

FEDERAL ELECTION COMMISSION

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Weekly Digest Week of September 12 – 16

COMMISSION MEETINGS AND HEARINGS

On September 13, the Commission held an [executive session](#).

On September 15, the Commission held an [open meeting](#).

ADVISORY OPINIONS

Advisory Opinion Issued

[Advisory Opinion 2016-09 \(Martins for Congress\)](#). On September 13, the Commission issued an advisory opinion. The Commission concluded that Martins for Congress may raise primary contributions subject to a new contribution limit for a primary ordered by a federal court to be held on October 6, 2016, because, under the Federal Election Campaign Act of 1971, as amended (the Act), and Commission regulations, the October 6, 2016, election is a different election from the June 28, 2016, election that was originally scheduled.

Requests Received

[Advisory Opinion Request 2016-11 \(Plains Cotton Growers and PGCPAC\)](#). On September 14, the Commission made public Advisory Opinion Request 2016-11. Plains Cotton Growers, Inc. (PCG) and Plains Cotton Growers, Inc. Political Action Committee (PGCPAC) ask whether PCG may serve as a collecting agent for PCGPAC. They also ask whether the formula they have chosen for requesting amounts of contributions is permissible. The Commission will accept written comments on the request during the 10-day period following publication of the request (no later than September 26, 2016) and shall issue a response no later than 60 days after receipt of the complete request, specifically by November 14, 2016.

[Advisory Opinion Request 2016-12 \(Citizen Super PAC\)](#). On September 14, the Commission made public Advisory Opinion Request 2016-12 (Citizen Super PAC). The requester, an independent expenditure-only political committee registered with the Commission, asks several questions regarding its proposal to send emails to candidates asking those candidates to solicit

support for Citizen Super PAC's advertisement projects, which expressly advocate for candidates. The Commission will accept written comments on the request during the 10-day period following publication of the request (no later than September 26, 2016) and must issue a response no later than 60 days after the receipt of the complete request, that is, by November 14, 2016.

ENFORCEMENT

[Request for Guidance on Interpretation of Conciliation Agreement in MUR 5635 \(The Viguerie Company, et al.\)](#). Prior to the September 15 meeting, the Commission approved on tally a Memorandum from the Office of General Counsel in response to a request for guidance on interpretation of a 2005 conciliation agreement in the context of recent court rulings in connection with the Act and Commission regulations. The Memorandum recommends that the Commission find that the requestors would not be prohibited from (1) entering into "no-risk" contracts in future agreements where in-kind contributions are made solely to independent expenditure-only political committees or a non-contribution account of a non-connected committee or (2) using third-party, non-banking lenders to finance the cost of postage for mailings where in-kind contributions are made solely to independent expenditure-only political committees or a non-contribution account of a non-connected committee.

For more information, see the case documents in the [Enforcement Query System](#).

AUDITS

[Final Audit Report of the Commission on the Oklahoma Leadership Council](#). On September 13, the Commission issued the Final Audit Report of the Commission on the Oklahoma Leadership Council covering campaign finance activity between January 1, 2011, and December 31, 2012. The Commission approved findings related to (1) the misstatement of financial activity, (2) misstatement of financial activity concerning Levin Funds, (3) recordkeeping for employees, and (4) contributions from unregistered political organizations.

[Audit Division Recommendation Memorandum on the Utah Republican Party](#). Prior to the September 15 open meeting, the Commission approved on tally the Audit Division Recommendation Memorandum on the Utah Republican Party, covering campaign finance activity from January 1, 2011, to December 31, 2012. The Commission approved findings related to the receipt of prohibited contributions, receipt of contributions that exceed limits, misstatement of financial activity, recordkeeping for employees, reporting of debts and obligations, and apparent excessive contribution in the form of staff advances.

LITIGATION

[CREW v. FEC](#) (Case 1:15-cv-02038-RC). On September 12, the Commission filed its [Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment](#) in the United States District Court for the District of Columbia.

[Holmes, et al. v. FEC](#) (Case 16-5194). On September 15, the Commission filed a [Brief](#) in the United States Court of Appeals for the District of Columbia Circuit. On the same day, the Campaign Legal Center and Democracy 21 filed a [Brief Amici Curiae in Support of the Commission](#).

RULEMAKING AND AGENCY PROCEDURES

[REG 2014-10: Implementing the Consolidated and Further Continuing Appropriations Act, 2015](#). On September 15, the Commission approved a Notice of Availability seeking comment on whether the Commission should initiate a rulemaking based on a Petition for Rulemaking on Implementing the Consolidated and Further Continuing Appropriations Act, 2015, which established certain new accounts for national party committees. The petition also asked the Commission to amend its regulations regarding convention committees. Comments must be submitted on or before January 30, 2017.

[REG 2016-03: Political Party Rules](#). On September 15, the Commission approved a Notice of Availability seeking comment on whether the Commission should initiate a rulemaking based on a Petition for Rulemaking asking the Commission to revise existing rules regarding the use of federal funds to pay for certain activities of state, district, or local committees of a political party. Comments must be submitted on or before January 30, 2017.

