



AGENDA DOCUMENT NO. 14-9
APPROVED FEBRUARY 27, 2014

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JANUARY 16, 2014**

PRESENT:

Lee E. Goodman, Chairman, presiding

Ann M. Ravel, Vice Chair

Caroline C. Hunter, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Patricia Orrock, Chief Compliance Officer¹

Lisa J. Stevenson, Deputy General Counsel - Law

Shelley E. Garr, Deputy Secretary

¹ Ms. Orrock represented Staff Director Alec Palmer.

Chairman Lee E. Goodman called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Thursday, January 16, 2014 with a quorum present.

Chairman Goodman welcomed everyone to the first meeting of the new year and asked for a moment of personal privilege to discuss the Commission's priorities for 2014. He highlighted the development of a new information technology system to improve its functionality and security and thanked Staff Director Alec Palmer for leading the effort. The Chairman and Vice Chair Ravel launched an initiative to improve data dissemination on the Commission's website and will seek input from the public on this process.

One internal challenge is to rebuild the Reports Analysis Division (RAD) and clear its backlog so that the Commission can fulfill its mission to provide the regulated community with timely reaction to filed reports. The Commission will continue to shape RAD's mission by making compliance and advice to treasurers as important as identifying errors on campaign finance reports.

The Commission will re-double its efforts to emphasize compliance through seminars, conferences, and webinars. Chairman Goodman also stressed the value of contacting Commission staff for assistance through the FEC helpline (1-800-424-9530).

He noted the challenges of the Commission to clarify rules, update regulations and reporting forms, and make enforcement procedures as fair as possible. Chairman Goodman stated that as the election season progresses, the Commission will endeavor to provide clear and prompt responses to advisory opinion requests.

Chairman Goodman stressed that the Commission's overriding goal must be to avoid the deterrence of the exercise of First Amendment rights and encourage the exercise of those rights by American citizens.

He also acknowledged the Commission's--and his personal--commitment to the principles of fairness, equality, and fundamental human decency in the workplace. He reaffirmed those principles by today signing the 2014 FEC Policy Statement on Non-Discrimination and Equal Employment Opportunity. He asked Mr. Kevin Salley of the Equal Employment Opportunity and Programs Office to disseminate this statement to all FEC employees and contractors and the Secretary's Office to include a copy of the text in the meeting minutes. (See Minutes attachment.)

He noted the death of Tyvice Holmes, a committed and long-time Commission staffer who was an expert in her work processing disclosure filings.

Chairman Goodman asked that staff commit themselves to working together collegially in service to the American people. He expressed his

enthusiasm in working with Vice Chair Ravel, his fellow Commissioners, and the dedicated Commission staff members to meet these objectives.

Chairman Goodman recognized Vice Chair Ravel who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of Agenda Item 14-7, Notice of Interpretive Rule on Reporting Nationwide Independent Expenditures in the Presidential Primary Elections, Drafts A, B, and C; and Agenda Item 14-8, Meeting Dates for the Months of February through September 2014.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for December 5, 2013
Agenda Document No. 14-1-A**

**Minutes for December 17, 2013
Agenda Document No. 14-2-A**

Chairman Goodman recognized Vice Chair Ravel who

MOVED to approve Agenda Document Nos. 14-1-A and 14-2-A, minutes for the open sessions held on December 5, 2013 and December 17, 2013.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

II. DRAFT ADVISORY OPINION 2013-18

**Revolution Messaging, LLC by Joseph E. Sandler, Esq.,
Neil P. Reiff, Esq., and Elizabeth L. Howard, Esq.**

Agenda Document No. 13-50 (Drafts A and B)

Chairman Goodman recognized requestor's counsel, Mr. Joseph E. Sandler, and Mr. Keegan Goudiss and Mr. Scott Goodstein of Revolution Messaging, LLC who were available to answer Commissioners' questions.

