

RECEIVED

By Office of the Commission Secretary at 4:03 pm, Jul 22, 2024



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

AGENDA DOCUMENT NO. 24-28-A

AGENDA ITEM

For the meeting of July 25, 2024
SUBMITTED LATE

July 22, 2024

MEMORANDUM

To: The Commission

From: Lisa J. Stevenson *NFS for LJS*
Acting General Counsel

Neven F. Stipanovic *NFS*
Associate General Counsel

Amy L. Rothstein *NFS for ALR*
Assistant General Counsel

Joseph P. Wenzinger *JPW*
Attorney

Madeleine I. Windel *MW*
Extern

Subject: Notice of Disposition for REG 2016-03 (Political Party Rules)

Attached is a draft Notice of Disposition for REG 2016-03 (Political Party Rules). One or more Commissioners have asked for this draft to be made public and placed on the agenda for the Commission's July 25, 2024, Open Meeting.

Attachment

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 106, 109, 110, 300

[NOTICE 2024-XX]

Political Party Rules

AGENCY: Federal Election Commission.

ACTION: Notification of disposition of petition for rulemaking.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking (“Petition”) filed on June 14, 2016, by the Minnesota Democratic-Farmer-Labor Party and its Chair, Ken Martin. The Petition asked the Commission to amend several of its regulations applicable to state, district, or local committees of political parties. On June 26, 2024, the same petitioners submitted a new petition that incorporates the substance of this Petition while “revok[ing]” this Petition. Given the new petition, the Commission is not initiating a rulemaking in response to this Petition.

DATE: [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Ms. Amy L. Rothstein, Assistant General Counsel, or Mr. Joseph P. Wenzinger, Attorney, Office of General Counsel, (202) 694-1650 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act¹ (the “Act”) and Commission regulations place various fundraising and spending limitations, prohibitions, and reporting requirements on state, district, and local political party

¹ 52 U.S.C. 30101-45.

1 committees. On June 14, 2016, the Minnesota Democratic-Farmer-Labor Party and its
2 Chair, Ken Martin (collectively, “Petitioners”), submitted a Petition for Rulemaking that
3 asked the Commission to amend several regulations applicable to political parties.²

4 First, the Petition asked the Commission to narrow the regulatory definition of
5 “federal election activity,”³ which includes certain activities that urge, encourage, or
6 assist people to vote or to register to vote.⁴ The Act and Commission regulations require
7 a state, district, or local committee of a political party to pay for federal election activity
8 with either entirely federal funds or, in other instances, a mix of federal funds and “Levin
9 funds.”⁵

10 Second, the Petition asked the Commission to amend the regulation requiring
11 political parties to use a federal account to pay the salary, wages, and fringe benefits of
12 any employee who spends more than 25 percent of that individual’s time on “federal
13 election activities” or on conduct “in connection with a federal election.”⁶ Specifically,
14 the Petition asked the Commission to delete the reference to “federal election activities,”
15 so that the requirement would cover only employee activities “in connection with a
16 federal election.”

17 Finally, the Petition asked the Commission to consider additional regulatory
18 modifications listed in Commission Agenda Document No. 15-54-A, a proposed

² REG 2016-03 (Political Party Rules), Petition for Rulemaking to Strengthen Political Parties (June 14, 2016).

³ See 11 CFR 100.24.

⁴ *Id.* 100.24(a)(2), (3).

⁵ 52 U.S.C. 30125(b); 11 CFR 300.32.

⁶ See 11 CFR 106.7(c)(1), (d)(1)(i)-(ii); 300.33(d)(1)-(2).

1 resolution that recommended amending several rules that would (1) allow political parties
2 to “discuss issue advertisements with candidates,” “republish parts of candidate materials
3 in party materials,” and “distribute volunteer campaign materials without triggering
4 coordination limits,”⁷ (2) expand political parties’ ability to engage in volunteer activities
5 such as volunteer mail drives, phone banks, and literature distribution,⁸ and (3) modify
6 the definition of “federal election activity” to permit political parties to register voters
7 and urge citizens to vote on behalf of state and local candidates using state funds and to
8 “employ people to engage in state and local get-out-the-vote activities with state funds.”⁹

9 The Commission published a Notification of Availability requesting public
10 comments on the Petition.¹⁰ The Commission received 18 comments in response,
11 including one from Petitioners. Most comments supported the Petition; one comment
12 opposed it.

13 On June 26, 2024, Petitioners submitted a new petition for rulemaking. The new
14 petition includes a copy of this Petition, incorporates this Petition by reference, and
15 “revokes” this Petition.

16 The Commission has decided not to initiate a rulemaking in response to this
17 Petition. In deciding whether to initiate a rulemaking in response to a petition, the
18 Commission generally considers five factors: (1) the Commission’s statutory authority;
19 (2) policy considerations; (3) the desirability of proceeding on a case-by-case basis;

⁷ See 11 CFR 109.37.

⁸ See *id.* 100.87, 100.47.

⁹ See *id.* 100.24.

¹⁰ Political Party Rules, 81 FR 69721 (Oct. 7, 2016).

1 (4) the necessity or desirability of statutory revision; and (5) available agency
2 resources.¹¹

3 Here, the Commission has concluded that its available resources would be more
4 efficiently and effectively utilized by focusing on the new petition for rulemaking
5 submitted by Petitioners on June 26, 2024, which addresses the same issues, and
6 disposing of this Petition.

7 Copies of the Petition, the Notice of Availability, public comments, and related
8 documents are available on the Commission’s website, <http://www.fec.gov/fosers/>
9 (reference REG 2016-03, Political Party Rules).

10

11 Dated: _____

12 On behalf of the Commission,

13 **Sean J. Cooksey,**

14

15 *Chairman,*

16

17 *Federal Election Commission.*

¹¹ 11 CFR 200.5.