



AGENDA DOCUMENT NO. 14-37

MINUTES OF AN OPEN MEETING

OF THE

FEDERAL ELECTION COMMISSION

WEDNESDAY, JULY 23, 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

Alec Palmer, Staff Director

Lisa J. Stevenson, Deputy General Counsel - Law

Shelley E. Garr, Deputy Secretary

Chairman Lee E. Goodman called the Federal Election Commission to order in an open meeting at 10:31 A.M. on Wednesday, July 23, 2014 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for June 26, 2014
Agenda Document No. 14-33

Chairman Goodman recognized Vice Chair Ravel who

MOVED to approve Agenda Document No. 14-33,
minutes for the open session held on June 26, 2014.

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

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 Document No. 14-35 (Draft AO 2014-05, Henry Ford Health System Government Affairs Services PAC); Agenda Document No. 14-36 (Drafts A and B, Draft AO 2014-06, Ryan, Ryan for Congress, and Prosperity Action); and Agenda Document No. 14-36-A (Draft C, Draft AO 2014-06, Ryan, Ryan for Congress, and Prosperity Action).

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 2014-06

Representative Paul Ryan, Ryan for Congress, and Prosperity Action, Inc. by Timothy E. Kronquist, Esq. and Michael Bayes, Esq.

Agenda Document No. 14-36 (Drafts A and B)
(Submitted Late)

Agenda Document No. 14-36-A (Draft C)
(Submitted Late)

Chairman Goodman recognized Mr. Timothy Kronquist and Mr. Michael Bayes, the requestors' counsel, who were present to answer Commissioners' questions. The Chairman also welcomed the requestors' other counsel, former Commission Chairman Thomas Josefiak, to the meeting.

Chairman Goodman recognized Ms. Joanna Waldstreicher 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. Representative Ryan is a candidate for re-election to the House of Representatives; Ryan for Congress is his principal campaign committee; and Prosperity Action is a leadership PAC sponsored by Representative Ryan. In August 2014, Grand Central Publishing, a division of the Hachette Book Group, will publish a book authored by Representative Ryan. The requestors ask questions regarding application of the Act and Commission regulations to various activities relating to the purchase and promotion of the book by Ryan for Congress and

Prosperity Action and to promotion of the book by Grand Central Publishing.

Ms. Waldstreicher summarized the distinctions among the three Drafts.

Chairman Goodman recognized Mr. Kronquist who stated that counsel had no further comments.

Chairman Goodman recognized Vice Chair Ravel who summarized the changes made to Draft C in response to the comments received yesterday from the requestors' counsel.

Discussion followed.

Chairman Goodman recognized Vice Chair Ravel who

MOVED to approve Agenda Document No. 14-36-A, except for the response to Questions 3 and 4, and authorize the Office of the General Counsel to make any necessary technical and conforming edits.

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

Chairman Goodman recognized Vice Chair Ravel who

MOVED to approve the response to Questions 3 and 4 in Agenda Document No. 14-36-A, with the following edit:

On Page 12, starting at Line 3 through Line 6, to include the following language and to make technical and conforming edits throughout the Draft:

4. May Prosperity Action place one to two sentences of material promoting *The Way Forward* on its website and also post a *de minimis* amount of material promoting Congressman Ryan's book on its social media sites? The Commission concludes that Prosperity Action can post such limited material at *de minimis* cost on its website and on social media websites. The Commission could not agree by the necessary four votes whether Prosperity Action could place more promotional material on its website and social media websites at more than *de minimis* cost because it could not agree as to the legal basis for that conclusion, with three Commissioners holding the position that the Act's personal use prohibition does not apply to leadership PACs.

The motion carried by a vote of 4-2 with Commissioners Goodman, Hunter, Petersen, and Ravel voting affirmatively for the decision. Commissioners Walther and Weintraub dissented.

Discussion resumed.

III. DRAFT ADVISORY OPINION 2014-05

Henry Ford Health System Government Affairs Services
Political Action Committee by Charles A. Fiedler, Esq.

Agenda Document No. 14-35
(Submitted Late)

Chairman Goodman recognized Mr. Fiedler, requestor's counsel, who was available by telephone to answer Commissioners' questions.

Chairman Goodman recognized Ms. Tracey Ligon 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 from the Henry Ford Health System

Government Affairs Services Political Action Committee ("PAC"). The PAC asks: 1) whether it may solicit contributions from employees of its connected organization's corporate parent and of that parent's other subsidiaries; and 2) whether the Act preempts Michigan law concerning the solicitation of contributions. Ms. Ligon asked for authority to make technical and conforming edits if the Commission approves the Draft.

Chairman Goodman recognized Vice Chair Ravel who

MOVED to approve Agenda Document No. 14-35 and authorize the Office of the General Counsel to make any necessary technical and conforming edits.

Chairman Goodman recognized Mr. Fiedler who stated that he had no comments on the Draft.

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

IV. DRAFT ADVISORY OPINION 2014-08

Nicholas Di Iorio and Nick for New York by Joseph Shippee,
Campaign Manager

Agenda Document No. 14-34
(Submitted Late)

Agenda Document No. 14-34-A (Draft B)
(Submitted Late)

Chairman Goodman noted that this request was withdrawn.

Chairman Goodman recognized Mr. Adav Noti of the General Counsel's Office who acknowledged the stellar job done by Ms. Drucilla Tigner, the Policy Division's legal intern, on the Draft. Chairman Goodman also commended Ms. Tigner for her excellent work.

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 11:09 A.M.

Signed:

Lee E. Goodman
Chairman of the Commission

Attest:

Shawn Woodhead Werth
Secretary and Clerk of the Commission

Shelley E. Garr
Deputy Secretary of the Commission