



AGENDA DOCUMENT NO. 15-55-A
APPROVED OCTOBER 29, 2015

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, SEPTEMBER 17, 2015

PRESENT:

Ann M. Ravel, Chair, presiding

Matthew S. Petersen, Vice Chairman

Lee E. Goodman, Commissioner

Caroline C. Hunter, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Daniel Petalas, Acting General Counsel

Shelley E. Garr, Deputy Secretary

Chair Ann M. Ravel called the Federal Election Commission to order in an open meeting at 10:29 A.M. on Thursday, September 17, 2015 with a quorum present.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to add to the agenda consideration of the Second Motion To Set Priorities and Scheduling on Pending Enforcement Matters Awaiting Reason-To-Believe Consideration and that the Commission determine that, pursuant to 11 C.F.R. § 2.7(d), that business so requires and no earlier public announcement was possible.

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

Chair Ravel recognized Vice Chairman Petersen who

MOVED to waive the rules on the timely submission of agenda documents in order to consider the following: Agenda Document Nos. 15-47-C, 15-48-A, 15-38-D, and 15-47-D.

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

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for August 11, 2015
Agenda Document No. 15-46-A**

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve the minutes for the meeting held on August 11, 2015 as set forth in Agenda Document No. 15-46-A.

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 2015-03

Democracy Rules, Inc. by Ray Cashman, Executive Director

Agenda Document No. 15-38-A (Draft A)

Agenda Document No. 15-38-B (Draft B)

Agenda Document No. 15-38-C (Draft C)

**Agenda Document No. 15-38-D (Draft D)
(Submitted Late)**

(Held over from the July 16, 2015 and August 11, 2015 meetings)

Chair Ravel recognized Mr. Cashman, the requestor's representative, who was available via telephone to answer Commissioners' questions.

Chair Ravel recognized Mr. Neven Stipanovic of the General Counsel's Office who noted that this matter was held over from the August 11, 2015 open meeting. Mr. Stipanovic explained that Draft D incorporated the supplemental material provided by the requestor after that meeting. The requestor revised its plans so that members would be able to redirect their pledges from the candidates

identified by Democracy Rules to any legislator with an authorized campaign committee. He asked for authority to make any technical and conforming changes should the Commission approve a Draft.

Mr. Cashman participated in the discussion that followed.

Chair Ravel recognized Vice Chairman Petesen who

MOVED to approve Agenda Document No. 15-38-D, also known as Draft D.

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

III. DRAFT ADVISORY OPINION 2015-06

Representative Maxine Waters

Agenda Document No. 15-47-A (Draft A)

Agenda Document No. 15-47-B (Draft B)

**Agenda Document No. 15-47-C (Draft C)
(Submitted Late)**

**Agenda Document No. 15-47-D (Draft D)
(Submitted Late)**

Chair Ravel recognized Mr. Sean Wright 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 the Commission regulations

to Representative Waters' request. Representative Waters asks whether she may make a donation to candidates for elected office in a foreign country using authorized committee funds, leadership PAC funds, or personal funds. Mr. Wright discussed the distinctions among the four Drafts and asked for authority to make any technical and conforming changes should the Commission approve a Draft.

Mr. Adav Noti of the General Counsel's Office participated in the discussion that followed.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve Agenda Document No. 15-47-C, Draft C.

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

Discussion continued.

Chair Ravel recognized Commissioner Weintraub who

MOVED to approve Draft A as set forth in Agenda Document No. 15-47-A.

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

It was agreed, by consensus, that the Commission will attempt to circulate a revised draft on tally before the end of the day.

IV. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE COMMITTEE FOR CHARLOTTE/CHARLOTTE DNC HOST COMMITTEE (CFC)

Memorandum from the Chief Compliance Officer and Audit Division dated July 27, 2015

Agenda Document No. 15-45-A

Chair Ravel stated that this matter was resolved on tally prior to the meeting.

V. COMMISSION DOCUMENTS PUBLIC DISCLOSURE POLICIES

Memorandum from Commissioner Lee E. Goodman dated May 14, 2015

Agenda Document No. 15-27-A

Memorandum from the Deputy General Counsel, Law and Special Counsel to the General Counsel dated August 5, 2015

Agenda Document No. 15-27-B

(Held over from the July 16, 2015 and August 11, 2015 meetings)

Chair Ravel stated that this matter will be held over to the October 1, 2015 meeting pending the Office of General Counsel's response to a question raised by Commissioner Goodman regarding a statement in its recently circulated memorandum on making documents available to the public.

VI. PROPOSED DIRECTIVE 74 ON THE TIMELY RESOLUTION OF ENFORCEMENT MATTERS

**Memorandum from Commissioner Ellen L. Weintraub
dated May 18, 2015**

Agenda Document No. 15-25-B

(Held over from the June 18, 2015 and July 16, 2015 meetings)

Chair Ravel recognized Commissioner Weintraub who stated that four months after her initial proposal, the Commission is still debating whether it can adopt a directive on the timely resolution of enforcement matters. She explained that the Commission still has unresolved enforcement matters from the 2012 election, and that the inability to timely resolve them is a disservice to respondents and complainants who deserve closure and to the public who deserve the Commission's guidance on interpreting the law. The crux of the disagreement, she continued, is whether a partisan block of Commissioners has the right to hold up an enforcement matter indefinitely. She noted that while Directive 10 provides a procedure for laying a matter over, by long tradition members of the Commission have always accommodated a request for a hold. All Commissioners request holds at some time; however, long-term holds, without explanation, are now coming from the other side of the table. Commissioner Weintraub stated that because the Commission needed to do a better job and move forward, she will put her motion to a vote today. While the motion won't vitiate the procedure pursuant

to Directive 10, it will require that a matter be voted on generally within 6 months of its initial circulation. If the motion doesn't pass, she concluded, she will object to any request for a hold by one or more Commissioners on any matter that has already been held for three or more months.

