



AGENDA DOCUMENT NO. 13-28-A
(Replacement Page 4)
APPROVED JULY 25, 2013

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JUNE 27, 2013**

PRESENT:

Ellen L. Weintraub, Chair, presiding

Donald F. McGahn II, Vice Chairman

Caroline C. Hunter, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

Alec Palmer, Staff Director

Anthony Herman, General Counsel

Shawn Woodhead Werth, Secretary and Clerk

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:12 A.M. on Thursday, June 27, 2013 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for June 13, 2013
Agenda Document No. 13-23**

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve the minutes for the open session of Thursday, June 13, 2013 as set forth in Agenda Document No. 13-23.

The motion carried by a vote of 5-0 with Commissioners Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to suspend the rules on the timely submission of agenda documents in order that the Commission may consider Agenda Document Nos. 13-22, 13-24, 13-21-B, 13-21-C, 13-21-D, 13-21-E, 13-21-F, 13-21-G, 13-21-H, 13-21-I, and 13-21-J.

The motion carried by a vote of 5-0 with Commissioners Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

II. FUTURE MEETING DATES

**Memorandum from Chair Ellen L. Weintraub
dated June 21, 2013**

**Agenda Document No. 13-22
(Submitted Late)**

Chair Weintraub recognized Commissioner Walther who

**MOVED to approve Agenda Document No. 13-22,
setting forth the meeting dates for the second
half of 2013.**

**The motion carried by a vote of 5-0 with Commissioners Hunter,
McGahn, Petersen, Walther, and Weintraub voting affirmatively for the
decision.**

**III. DRAFT INTERPRETIVE RULE ON REPORTING ULTIMATE
PAYEES OF POLITICAL COMMITTEE DISBURSEMENTS**

(Held over from the June 13, 2013 meeting)

**Agenda Document No. 13-24 (Drafts A and B)
(Submitted Late)**

**Chair Weintraub recognized Mr. Neven Stipanovic of the General
Counsel's Office who summarized the two alternative Draft Notices. The
Draft Notices set forth the Commission's interpretation on the requirement
that political committees report the full name and address of each person
to whom they make disbursements aggregating more than \$200 per
calendar year or per election cycle for authorized committees, and the
date, amount, and purpose of such payments. This interpretation applies to**

three specific factual situations: (1) when a political committee reimburses an individual who advances personal funds to pay committee expenses aggregating more than \$200 to a single vendor; (2) when a political committee pays a credit card bill that includes a charge of more than \$200 for a single vendor; and (3) when a candidate uses personal funds to pay his or her authorized committee's expenses that aggregate more than \$200 to a single vendor without receiving reimbursement. The Drafts differ as to when the interpretation for a candidate's use of personal funds is effective. He asked that the Commission authorize technical and conforming amendments if the Draft Notice is approved.

Discussion followed.

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve Draft A subject to the following:

- 1. In Line 3 of footnote 4 on Page 6, delete "Therefore," and begin the sentence with the word "Although."**
- 2. Authorize the Office of the General Counsel to make technical and conforming edits.**

The motion carried by a vote of 5-0 with Commissioners Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

IV. OGC ENFORCEMENT MANUAL

(To be held over to a future meeting)

**General Counsel's Memorandum dated June 12, 2013
Agenda Document No. 13-21
(Held over from the meeting of June 13, 2013)**

**Memorandum from Vice Chairman Donald F. McGahn,
Commissioner Caroline C. Hunter, and Commissioner
Matthew S. Petersen dated June 12, 2013
Agenda Document No. 13-21-A
(Held over from the meeting of June 13, 2013)**

**General Counsel's Memorandum dated June 26, 2013
Agenda Document No. 13-21-B
(Submitted Late)**

**The General Counsel's Authority to Recommend Reason to
Believe to the Commission under Section 111.8
Agenda Document No. 13-21-C
(Submitted Late)**

**Information Sharing with the Department of Justice -
General Counsel's Memorandum dated June 26, 2013
Agenda Document No. 13-21-D
(Submitted Late)**

**DOJ Requests for Documents - Notice to Commission -
General Counsel's Memorandum dated June 26, 2013
Agenda Document No. 13-21-E
(Submitted Late)**

**Requests for Records or Information from Federal, State
and Local Government Entities - General Counsel's
Memorandum dated June 26, 2013
Agenda Document No. 13-21-F
(Submitted Late)**

**Enforcement Procedure 2011-XX: Requests for Information from the Department of Justice and other Criminal Law Enforcement Agencies - General Counsel's Memorandum dated June 26, 2013
Agenda Document No. 13-21-G
(Submitted Late)**

**Relationship between the FEC and DOJ - General Counsel's Memorandum dated June 26, 2013
Agenda Document No. 13-21-H
(Submitted Late)**

**Department of Justice's Proposed Changes to the FECA - General Counsel's Memorandum dated June 26, 2013
Agenda Document No. 13-21-I
(Submitted Late)**

**Proposed MOU between the Commission and DOJ - General Counsel's Memorandum dated June 26, 2013
Agenda Document No. 13-21-J
(Submitted Late)**

Chair Weintraub said that, while the substantive discussion on the OGC Enforcement Manual would occur at a future meeting, she wanted to provide some background information for these documents. Agenda Document No. 13-21 is the Enforcement Manual prepared by the Office of General Counsel in January 2013. Agenda Document No. 13-21-A, prepared by Vice Chairman McGahn and Commissioners Hunter and Petersen, is similar to the Enforcement Manual (Agenda Document No. 13-21), but it contains a number of proposed edits to that Manual. Agenda Document No. 13-21-B is a revision of Agenda Document 13-21 and incorporates some of

the edits from the Manual proposed by Vice Chairman McGahn and Commissioners Hunter and Petersen (Agenda Document No. 13-21-A).

The Chair also noted that two overarching topics will be discussed: (1) what happens at the pre-reason to believe phase and what types of documents the staff in the Office of General Counsel should look at when formulating their recommendations; and (2) what should be the Commission's relationship with the Department of Justice. The remaining documents mostly reflect the history of how these issues were handled in the past and contain recommendations for how they should be handled in the future.

Chair Weintraub said that the General Counsel's Office is currently following the procedures set forth in Agenda Document No. 13-21-B.

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:33 A.M.

Signed:



**Ellen L. Weintraub
Chair of the Commission**

Attest:



Shawn Woodhead Werth

Secretary and Clerk of the Commission