



AGENDA DOCUMENT NO. 15-64-A

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, OCTOBER 29, 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

Shawn Woodhead Werth, Secretary and Clerk

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

Chair Ravel remarked on the passing of long-time Commission employee, Mr. Andrew Dodson who worked in the Reports Analysis Division (RAD), as a Reports Analyst, then Assistant Branch Chief. She said that Mr. Dodson had a profound impact on many people's lives and was a consummate public servant; he was dedicated to RAD and went out of his way to assist his colleagues. She noted that he will always be remembered for his loyalty and kindness.

Chair Ravel recognized Commissioner Goodman who also extended the Commission's condolences to Mr. Dodson's wife and his children. Commissioner Goodman described him as a person who touched the lives of many over the years, set a positive example for countless young people just beginning their careers, and served as a mentor to help them become professionals. Andy will be especially remembered for his kindness and compassion.

Chair Ravel stated that, without objection, the Commission will move directly to Item II (Demonstration of the FEC Website Redesign).

II. DEMONSTRATION OF FEC WEBSITE REDESIGN, BETA VERSION

Chair Ravel stated that she was pleased to announce today's unveiling of the Commission's new beta website. Since her confirmation, she said, one priority has been to ensure that the public can easily access campaign finance information, since disclosure is a core mission of the Commission. All Commissioners have supported this project, and staff has enthusiastically participated in making it a reality. This release is a leap forward toward the Commission's goal of transparency in its vast data trove and will be a model for open government. She noted that the website is still a work-in-progress and the Commission will continue to design features in response to public feedback. She thanked 18F, the Commission's partner in this project, including project manager Ms. Leah Bannon and her staff. Chair Ravel also recognized the following Commission staff for their dedication and hard work: Staff Director and Chief Information Officer Alec Palmer, Mr. Wei Luo (project lead), Mr. Jeff Chumley, Mr. Paul Clark, Ms. Amy Kort, Ms. Amy Pike, Ms. Pat Phongsvirajati, Ms. Wenchun Jiang, Mr. Rohan Jayasekera, Ms. Jean JiingJau, Mr. Joseph Kuan, Ms. Helen Cao, Mr. James Jones, Ms. Jonella Culmer, and Mr. Christian Hilland.

Chair Ravel recognized Mr. Palmer who introduced the demonstration and thanked the Commissioners for their support. Mr. Palmer highlighted that this beta website is a landing page, a vehicle to improve upon the experience and process to add new features, and is still a work-in-progress. Thus, he encouraged

users to continue using the FEC.gov website. He explained that the Commission is following a development methodology that supports the administration's new philosophy based on user-centered processes. He noted that new features will be added regularly to the beta website based on user feedback. He described how users can learn more about the site's development and application programming interfaces (APIs). Lastly, he said that collateral benefits of the project include infrastructure, cloud computing, APIs, security, NIST or FedRAMP compliant capabilities, and database synchronization. Mr. Palmer introduced Mr. Chumley who demonstrated the campaign finance section of the beta website.

Chair Ravel thanked Mr. Palmer and Mr. Chumley for the presentation.

Chair Ravel recognized Commissioner Goodman who explained that this project started as an idea of agreement between himself and Chair Ravel at their joint Senate confirmation hearing. He thanked all Commissioners, noted the project's \$3.5 million cost to date, and congratulated the team who worked in an inspired fashion to make an idea become a palpable, concrete result. The principal mission of the Commission, he said, is to be a clearinghouse for all campaign expenditures, so that journalists, nonprofit groups, and - most importantly - average citizens can speedily access that data. He expressed his belief that this project is a great first step to fill that fiduciary duty.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for September 17, 2015
Agenda Document No. 15-55-A

Minutes for October 1, 2015
Agenda Document No. 15-56-A

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve the minutes for the open meeting held on September 17, 2015 as set forth in Agenda Document No. 15-55-A and the minutes for the meeting held on October 1, 2015 as set forth in Agenda Document No. 15-56-A.

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 suspend the rules on the timely submission of agenda documents in order to consider the following: Agenda Document Nos. 15-57-A, 15-57-B, 15-58-A, 15-54-B, 15-54-C, and 15-51-C.