Acting General Counsel Daniel Petalas participated in the discussion that followed.

Chair Ravel recognized Commissioner Weintraub who

**MOVED to approve Proposed Commission Directive 74
as set forth in Agenda Document No. 15-25-B.**

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.

VII. SECOND MOTION TO SET PRIORITIES AND SCHEDULING ON PENDING ENFORCEMENT MATTERS AWAITING REASON-TO-BELIEVE CONSIDERATION

**Memorandum from Commissioner Steven T. Walther
dated September 15, 2015**

**Agenda Document No. 15-48-A
(Submitted Late)**

Chair Ravel recognized Commissioner Walther who stated that at the July 16, 2015 open meeting he proposed a motion establishing a priority and schedule for dealing with matters which have been before the Commission, some for as long as three years. To his knowledge, he continued, some matters have

lingered for no other reason than the Commission's unwillingness to meet often enough to discharge its professional responsibility. Commissioner Walther explained that he wouldn't support anything that eviscerates Directive 10. He noted that the Commission should not tolerate the holding of matters without a vote and should never be in a position in which one group of Commissioners can hold up a case unless there is a majority vote to do so. Commissioner Walther noted that a similar policy was adopted in 2008, after the Commission lacked a quorum for six months. He stated that the Commission should resolve these matters, because people are entitled to justice; if it's delayed, it's denied. His motion, he explained, is based on an objective standard of first in, first out to eliminate any question of a political or ideological agenda, and it also includes a recommendation to address the statute of limitations issue. Finally, Commissioner Walther acknowledged and thanked his staff, Mr. Thomas Anderson and Ms. Shana Broussard, for their hard work in putting this data together.

Chair Ravel recognized Vice Chairman Petersen who stated that a summary of the reasons why certain matters have been repeatedly held over will be provided to the Commission before the next Executive Session.

Discussion continued.

Chair Ravel recognized Commissioner Walther who

MOVED to take the following action:

Adopt the following policy with respect to matters pending before the Commission for more than one year as of August 31, 2015:

- 1. That the six (6) matters identified in the attached chart as numbers one (1) through six (6), all of which have been awaiting Commission action for at least three years *since the date OGC circulated its recommendations* as of August 31, 2015, be voted on at the next executive session of the Commission;**
- 2. That the matter identified in the attached chart as number seven (7), which has been awaiting Commission action for over two years but less than three years *since the date OGC circulated its recommendations* as of August 31, 2015, be voted on at the next executive session of the Commission;**
- 3. That the fifteen (15) matters identified in the attached chart as numbers eight (8) through twenty-two (22), all of which have been awaiting Commission action for at least one year, but less than two years, *since the date OGC circulated its recommendations* as of August 31, 2015, be placed on the next executive session of the Commission and every consecutive session thereafter until substantive action has been taken on each of them;**
- 4. That the thirty-six (36) matters following number twenty-two (22) in the attached chart that have been awaiting Commission action for more than one year *since the date of receipt of the complaint or referral*, be placed before the Commission by having the same placed on the agenda for the next executive session (to trail immediately following the actions in paragraphs 1-3) and every consecutive session thereafter until substantive action has been taken on each one of them. These matters are listed by age as of August 31, 2015, and identified in the attached chart by item number as follows: 23, 32, 26, 31, 40, 33, 38, 24, 27, 34, 43, 39, 25, 30, 35, 36, 29, 28, 41, 44, 46, 42, 47, 45, 37, 49, 50, 68, 75, 48, 54, 61, 51, 59, 52, and 55;**

- 5. That the Chair call, and the Commissioners agree to call, a number of executive sessions sufficient to complete substantive action by formal vote on all matters based upon the priority set forth in the attached chart;**
- 6. That initially for the next 60 days there shall be one executive session per week consisting of two meetings each week; following these executive sessions the Commissioners will set additional executive sessions before the end of the calendar year to complete substantive action on all enforcement matters that have been pending one year or more;**
- 7. That all matters identified in paragraphs 1-4, once placed on the agenda, shall remain without change in priority, unless and until, as to any such matter or matters, the procedure set forth in Directive 10, Section E.7(e) is followed;**
- 8. That all remaining matters identified in the attached chart be considered immediately after the Commission takes substantive action on each of the matters identified in paragraphs 1-4, to be voted on with substantive action taken as of December 31, 2015; and**
- 9. That any statute-of-limitations imperiled matters shall be substantively acted on with all due speed, pursuant to Directive 68, and may interrupt at any time the order otherwise established in this motion.**

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.

Chair Ravel recognized Commissioner Goodman for a moment of personal privilege to welcome and introduce a new intern, Ms. Allison Curry, to his staff.

Chair Ravel recognized Commissioner Hunter for a moment of personal privilege to also welcome Ms. Lindsey Melody as the new counsel to the Republican Commissioners, and Ms. Allison Davis, Commissioner Hunter's new intern.

Chair Ravel took a moment of personal privilege to introduce the newest intern to her office, Mr. Aaron Colby.

VIII. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 12:02 P.M.

Signed:



Ann M. Ravel

Chair of the Commission

Attest:



Shawn Woodhead Werth

Secretary and Clerk of the Commission



Shelley E. Garr

Deputy Secretary