



AGENDA DOCUMENT NO. 16-36-A
APPROVED SEPTEMBER 15, 2016

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JULY 14, 2016

PRESENT: **Matthew S. Petersen, Chairman, presiding**

Steven T. Walther, Vice Chairman

Lee E. Goodman, Commissioner

Caroline C. Hunter, Commissioner

Ann M. Ravel, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director¹

Daniel Petalas, Acting General Counsel

Shawn Woodhead Werth, Secretary and Clerk

¹ Ms. Patricia Orrock, Chief Compliance Officer, represented Staff Director Palmer.

Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 10:27 A.M. on Thursday, July 14, 2016 with a quorum present.

Chairman Petersen recognized Vice Chairman Walther who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of Agenda Document No. 16-27-B, Draft B; Agenda Document No. 16-27-B-1, Revised Draft B; and Agenda Document No. 16-13-A-2.

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 June 16, 2016
Agenda Document No. 16-29-A**

Chairman Petersen recognized Vice Chairman Walther who

MOVED to approve the minutes for the meeting of June 16, 2016.

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 2016-06

**Internet Association and Internet Association Political
Action Committee by Ronald M. Jacobs, Esq.**

Agenda Document No. 16-27-A (Draft A)

**Agenda Document No. 16-27-B (Draft B)
(Submitted Late)**

**Agenda Document No. 16-27-B-1 (Revised Draft B)
(Submitted Late)**

**Chairman Petersen recognized Mr. Jacobs, requestor's counsel, who was
available to answer Commissioners' questions.**

**Chairman Petersen recognized Mr. Gregory Ketcham-Colwill 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. The Internet Association ("IA") and the
Internet Association Political Action Committee ("IAPAC") ask several questions
relating to their proposal to host interactive online candidate fundraisers for the
general public to view on IAPAC's website. At each fundraiser, the requestors and
the participating candidate will advocate for the candidate's election and solicit
contributions to that candidate. He summarized the three Drafts.**

**Mr. Jacobs, Acting General Counsel Daniel Petalas, and Mr. Adav Noti of the
General Counsel's Office participated in the discussion that followed.**

Chairman Petersen recognized Commissioner Goodman who

**MOVED to approve Agenda Document No. 16-27-B-1 in
Advisory Opinion Request 2016-06.**

**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.**

Chairman Petersen recognized Commissioner Weintraub who

MOVED to approve Draft A which is Agenda Document No. 16-27-A.

**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.**

**Mr. Jacobs, and Mr. Noti and Mr. Ketcham-Colwill of the General Counsel's
Office participated in the discussion that continued.**

**Chairman Petersen stated that the Commission will prepare a consensus
draft and resolve this matter on a tally vote basis before the expiration of the
August 1, 2016 60-day response deadline.**

III. DRAFT ADVISORY OPINION 2016-07

**United National Committee by Bill Hammons, Chairman,
and Reid Strouss-Tallman, Treasurer**

Agenda Document No. 16-28-A (Draft A)

**Chairman Petersen recognized Mr. Anthony Buckley 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 United National Committee's request. The requestor asks whether it qualifies as the national committee of a political party, the Unity Party.

Chairman Petersen recognized Commissioner Goodman who

**MOVED to approve Agenda Document No. 16-28-A in
Advisory Opinion 2016-07.**

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

**IV. PROPOSED STATEMENT OF POLICY REGARDING THE PUBLIC DISCLOSURE
OF CLOSED ENFORCEMENT FILES**

**Memorandum from Commissioner Lee E. Goodman
dated March 24, 2016**

Agenda Document No. 16-13-A

**Memorandum from Commissioner Lee E. Goodman
dated June 16, 2016**

Agenda Document No. 16-13-A-1

**Memorandum from Commissioner Lee E. Goodman
dated July 14, 2016**

**Agenda Document No. 16-13-A-2
(Submitted Late)**

**Memorandum from Commissioner Ann M. Ravel
dated April 27, 2016**

Agenda Document No. 16-13-B

**Memorandum from Commissioner Ellen L. Weintraub
dated May 18, 2016**

Agenda Document No. 16-13-C

(Held over from the June 30, 2016 meeting)

