

# FEDERAL ELECTION COMMISSION

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## Weekly Digest Week of September 19 – 23

### COMMISSION MEETINGS AND HEARINGS

No Commission open meetings or executive sessions were scheduled this week.

### ADVISORY OPINIONS

#### Draft

[Advisory Opinion 2016-10 \(Parker\)](#). On September 20, the Commission made public a [draft](#) of Advisory Opinion 2016-10 (Parker). The requester, a U.S. citizen residing abroad, asks several questions regarding her intent to send emails and text messages to friends and family encouraging them to make contributions to state and local party committees. Public comments on the draft are due by noon on September 28, 2016.

#### Requests Received

[Advisory Opinion Request 2016-13 \(Martins for Congress II\)](#). On September 21, the Commission made public Advisory Opinion Request 2016-13 (Martins for Congress II). The requestor asks whether, in light of a federal court's cancellation of a primary election that the Commission concluded in Advisory Opinion 2016-09 (Martins for Congress) warranted a separate contribution limit, the requestor may continue to raise contributions subject to that separate limit to retire debts incurred in furtherance of the canceled primary. The Commission will accept written comments on the request during the 10-day period following publication of the request (no later than October 3, 2016) and must issue a response no later than 20 days after receipt of the complete request, that is, by October 11.

[Advisory Opinion Request 2016-14 \(11 Libertarian State Committees\)](#). On September 22, the Commission made public Advisory Opinion Request 2016-14 (11 Libertarian State Committees). The requestors, Libertarian political committees in Alabama, Arkansas, Arizona, Hawaii, Idaho, Maryland, Mississippi, Missouri, New Mexico, North Dakota and Texas, ask whether each committee qualifies as a state party committee of the Libertarian National Party. The Commission will accept written comments on the request during the 10-day period

following publication of the request (no later than October 3, 2016) and must issue a response no later than 60 days after receipt of the complete request, that is, by November 18, 2016.

[Advisory Opinion Request 2016-16 \(Gary Johnson Victory Fund\)](#). On September 22, the Commission made public Advisory Opinion Request 2016-15 (Gary Johnson Victory Fund). The requestor, a joint fundraising committee comprised of a presidential campaign committee and 24 state Libertarian committees that have not yet been recognized as state party committees by the Commission, asks whether it may accept contributions reflecting the party committee contribution limit for the participating state committees, holding any contributions in excess of the contribution limit for nonconnected committees in escrow until the Commission determines whether the state committees are state party committees. The Commission will accept written comments on the request during the 10-day period following publication of the request (no later than October 3, 2016) and must issue a response no later than 20 days after receipt of the complete request, that is, by October 11, 2016.

## **ENFORCEMENT**

The Commission made public three closed cases, as follows. For more information, see the case documents in the [Enforcement Query System](#).

### [MUR 6878](#)

COMPLAINANT: OnMessage, Inc.

RESPONDENTS: Dewhurst for Texas and Dr. Carlos R. Hamilton, Jr., in his official capacity as treasurer

SUBJECT: The complaint alleged that Dewhurst for Texas and Hamilton, in his official capacity as treasurer (the Committee), failed to report debt in disclosure reports filed with the Commission.

DISPOSITION: The Commission found no reason to believe the Committee failed to report its debt to OnMessage, Inc., because (1) an administrative error, through no fault of the Committee, caused the page of the report disclosing this debt, as well as other information the Committee had filed, to be excluded from the Commission's database and (2) when the Committee learned of the error, it immediately took steps to resolve the issue.

### [MUR 6998](#)

COMPLAINANT: George Koo

RESPONDENTS: Rohit Khanna; Ro for Congress, Inc. and Reena Rao, in her official capacity as treasurer (the Committee)

SUBJECT: The complaint alleged that Khanna and the Committee illegally obtained the complainant's email address from federal campaign reports filed by a Khanna opponent. Khanna is a 2016 candidate for California's 17<sup>th</sup> Congressional District.

