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FEDERAL ELECTION COMMISSION
Washington, DC 20463

AGENDA DOCUMENT NO. 17-52-A

AGENDA ITEM

For meeting of November 16, 2017

SUBMITTED LATE

MEMORANDUM

TO: The Commission

FROM: Steven T. Walther *STW*
Chairman

RE: Motion for Scheduling Public Hearing on Internet Communication
Disclaimers

DATE: November 15, 2017

I intend to move, at the November 16, 2017 open meeting, that the Commission schedule a public hearing to discuss Internet Communication Disclaimers. Please see the attached motion.

Attachment

MOTION BY CHAIRMAN WALTHER TO SCHEDULE A PUBLIC HEARING
ON INTERNET COMMUNICATIONS DISCLAIMERS

The Commission has been considering for some time the possible enactment of rules and/or policies to address the issue of foreign money and its impact on the U.S. campaign finance system. Most recently, the Commission reopened the comment period in connection with an Advance Notice of Proposed Rulemaking on internet communications disclaimers. There has been some reluctance on the part of some of my colleagues to adopt such rules, partly in anticipation that Congress may take the initiative to address those issues. Recent events, however, have overtaken those considerations.

Based on prominent news coverage of events surrounding the 2016 U.S. presidential election, there has been increased public awareness and interest concerning allegations that political ads disseminated principally over the internet through various social media platforms were purchased by Russian-linked entities in an attempt to influence that election. These efforts, which were considered to have the effect of undermining public faith in our democratic process, have been well documented by the U.S. intelligence community and discussed at length during several Congressional hearings.

The Commission was created, in large measure, to address a widespread realization of the need to increase transparency in the campaign finance arena. The Commission should not shirk that responsibility in these turbulent times. The Commission's regulatory process, along with Congressional legislative efforts, are valuable tools that should be employed, to the extent necessary, to combat foreign influence and provide the voting public with accurate information concerning the sources of campaign funds.

As the Commission proceeds along this path, it should do so in a bi-partisan or non-partisan manner in order to achieve the maximum degree of credibility, and it is my hope that Congress will do the same as it moves forward to consider these issues. Our democracy requires it.

To this end, I hereby move:

A. that the Commission approve a public hearing regarding the Advance Notice of Proposed Rulemaking on Internet Communications Disclaimers, to be scheduled in place of the Open Meeting already set for Thursday, December 14, in order to discuss comments received as to whether and how to revise the Commission's rules regarding disclaimers on internet communications;

B. that, subject to any modifications by the Commission, the hearing shall consist of three panels with three witnesses on each panel, set for 10am to 12pm, 1pm to 3pm, and 3pm to 5pm;

C. that the Commission shall determine the composition of the panels in advance of the hearing; and

D. that within 60 days following the hearing, the Commission shall issue a report on recommendations that it believes should be taken by the Commission (including whether to begin a formal rulemaking), and also offer recommendations or observations that might be helpful to Congress in its deliberations and actions regarding these matters.