Chairman Petersen stated that this matter will be held over to the January 28, 2016 open meeting.

V. DRAFT ADVISORY OPINION 2015-15

WeSupportThat.com by Mr. Dan Brady

**Agenda Document No. 16-03-A (Draft A)
(Submitted Late)**

Chairman Petersen recognized Mr. Brady, requestor's counsel, who was available by telephone to answer Commissioners' questions.

Chairman Petersen recognized Mr. Neven Stipanovic 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 WeSupportThat.com's request. The requestor, a for-profit corporation, proposes to offer an internet-based service through which individual users will be able to make contributions in response to certain actions of federal candidates. The requestor's website will enable a user to: search for candidates; search for candidates' or officeholders' actions, such as public statements, legislative votes, and sponsorship of particular legislation; make contributions to candidates whose actions the user supports; and send messages to candidates explaining why the user made the contributions. The requestor asks whether its proposal is permissible and the service fees paid to it by its users will be treated as contributions to the recipient political committees.

Mr. Brady participated in the discussion that followed.

Chairman Petersen recognized Vice Chairman Walther who

**MOVED to approve Agenda Document No. 16-03-A, Draft A,
and authorize the Office of General Counsel to make any
technical and conforming edits that may be necessary.**

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

**VI. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE
UTAH STATE DEMOCRATIC COMMITTEE (USDC) (A13-10)**

Memorandum from the Audit Division dated December 7, 2015

Agenda Document No. 16-02-A

**Chairman Petersen recognized Ms. Paula Nurthen of the Audit Division who
presented the Memorandum and summarized the five findings: 1) misstatement of
financial activity; 2) recordkeeping for employees; 3) improper bank account
structure; 4) receipt of Levin Fund donations that exceed the limit; and 5) receipt
of contributions that exceed the limit.**

**Mr. Douglas Kodish of the Audit Division also participated in the discussion
that followed.**

Chairman Petersen recognized Vice Chairman Walther who

MOVED to take the following actions:

- 1. Approve the recommendations for Findings 1, 3, 4 and 5
as set forth in Agenda Document No. 16-02-A.**

- 2. Approve the recommendation in Finding 2, Recordkeeping for Employees, as set forth in Agenda Document No. 16-02-A, subject to an amendment to include \$99,431.97 paid to contract workers.**

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.

Discussion continued.

Chairman Petersen recognized Vice Chairman Walther who

MOVED to approve the recommendations for Findings 1, 3, 4, and 5 as set forth in Agenda Document No. 16-02-A.

Chairman Petersen recognized Commissioner Goodman who proposed an amendment to the pending motion:

Everywhere the reference to the title for Finding 4 appears in the Final Report, the title be amended from "Receipt of Levin Fund Donations that Exceed the Limit" to "Receipt of Levin Fund Donations that Do Not Exceed the Limit."

Discussion resumed.

Chairman Petersen recognized Commissioner Weintraub who offered a friendly amendment to Commissioner Goodman's proposed amendment:

The Title for Finding 4 in the Final Report be amended to read "Receipt of Levin Fund Donations."

Commissioner Goodman accepted Commissioner Weintraub's friendly amendment to his proposed amendment, and Vice Chairman Walther accepted Commissioner Goodman's amendment to the main motion.

Ms. Lisa Stevenson of the General Counsel's Office, Mr. Kodish of the Audit Division, and Ms. Shawn Woodhead Werth, Secretary and Clerk, also participated in the discussion that continued concerning the revised title for Finding 4 and the inclusion of Finding 2 in Vice Chairman Walther's motion.

Chairman Petersen recognized Secretary and Clerk Werth who restated the motion as follows based on the meeting discussion:

Approve the recommendations in Findings 1, 2, 3, 4, and 5 subject to the following edit: Change the title of Finding 4 to "Receipt of Levin Fund Donations" wherever it appears in the Proposed Final Audit Report.

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

VII. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 11:18 A.M.

Signed:



Matthew S. Petersen

Chairman of the Commission

Attest:



Shawn Woodhead Werth

Secretary and Clerk of the Commission