



AGENDA DOCUMENT NO. 13-16

APPROVED MAY 9, 2013

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, APRIL 25, 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 11:04 A.M. on Thursday, April 25, 2013 with a quorum present.

Chair Weintraub noted that today is Take Your Kids to Work Day at the Commission. She also noted that she continues to wear her Autism Awareness ribbon in recognition of her son and National Autism Awareness Month.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for April 11, 2013
Agenda Document No. 13-13**

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve Agenda Document No. 13-13, minutes for the open meeting of Thursday, April 11, 2013.

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

Chair Weintraub stated that the agenda is being re-ordered to consider Item III (Draft Advisory Opinion 2013-02) before Item II (Draft Advisory Opinion 2012-38).

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to waive the rules on the timely submission of documents so that the Commission may consider the late submission of Agenda Document Nos. 13-07-A, 13-15, and 13-14.

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

III. DRAFT ADVISORY OPINION 2013-02

**Agenda Document No. 13-15 (Drafts A and B)
(Submitted Late)**

Chair Weintraub recognized Mr. Craig Engle, the requestor's counsel, who was available to answer Commissioners' questions.

Chair Weintraub recognized Ms. Jessica Selinkoff of the General Counsel's Office who presented the draft advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, and Commission regulations to the request received from Mr. Dan Winslow who is a candidate for the U.S. Senate in the Massachusetts April 30th special primary election. He asks whether his principal campaign committee may apply the spouse contribution rule at 11 C.F.R. 110.1(i) to contributions it receives from lawfully married same-sex couples. She summarized the conclusions reached in both drafts.

Mr. Engle participated in the discussion that followed.

Chair Weintraub recognized Commissioner Walther who

MOVED to approve Draft A subject to these amendments:

- 1. In Footnote 2 on page 2, amend the second sentence to read:**

A contribution from a joint account is attributed in accordance with 11 C.F.R. 110.1(k), regardless of the marital status of the contributors, since the political committee receiving the contribution may not know whether or not contributors are married.

- 2. Replace Footnote 3 on page 4 with Footnote 3 on page 3 of Draft B, except delete the cite beginning "see also Perry v. Brown...".**

General Counsel Anthony Herman participated in the discussion that continued.

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

II. DRAFT ADVISORY OPINION 2012-38

**Agenda Document No. 13-07 (Drafts A and B)
(Held over from the meeting of February 14, 2013)**

**Agenda Document No. 13-07-A (Draft C)
(Submitted Late)**

Chair Weintraub recognized Ms. Cheryl Hemsley of the General Counsel's Office who presented the draft advisory opinion concerning the

application of the Federal Election Campaign Act of 1971, as amended, and Commission regulations to the request received from the Socialist Workers Party which asks the Commission to continue a partial reporting exemption. Ms. Hemsley summarized the conclusions reached in the three drafts.

Chair Weintraub recognized Mr. Lindsey Frank, requestors' counsel, who participated in the discussion that followed.

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve Draft C, as set forth in Agenda Document No. 13-07-A, and authorize the Office of the General Counsel to make any technical and conforming edits.

The motion carried by a vote of 4-1 with Commissioners Hunter, McGahn, Petersen, and Weintraub voting affirmatively for the decision. Commissioner Walther dissented.

Chair Weintraub stated that the Commission issued a press release on Friday, April 19, 2013 summarizing statistics from the 2012 election cycle. The press release includes breakdowns, by the various types of committees, for the approximately \$7 billion that was raised and spent during that election cycle. She provided a brief explanation of how other

organizations calculate their totals as compared to the Commission's calculations.

**IV. DRAFT ADVANCE NOTICE OF PROPOSED RULEMAKING ON
TECHNOLOGICAL MODERNIZATION**

**Agenda Document No. 13-14
(Submitted Late)**

Chair Weintraub recognized Ms. Selinkoff of the General Counsel's Office who presented the Draft Advance Notice of Proposed Rulemaking. The Commission is seeking public comment on whether and how it should revise its rules regarding a variety of technological modernization issues. The Commission is considering whether to revise its regulations to 1) reflect electronic transactions such as those made by credit, debit, and gift card; internet-based payment processing; online banking; and text messaging; 2) address the receipt, deposit, accounting, recordkeeping, reporting, redesignation, and reattribution of electronic transactions; and 3) eliminate or update references to outmoded technology. The Commission is seeking comments on: 1) what the general industry practices are in the conduct of electronic transactions and recordkeeping; 2) how commercial and consumer electronic transactions are conducted; 3) what the industry standards and safeguards are, generally, and for vendors and third party processors; and 4) what information is available on ways that political

committees receive electronic contributions and otherwise engage in electronic transactions and recordkeeping.

Discussion followed.

Chair Weintraub recognized Commission Walther who

**MOVED to approve Agenda Document No. 13-14
and authorize the Office of the General Counsel
to make any necessary technical and conforming
amendments.**

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

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 12:17 P.M.**

Signed:



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

Attest:



**Shawn Woodhead Werth
Secretary and Clerk of the Commission**