**Chairman Petersen recognized Acting General Counsel Petalas who
requested a recess to discuss a matter with a Commissioner.**

**The meeting recessed at 11:15 A.M. and reconvened at 11:38 A.M. with a
quorum present.**

**IV. PROPOSED STATEMENT OF POLICY REGARDING THE PUBLIC DISCLOSURE
OF CLOSED ENFORCEMENT FILES (continued)**

**Chairman Petersen recognized Commissioner Goodman who thanked his
fellow Commissioners for their efforts over the last year to revise the
Commission's public disclosure policy for enforcement documents. He also
thanked, in particular, Commissioner Weintraub and her staff and Mr. Michael
Columbo of his office for their hard work to strike a compromise.**

Acting General Counsel Petalas participated in the discussion that followed.

Chairman Petersen recognized Commissioner Goodman who

**MOVED to approve Agenda Document No. 16-13-A-2
(Proposed Statement of Policy on the Disclosure of
Certain Documents in Enforcement, Administrative Fines,
Alternative Dispute Resolution Cases, and Administrative
Matters) subject to the following change:**

On Page 3, footnote 2, insert the following language after “analysis” at the end of the first sentence: “from the Office of the General Counsel prepared for the Commission in connection with a specific pending Matter Under Review circulated through the Office of the Secretary for the consideration and deliberation of the Commission.”

Discussion continued.

Chairman Petersen recognized Commissioner Goodman who amended his motion to add the following:

On Page 3, Item 14, strike “and” in the parenthetical and replace it with “including”.

Chairman Petersen recognized Commissioner Ravel who expressed her pleasure that the Commission is adopting this policy, particularly those documents relating to ADR cases and administrative functions that she requested be made public when she served as Chair. Because there are more documents which she believes should be publicly released, she stated that she hopes the Commission can reach the same agreement on providing more information to the public.

Chairman Petersen recognized Commissioner Weintraub who expressed her gratitude to her colleagues, their staff (particularly Mr. Columbo and Ms. Kasey Morgenheim), and other FEC staff who contributed to this effort. She explained that Commissioners Goodman and Ravel took the leadership role on this issue, and she tried to synthesize their good ideas into one formal document. She

expressed her appreciation for everyone's work in agreeing on a long list of documents to be made public and increase transparency of agency operations.

Chairman Petersen recognized Vice Chairman Walther who congratulated Commissioners Weintraub, Ravel, and Goodman for their efforts to shepherd this policy to fruition. He also stated that, at a future meeting, he will introduce a motion for the disclosure of documents sent by the Office of General Counsel to the respondents in pre-RTB matters.

Chairman Petersen recognized Commissioner Goodman who told Vice Chairman Walther that he would be happy to work with him to discuss other categories of documents to disclose before amending the policy.

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

V. REVISIONS TO FORMS

Proposed Revisions to Forms 3, 3P, 3X, 6 and Instructions

Agenda Document No. 16-26-A

(Held over from the June 30, 2016 meeting)

Chairman Petersen stated that the Commission's discussion of these revisions at the last meeting included a description of the changes to the Forms and noted that the Commission received one comment on the revisions.

Chairman Petersen recognized Vice Chairman Walther who

**MOVED to approve the Proposed Revisions to Forms 3,
3P, 3X, 6 and Instructions as set forth in the Memorandum
dated June 29, 2016.**

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

**VI. REG 2013-01: DRAFT NOTICE OF PROPOSED RULEMAKING ON
TECHNOLOGICAL MODERNIZATION**

(To be circulated)

(Held over from the June 30, 2016 meeting)

**Chairman Petersen stated that the Commissioners continue to work on this
matter and he hopes to place it on the agenda for the next meeting.**

VII. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission, the
meeting adjourned at 11:50 A.M.**

Signed:



Matthew S. Petersen

Chairman of the Commission

Attest:



Shawn Woodhead Werth

Secretary and Clerk of the Commission