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

III. DRAFT ADVISORY OPINION 2015-08

Repledge by Eric M. Zolt

Agenda Document No. 15-51-A (Draft A)

Agenda Document No. 15-51-B (Draft B)

Agenda Document No. 15-51-C (Draft C)
(Submitted Late)

(Held over from the October 1, 2015 meeting)

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

Chair Ravel 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 the Commission regulations to Repledge's request. Repledge is a for-profit corporation and proposes to establish a web-based platform through which an individual can pledge funds to a federal candidate and designate a charity to receive the funds if the pledge is matched by pledges made by supporters of the opposing candidate. Mr. Lutz noted that the three Drafts conclude that the proposal is permissible but differ on their reasoning.

Discussion followed.

Chair Ravel asked Mr. Zolt if he was available later during the meeting in order to provide Commissioners with additional time to review Draft C. Mr. Zolt said that he would be available at noon; therefore, Chair Ravel stated that, in the interim, the Commission would proceed with other items on the agenda. (See page 8).

IV. DRAFT ADVISORY OPINION 2015-09

Senate Majority PAC and House Majority PAC
by Marc E. Elias, Esq., Ezra W. Reese, Esq.,
Jonathan S. Berkon, Esq., and Rachel L. Jacobs, Esq.

Agenda Document No. 15-57-A (Draft A)
(Submitted Late)

Agenda Document No. 15-57-B (Draft B)
(Submitted Late)

(Executive Assistant Laura Basford is recused.)

Chair Ravel recognized Mr. Elias, Mr. Berkon, and Ms. Jacobs, requestors' counsel, who were available to answer Commissioners' questions.

Chair Ravel recognized Mr. 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 the Commission regulations to the request of Senate Majority PAC and House Majority PAC. The requestors are independent-expenditure-only political committees, otherwise known as "super PACs," who support Democratic candidates in U.S. Senate and House races. They ask twelve questions about their proposed activities which involve individuals contemplating federal candidacy, individuals who are federal candidates, and other super PACs. Mr. Lutz summarized the distinctions between the Drafts and asked for authority to make any technical and conforming changes should the Commission approve a Draft.

Mr. Elias participated in the discussion that followed.

Chair Ravel stated that the Commission would not vote on this matter today but would hold it over to the November 10, 2015 meeting.

Mr. Elias participated in the discussion that continued.

This matter was held over to the November 10, 2015 open meeting.

The meeting recessed at 11:46 A.M. and reconvened at 12:34 P.M. with a quorum present.

III. DRAFT ADVISORY OPINION 2015-08 (continued)

Chair Ravel recognized Mr. Zolt who was again available to answer Commissioners' questions.

Discussion followed.

Chair Ravel recognized Commissioner Walther who

MOVED to approve Agenda Document No. 15-51-B,
Draft B, and authorize the Office of General Counsel
to make any necessary technical and conforming edits.

The motion failed by a vote of 1-5 with Commissioner Ravel voting affirmatively for the motion. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub dissented.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve Agenda Document No. 15-51-A,
Draft A.

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.

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

Chair Ravel recognized Mr. Zolt who stated that he was willing to grant a one week extension and Mr. Noti who stated that the General Counsel's Office will proceed quickly should the Commission reach agreement on a draft.

V. ADVISORY OPINION 2015-10

21st Century Fox by Ki P. Hong, Esq. and
Charles M. Ricciardelli, Esq.

Agenda Document No. 15-58-A (Draft A)
(Submitted Late)

Chair Ravel recognized Mr. Hong and Mr. Ricciardelli, the requestor's counsel, who were available to answer Commissioners' questions.

Chair Ravel 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 the Commission regulations to the request of 21st Century Fox. The requestor owns and operates a number of regional sports networks ("RSNs") that televise sporting events within certain states and regions via cable and satellite providers. Customers outside of a given network's region can subscribe to that network by purchasing a

supplemental package through their cable or satellite provider. The requestor intends to sell advertising time during regional sports network productions for campaign-related communications, some of which will refer to presidential primary candidates. The requestor asks whether, in calculating how many persons can receive a communication referring to a presidential primary candidate for purposes of determining whether the communication is an electioneering communication, the only persons outside of a RSN's local market that must be counted are those that have access to the network on which the communication is televised.

