

AGENDA DOCUMENT NO. 15-24-B



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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2015 MAY 18 P 12:44

AGENDA ITEM

May 18, 2015

For Meeting of 5-21-15

MEMORANDUM

TO: The Commission

FROM: Ellen L. Weintraub *ELW*
Commissioner

SUBJECT: Motion To Open A Rulemaking In Response To Comments And Testimony
On The *McCutcheon v. FEC* ANPRM

SUBMITTED LATE

Attached is a motion to open a rulemaking in response to comments and testimony on the *McCutcheon v. FEC* ANPRM. I request that this memorandum and the motion be made public and placed on the Commission's Open Meeting Agenda for May 21, 2015.

Attachment

Whereas the Commission received over 32,000 written comments on the October 17, 2014 Advanced Notice of Proposed Rulemaking in response to the U.S. Supreme Court's decision in *McCutcheon v. FEC*;

Whereas more than 75% of those comments urged the Commission to increase disclosure of political spending and limit the influence of money in our elections;

Whereas on February 11, 2015 the Commission heard in-person testimony from practitioners, advocates, academics, former Commissioners, political party leaders, students, and concerned citizens who provided a variety of perspectives and opinions on action the Commission should take in response to *McCutcheon v. FEC*;

Whereas those who provided comments and testimony relating to the internet overwhelmingly urged the Commission to exclude from the *McCutcheon* rulemaking any proposal to regulate political activity on the internet;

Whereas the Commission, in carrying out its rulemaking authority, has a duty to be responsive to the tens of thousands of Americans who provided comments and testimony requesting swift action by the Commission to address a number of issues including dark money in elections;

I move that the Commission open a rulemaking and accordingly that the Office of General Counsel draft specific proposals, including proposals to increase disclosure, to reflect the written comments and testimony from the public in response to the *McCutcheon* ANPRM.

I further move that the Commission direct OGC to exclude from the rulemaking any proposal affecting political activity on the internet.