DISPOSITION: The Commission found no reason to believe Khanna and the Committee obtained the email address from federal campaign finance reports because Khanna had the complainant's email address, by virtue of their personal relationship, for many years.

### [MUR 7075](#)

COMPLAINANT: FEC-Initiated

RESPONDENTS: Strong Country for Today & Tomorrow and Vincent De Vito, in his official capacity as treasurer (SCOTTPAC)

SUBJECT: In the normal course of carrying out its supervisory responsibilities, the Commission initiated proceedings to determine whether there was reason to believe SCOTTPAC knowingly accepted excessive contributions.

DISPOSITION: The Commission entered into a conciliation agreement providing for SCOTTPAC to pay a civil penalty of \$10,500.

## **ALTERNATIVE DISPUTE RESOLUTION**

The Commission made public two campaign finance enforcement matters that were resolved through its Alternative Dispute Resolution (ADR) program, as follows. For more information, see the case documents in the [Enforcement Query System](#).

[ADR 801](#) – The Home Depot Inc. Political Action Committee and Scott Bohrer, in his official capacity as treasurer. The Commission dismissed and closed the file.

[ADR 802](#) – Right to Rise PAC, Inc. and William Simon, in his official capacity as treasurer. The respondent agreed to (1) develop and certify implementation of a compliance operations manual that includes internal controls consistent with the Commission’s Internal Controls and Political Committees advisory document and Best Practices for Committee Management, (2) certify that a representative of the Committee participated in an FEC conference, webinar, or other program developed in consultation with the FEC’s Information Division, and (3) pay a civil penalty of \$2,200.

## **AUDITS**

[Final Audit Report of the Commission on Brenda Lawrence for Congress](#). On September 20, the Commission issued the Final Audit Report of the Commission on Brenda Lawrence for Congress covering campaign finance activity between November 7, 2013 and December 31, 2014. The Commission approved a finding related to the misstatement of financial activity.

[Final Audit Report of the Commission on Ted Lieu for Congress](#). On September 21, the Commission issued the Final Audit Report of the Commission on Ted Lieu for Congress covering campaign finance activity between February 18, 2014 and December 31, 2014. The Commission approved a finding related to the misstatement of financial activity.

## **LITIGATION**

[CREW, et al. v. FEC](#) (Case 1:16-cv-01088-RJL). On September 16, the Commission filed a [Reply in Support of Its Motion to Dismiss](#) in the United States District Court for the District of Columbia.

[CREW, et al. v. FEC](#) (Case 1:14-cv-01419-CRC). On September 19, the United States District Court for the District of Columbia issued a [Memorandum Opinion](#) and [Order](#).

[FEC v. O'Donnell](#) (Case 15-cv-00017-LPS). On September 22, the United States District Court for the District of Delaware issued a [Memorandum Opinion](#) and [Order](#).

## **OUTREACH**

On September 21, Commissioner Ellen L. Weintraub met with American University students to discuss the role and work of the Commission as well as recent developments in campaign finance law.

On September 22, Press Officer Judith Ingram and Deputy Press Officer Christian J. Hilland met with a group of students from George Washington University to discuss the Commission's disclosure systems.

## **EDUCATIONAL PROGRAMS**

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

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

## **PRESS RELEASES**

[District Court Issues Opinion in \*CREW v. FEC\*](#) (issued September 19)

[FEC Names Lisa J. Stevenson Acting General Counsel](#) (issued September 22)

[District Court Issues Opinion in \*FEC v. O'Donnell\*](#) (issued September 22)

## **CAMPAIGN FINANCE REPORTS**

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

## **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 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**

October 15: October Quarterly Reports are due. For more information on quarterly reporting dates, refer to the [2016 Quarterly Reporting page](#) of the Commission website.

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

October 27: Pre-General Reports are due. For more information on reporting dates, refer to the [2016 Reporting Dates page](#) of the Commission website.

## **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](mailto:info@fec.gov).

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