[REG 2013-01: Draft Notice of Proposed Rulemaking on Technological Modernization](#). On September 15, the Commission noted that it made public a second draft of a Notice of Proposed Rulemaking on Technological Modernization, which would request comment on proposed changes to more than 100 Commission regulations to address contributions and expenditures made by electronic means, such as through internet-based payment processors or text messaging, to eliminate and update references to outdated technologies, and to address similar issues. The Commission held the matter over until the next open meeting.

[Promoting Voluntary Compliance](#). On September 15, the Commission discussed a Memorandum on promoting voluntary compliance through a list of basic compliance tips the agency should consider distributing through social media and other media outlets to complement existing outreach efforts.

[Proposed Statement of Policy on the Application of the Foreign National Prohibition to Domestic Corporations Owned or Controlled by Foreign Nationals](#). On September 15, the Commission was unable to reach agreement by the required four affirmative votes on a proposed Statement of Policy that would (1) clarify how the foreign national prohibition in the Act applies to U.S. domestic subsidiaries of foreign nationals that make independent expenditures, disbursements for electioneering communications, contributions to political committees that make only independent expenditures, or contributions to separate accounts maintained by political committees for making only independent expenditures, and (2) create a safe harbor for political committees that may lawfully accept corporate contributions or donations within which they will be deemed to have confirmed that they do not come from foreign national sources.

[Proposal to Rescind Advisory Opinion 2006-15 \(TransCanada\)](#). On September 15, the Commission was unable to reach agreement by the required four affirmative votes on a proposal to formally rescind Advisory Opinion 2006-15 (TransCanada) and the parts of other advisory opinions that purported to permit domestic subsidiaries of foreign corporations to make contributions or donations, either directly or through separate segregated funds, in connection with federal, state, and local elections.

[Proposal to Launch Rulemaking to Ensure that U.S. Political Spending Is Free from Foreign Influence](#). On September 15, the Commission was unable to reach agreement by the required four affirmative votes on a proposal to initiate a rulemaking examining the role of foreign political spending in U.S. elections following the Supreme Court decision in [Citizens United v. FEC](#). During the discussion, Vice Chairman Steven T. Walther presented a [Statement](#). The Commissioners agreed to prioritize expedited treatment of complaints regarding foreign national contributions.

OUTREACH

On September 14, Commissioner Ann M. Ravel spoke on a panel about state and federal electoral systems at the Impact Elections event in New York City.

PRESS RELEASES

[FEC Issues Advisory Opinion](#) (issued September 13)

[FEC Approves Two Notices of Availability to Seek Public Comment](#) (issued September 15)

UPCOMING COMMISSION MEETINGS AND HEARINGS

September 29: The Commission is scheduled to hold an [open meeting](#).

Meeting dates are subject to change. Please contact the Press Office the week of the scheduled meeting for confirmation.

UPCOMING EDUCATIONAL PROGRAMS

September 22: Roundtable Workshop/Webinar on Reporting for PACs and Party Committees. Additional information is available on the [Educational Outreach](#) page of the Commission website.

September 22: Roundtable Workshop/Webinar on FECFile for PACs and Party Committees. Additional information is available on the [Educational Outreach](#) page of the Commission website.

September 28: Roundtable Workshop/Webinar on Reporting for Candidate Committees. Additional information is available on the [Educational Outreach](#) page of the Commission website.

September 28: Roundtable Workshop/Webinar on FECFile for Candidate Committees. Additional information is available on the [Educational Outreach](#) page of the Commission website.

UPCOMING REPORTING DUE DATES

September 20: September Monthly Reports are due. For more information on monthly reporting dates, refer to the [2016 Monthly Reporting page](#) of the Commission website.

The Commission posted the filing deadlines for the Special General Election in Kentucky's First Congressional District. For information on reporting dates for this election, refer to the [Special Election Report Notice](#).

DISCLOSURE INITIATIVES

Commission staff, together with our partners at 18F, continue to add new features to the agency's [beta.fec.gov](#) website. The Commission encourages website visitors to submit comments and questions by clicking on the "Feedback" tab at the bottom of each page.

ADDITIONAL RESEARCH MATERIALS

Additional research materials about the agency, campaign finance information, and election results are available through the [Library section](#) of the Commission website.

The [2016 edition of the Combined Federal State Disclosure and Election Directory](#) is available in the [Public Records](#) section of the Commission website. This publication identifies the federal and state agencies responsible for the disclosure of campaign finances, lobbying, personal finances, public financing, candidates on the ballot, election results, spending on state initiatives and other financial filings.

The Commission has published the [September Record](#) newsletter. [Sign up](#) to receive email notification when new Record articles are posted.

The 2016 edition of [Title 11 of the Code of Federal Regulations](#) can be downloaded from the website. To order printed copies, call (800) 424-9530 (press 6) or send an email to info@fec.gov.

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