Chairman Goodman recognized Mr. Theodore Lutz 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 Revolution Messaging, LLC's request to place banner advertisements in smartphone apps in mobile-formatted websites on behalf of its clients who are political committees and persons making independent expenditures. The requestor asks whether these advertisements are exempt from the Act's disclaimer requirements under either the small item or, in the alternative, the impracticability exception. Mr. Lutz summarized the distinctions between Drafts A and B and requested the authority to make any necessary technical and conforming changes to any Draft approved by the Commission.

Mr. Sandler, Mr. Goudiss, and Mr. Goodstein participated in the discussion that followed.

The meeting recessed at 11:18 A.M. and reconvened at 11:29 A.M. with a quorum present.

Mr. Sandler and Mr. Robert Knop of the General Counsel's Office participated in the discussion that continued. In response to Chairman Goodman's request, Mr. Sandler stated that the requestor would like an opportunity to submit additional information, and he agreed to an extension to February 28, 2014.

It was agreed, by consensus, to hold this matter over to the meeting of February 27, 2014 to permit the requestor time to clarify its request.

III. NOTICE OF INTERPRETIVE RULE ON REPORTING NATIONWIDE INDEPENDENT EXPENDITURES IN PRESIDENTIAL PRIMARY ELECTIONS

**Agenda Document No. 14-7 (Drafts A, B, and C)
(Submitted Late)**

Chairman Goodman recognized Ms. Joanna Waldstreicher who presented the matter regarding reporting nationwide independent expenditures in Presidential primary elections and summarized the distinctions among the three Drafts. If the Commission approves any Draft, she asked for the authority to make technical and conforming changes.

Chairman Goodman explained that because the Commission is inviting public comment on this interpretive rule, it will not act on this matter today.

Mr. Knop of the General Counsel's Office also participated in the discussion that followed.

It was agreed, by consensus, to resume consideration of this matter at a later date.

IV. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE DALLAS COUNTY REPUBLICAN PARTY ((DCRP) A11-14)

Memorandum from the Audit Division dated December 30, 2013

Agenda Document No. 14-3

Chairman Goodman recognized Ms. Paula Nurthen of the Audit Division who summarized the two findings in the Memorandum: 1) misstatement of financial activity; and 2) recordkeeping for employees. Mr. Doug Kodish of the Audit Division and Ms. Danita Alberico of the General Counsel's Office also participated in the discussion that followed.

The meeting recessed at 12:07 P.M. and reconvened at 12:12 P.M. with a quorum present.

Discussion resumed.

It was agreed, by consensus, to resume consideration of this matter and Item V (Republican Party of Iowa (A11-24)) at the next meeting.

**V. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE
REPUBLICAN PARTY OF IOWA (RPIA) (A11-24)**

Memorandum from the Audit Division dated December 20, 2013

Agenda Document No. 14-4

Item V was held over to the next meeting.

**VI. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE VERMONT
DEMOCRATIC PARTY ((VDP) A11-12)**

Memorandum from the Audit Division dated December 12, 2013

Agenda Document No. 14-5

**Chairman Goodman recognized Ms. Nicole Burgess of the Audit Division
who presented the finding in the Memorandum: recordkeeping for employees.**

Chairman Goodman recognized Vice Chair Ravel who

**MOVED to find that VDP failed to maintain logs to
document the time employees spent on federal election
activity totaling \$203,472, subject to an amendment to
include the \$630 paid to contract workers.**

**The motion failed by a vote of 3-3 with Commissioners Ravel, Walther,
and Weintraub voting affirmatively for the motion. Commissioners Goodman,
Hunter, and Petersen dissented.**

Chairman Goodman recognized Vice Chair Ravel who

**MOVED to find that VDP failed to maintain logs to
document the time employees spent on federal election
activity totaling \$203,472.**

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

VII. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE DEMOCRATIC PARTY OF SOUTH CAROLINA ((DPSC) A11-19)

Memorandum from the Audit Division dated December 23, 2013

Agenda Document No. 14-6

Chairman Goodman recognized Ms. Nurthen of the Audit Division who presented the two findings in the Memorandum: 1) recordkeeping for employees; and 2) coordinated party expenditures.

