



AGENDA DOCUMENT NO. 16-08-A

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, FEBRUARY 11, 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

Shelley E. Garr, Deputy Secretary

Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 11:00 A.M. on Thursday, February 11, 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 No. 16-07-A, Draft A of the Niger Innis for Congress AO; Agenda Document No.16-07-B, Draft B of the Niger Innis for Congress AO; Agenda Document No. 15-69-D, Draft D of the Hillary for America AO; and Agenda Document No. 15-69-E, Draft E of the Hillary for America 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 December 17, 2015
Agenda Document No. 16-04-A**

**Minutes for January 14, 2016
Agenda Document No. 16-06-A**

Chairman Petersen recognized Vice Chairman Walther who

MOVED to approve the minutes of the open meeting of December 17, 2015 as set forth in Agenda Document No. 16-04-A and the minutes of the open meeting of January 14, 2016 as set forth in Agenda Document No. 16-06-A.

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

Chairman Petersen stated that, without objection, Item III (Draft Advisory Opinion 2015-16: Niger Innis for Congress) will be discussed first on the agenda.

III. DRAFT ADVISORY OPINION 2015-16

Niger Innis for Congress by Dan Backer, Esq.

**Agenda Document No. 16-07-A (Draft A)
(Submitted Late)**

**Agenda Document No. 16-07-B (Draft B)
(Submitted Late)**

**(Jessica Selinkoff/Robert Knop of the Office of the
General Counsel)**

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

Chairman Petersen recognized Ms. Jessica Selinkoff 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 request of the Niger Innis for Congress committee. The requestor is the principal campaign committee of Niger Innis who was a candidate for Congress in the 2014 election cycle but lost the primary election. The Committee, now in the process of winding down, asks two questions about contributions for the general election in which Mr. Innis did not participate that it received prior to the primary election loss: 1) whether it may pay for legal, accounting, compliance, and transaction costs that it traces to the general election contributions with general election funds; and 2) whether it may donate other general election funds, which it has been unable to refund, to charity. Ms. Selinkoff summarized the distinctions between the two Drafts.

Mr. Backer participated in the discussion that followed. In response to Chairman Petersen's request, Mr. Backer stated that the requestor was amenable to an extension of time should the Commission decide to hold this matter over to the next meeting.

Chairman Petersen stated that this matter will be held over to the next meeting on February 25, 2016.

Discussion continued.

II. 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)

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

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

**(Held over from the December 17, 2015 and January 14, 2016
meetings)**

**Chairman Petersen recognized Mr. Jonathan Berkon 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 an update of 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 five Drafts.

Mr. Berkon and Ms. Lopez participated in the discussion that followed.

Chairman Petersen recognized Vice Chairman Walther who

MOVED to approve Draft A.

**The motion failed by a vote of 2-4 with Commissioners Walther and Ravel
voting affirmatively for the motion. Commissioners Goodman, Hunter, Petersen,
and Weintraub dissented.**

Chairman Petersen recognized Commissioner Weintraub who

**MOVED to approve Draft E as set forth in Agenda Document
No. 15-69-E and authorize the Office of General Counsel to
make any technical and conforming edits.**

Discussion continued.

**The meeting recessed at 12:24 P.M. and reconvened at 12:44 P.M. with
a quorum present.**

**Chairman Petersen stated that there was a motion on the Table. Discussion
resumed.**

**The motion carried by a vote of 4-2 with Commissioners Goodman, Hunter,
Petersen, and Weintraub voting affirmatively for the decision. Commissioners
Ravel and Walther dissented.**

**IV. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE
OKLAHOMA DEMOCRATIC COMMITTEE (ODP) (A12-06)**

**Memorandum from the Audit Division dated
December 7, 2015**

Agenda Document No. 16-05-A

**Chairman Petersen recognized Ms. Rickida Morcomb of the Audit
Division who presented the Memorandum and summarized the four findings:**

- 1) misstatement of financial activity for receipts and disbursements;**
- 2) misstatement of financial activity - Levin Fund; 3) reporting of debts and obligations; and 4) recordkeeping for employees.**

**Ms. Patricia Orrock of the Office of Compliance, Mr. Tom Hintermister of
the Audit Division, and Mr. Lorenzo Holloway of the Office of General Counsel
also participated in the discussion that followed.**

Chairman Petersen recognized Vice Chairman Walther who

**MOVED to approve the recommendations for Findings
1, 2, and 3.**

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

Chairman Petersen recognized Vice Chairman Walther who

MOVED to approve Finding 4.

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.

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 1:19 P.M.**

Signed:

**Matthew S. Petersen
Chairman of the Commission**

Attest:

**Shawn Woodhead Werth
Secretary and Clerk**

**Shelley E. Garr
Deputy Secretary**