Mr. Hong participated in the discussion that followed.

Chair Ravel recognized Commissioner Walther who

MOVED to approve Agenda Document No. 15-58-A, Draft A, 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.

VI. RULEMAKING PRIORITIES AND PROPOSALS

Memorandum from Commissioner Lee E. Goodman
dated October 20, 2015 – Regulatory Relief for
Political Parties

Agenda Document No. 15-54-A

REG 2014-10 Outline of Draft NPRM Implementing
Party Segregated Accounts

Agenda Document No. 15-54-B
(Submitted Late)

REG 2013-01 Draft Notice of Proposed Rulemaking
on Technical Modernization

Agenda Document No. 15-54-C
(Submitted Late)

Chair Ravel recognized Commissioner Goodman who proposed the following two edits to his resolution: 1) at 1.a., change "Delete" to "Amend" and insert "from all communications other than electioneering communications" after the word "references"; and 2) at 1.f., strike "11 CFR 109.21 and". He noted that there is much political science, practitioner, and think tank discussion of what has become of political parties, both in their political efficacy and significance, in isolation as well as relative to other political speakers. He believes that there is a consensus, generally acknowledged by the Commission, that there are things the Commission and Congress could do to provide political parties with regulatory relief to make them more effective democratic institutions. He explained that much of his resolution's emphasis is on state and local parties; the consequences of overregulation of these institutions is that much of their democratic activity is prohibited by regulations that are not necessarily protecting anyone from corruption in the political process. Commissioner Goodman then summarized each of his proposed revisions to the Commission's regulations. To provide the

Commission an opportunity to discuss his resolution, he said that he will not make a motion at this time.

Discussion followed.

Chair Ravel recognized Commissioner Goodman who requested that this matter be held over to the next open meeting.

This matter was held over to the November 10, 2015 open meeting.

VII. NOTICE OF PROPOSED RULEMAKING ON REPORTING MULTISTATE INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS IN PRESIDENTIAL PRIMARY ELECTIONS

Agenda Document No. 15-50-A

Agenda Document No. 15-50-B

(Held over from the October 1, 2015 meeting)

Chair Ravel recognized Ms. Waldstreicher of the General Counsel's Office who introduced the Notice of Proposed Rulemaking and the Draft Interpretive Rule which address the statutory and regulatory requirements that apply to the reporting of independent expenditures that are made in connection with a presidential primary election but that do not reference or target a specific state's primary.

Discussion followed.

Chair Ravel stated that this matter would be held over to the November 10, 2015 open meeting.

VIII. 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

Memorandum from the Acting General Counsel dated
October 21, 2015

Agenda Document No. 15-27-C

(Held over from the July 16, August 11, September 17,
and October 1, 2015 meetings)

Chair Ravel stated that this matter will be held over to the next meeting at
Commissioner Goodman's request.

IX. PROPOSED FINAL AUDIT REPORT ON THE COMMITTEE FOR
CHARLOTTE/CHARLOTTE DNC HOST COMMITTEE

Memorandum from the Audit Division dated
October 2, 2015

Agenda Document No. 15-53-A

Chair Ravel introduced this matter.

Discussion followed.

Chair Ravel stated that this matter would be held over to a future open
meeting so that a procedural issue could be discussed in Executive Session.

X. PROPOSED AMENDMENT TO DIRECTIVE 52 – TECHNICAL AND CONFORMING AUTHORITY

Memorandum to the Commission dated July 10, 2015

Agenda Document No. 15-52-A

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

Chair Ravel again thanked Mr. Palmer for the wonderful presentation on the beta website.

Chair Ravel recognized Commissioner Goodman who commended Mr. Palmer for his superlative leadership and creativity shown in leading an excellent team in putting together this project.

Chair Ravel recognized Commissioner Walther who said that he enjoyed seeing this project come together, and that Mr. Palmer and everyone involved in the project deserve much credit. He also noted that the Commission began discussing website upgrades as far back as 2006 and is glad to see it come to fruition. Mr. Palmer participated in the discussion that followed.

XI. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission,
the meeting adjourned at 2:20 P.M.

Signed:

Ann M. Ravel
Chair of the Commission

Attest:

Shawn Woodhead Werth
Secretary and Clerk of the Commission