Chairman Goodman recognized Vice Chair Ravel who

MOVED to find that DPSC failed to maintain logs to document the time employees spent on federal election activity totaling \$481,956, subject to an amendment to include the \$11,920 paid to contract workers.

The motion failed by a vote of 3-3 with Commissioners Ravel, Walther, and Weintraub voting affirmatively for the motion. Commissioners Goodman, Hunter, and Petersen dissented.

Chairman Goodman recognized Vice Chair Ravel who

MOVED to take the following actions:

- 1. Find that DPSC failed to maintain logs to document the time employees spent on federal election activity totaling \$481,956.**

- 2. Find that DPSC did not exceed the 2010 coordinated party expenditure limit.**

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

VIII. 2014 MEETING DATES (THROUGH SEPTEMBER)

Memorandum from Chairman Lee Goodman dated January 15, 2014

**Agenda Document No. 14-8
(Submitted Late)**

Chairman Goodman introduced the matter.

Chairman Goodman recognized Vice Chair Ravel who

MOVED to approve the meeting dates as set forth in Agenda Document No. 14-8, Meeting dates for the months of February through September 2014.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Ravel voting affirmatively for the decision.

IX. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 12:23 P.M.**

Signed:



**Lee E. Goodman
Chairman of the Commission**

Attest:



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



**Shelley E. Garr
Deputy Secretary**

**Attachment – 2014 FEC Policy Statement on Non-Discrimination
and Equal Employment Opportunity**



FEDERAL ELECTION COMMISSION
Washington, DC 20463

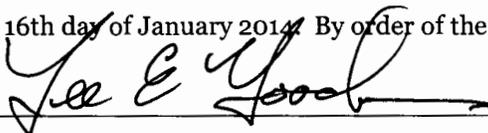
2014 Federal Election Commission Policy Statement on Non-Discrimination and Equal Employment Opportunity

As Federal Employees, we are sworn to maintain high moral standards, as well as high standards of ethics and conduct. This obligation includes complying with all laws concerning equal employment opportunity in the Federal workplace. The Federal Election Commission (FEC or the Commission) has a long-standing commitment to promote and ensure equal employment opportunity (EEO) for all employees and applicants for employment in every phase of employment regardless of race, color, sex, national origin, religion, age, disability, genetic information, sexual orientation, political affiliation, marital status or parental status. The Commission endeavors to ensure that all aspects of employment, including hiring, promotions, pay, benefits, assignments, transfers, training, evaluations, awards, discipline, and adverse actions (including separations) are conducted in compliance with Commission policies, EEO laws and regulations.

In addition, the Commissioners are firmly committed to compliance with our nation's EEO and Civil Rights laws and maintaining a work environment where discrimination, retaliation and harassment (physical or psychological) are not tolerated. To do otherwise is unacceptable. Managers and supervisors are continually held accountable for their responsibility to identify and correct discriminatory policies, practices, and behaviors and for taking prompt and appropriate action to ensure that the work environment is free of unlawful discrimination, intimidation, reprisal, and/or harassment.

Furthermore, Commission employees also are accountable for compliance with EEO laws and policies, for ensuring that their actions demonstrate respect for human differences, and for treating all colleagues with dignity, respect, and professionalism. All employees will be held personally accountable for their conduct and performance, as public servants, and are expected to promptly bring any concerns regarding discrimination, retaliation and/or harassment, in any form, to the attention of management. The Commission takes all allegations of discrimination, retaliation, and harassment seriously, and managers are expected to consider and respond to any reported concerns promptly and appropriately. The Commission is committed to creating and maintaining a high-quality work environment for all employees and an agency that delivers programs and services to all people with the utmost fairness, integrity, and equality. This policy shall be adhered to by all staff and contractors of the Commission.

Dated this 16th day of January 2014. By order of the Commission.


_____, Chairman