



AGENDA DOCUMENT NO. 16-01-A

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
TUESDAY, NOVEMBER 10, 2015  
AND ITS CONTINUATION ON TUESDAY, NOVEMBER 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<sup>1</sup>  
  
                                 Daniel Petalas, Acting General Counsel  
  
                                 Shawn Woodhead Werth, Secretary and Clerk

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<sup>1</sup> Ms. Patricia Orrock, Chief Compliance Officer, represented Mr. Palmer at the afternoon portion of the meeting on November 10, 2015 and at the November 17, 2015 portion of the meeting.

Chair Ann M. Ravel called the Federal Election Commission to order in an open meeting at 10:35 A.M. on Tuesday, November 10, 2015 with a quorum present.

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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. 15-57-C, 15-57-D, 15-57-E,  
15-62-A, 15-61-A, 15-60-A, 15-63-A, and 15-57-F.

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

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I. 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)

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

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

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

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

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

(Executive Assistant Laura Basford is recused.)

(Held over from the October 29, 2015 meeting)

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

Chair Ravel recognized Mr. Neven Stipanovic of the General Counsel's Office who introduced 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.

Mr. Elias participated in the discussion that followed.

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The meeting recessed at 11:22 A.M. and reconvened at 11:42 A.M. with a quorum present.

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I. DRAFT ADVISORY OPINION 2015-09 (continued)

Discussion continued.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to amend Draft F, Agenda Document No. 15-57-F,  
and add the following proposed answer to Question 4:

"If an individual becomes a candidate, payments that were made for any testing-the-waters activities must have been made with "funds permissible under the Act." 11 C.F.R. §§ 100.72(a), 100.131(a). Thus, the proposed organizations' use of funds raised outside of the Act's limitations and prohibitions to pay for individuals' testing-the-waters activities would violate Commission regulations if those individuals decide to become candidates.

The Commission could not agree whether a violation of the Act would occur if the individuals never decide to become candidates."

Mr. Elias participated in the discussion that continued.

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The meeting recessed at 11:47 A.M. and reconvened at 11:48 A.M. with a quorum present.

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I. DRAFT ADVISORY OPINION 2015-09 (continued)

Chair Ravel stated that the motion on the table was to amend Draft F.

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

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

Chair Ravel recognized Commissioner Walther who requested that the General Counsel's Office draft additional footnote language for Question 11, Draft C based on the discussion at the table.

Discussion resumed with Mr. Elias' participation.

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The meeting recessed at 12:23 P.M. and reconvened at 2:37 P.M. with a quorum present.

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I. DRAFT ADVISORY OPINION 2015-09 (continued)

Chair Ravel introduced the matter.

Mr. Elias and Mr. Noti of the General Counsel's Office participated in the discussion that resumed. Mr. Noti stated that the Commission could agree now, either by consensus or vote, that the final Advisory Opinion will be Draft F and will include any amendments that are agreed to by a majority of Commissioners; this would obviate the need at the end of the discussion to vote on Draft F which will likely include language to which at least 3 Commissioners will object.

Chair Ravel recognized Vice Chairman Petersen who recommended that Commissioners first vote on their preferred Drafts to clarify the public record before proceeding to a vote on Draft F.

Mr. Elias and Mr. Noti participated in the discussion that continued.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve Agenda Document No. 15-57-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.

Chair Ravel recognized Commissioner Weintraub who

MOVED to approve Agenda Document No. 15-57-E, Draft E, with the following amendment on page 13, line 12: substitute a semi-colon for the period at the end of the sentence and add the following citation: "Advisory Opinion 2007-1 (McCaskill) (concluding that a federal candidate and officeholder's campaign committee for state office, formed years before she became a federal candidate and officeholder, was "directly established, financed, maintained, and controlled by her," i.e. by a federal candidate and thus was subject to the restrictions of 52 U.S.C. § 30125(e)(1).)"

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.

Discussion resumed.

Chair Ravel recognized Mr. Noti of the General Counsel's Office who, in response to Vice Chairman Petersen's question, stated that if Draft F is adopted by consensus or receives more than 3 affirmative votes, the final Advisory Opinion will be Draft F, as amended by any other majority votes that occur after that vote.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve Draft F as the final Advisory Opinion as amended earlier in the meeting and by any other majority votes that occur after this vote.

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

Discussion ensued.

Mr. Elias, Mr. Noti and Mr. Stipanovic of the General Counsel's Office, and Secretary and Clerk Shawn Woodhead Werth participated in the discussion concerning Vice Chairman Petersen's motion which follows.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to amend Draft F, Agenda Document No. 15-57-F, as follows:

1. On page 2, line 4, strike "hereinafter" in the parenthetical and substitute the following language: "as described in this paragraph and throughout this Opinion".
2. Answer Question #11 as set forth in Draft A subject to the following edits:
  - a.) That the footnote to the short answer on page 27, lines 14 and 15, be substituted with the following language: "The Commission could not approve a response by the required four affirmative votes to the question of whether the individuals would be permitted to raise nonfederal funds on behalf of the Single-Candidate Committees (as defined above). 52 U.S.C. § 30106(c); 11 C.F.R. § 112.4(a)."
  - b.) At the end of the sentence on page 29, line 5, add the following footnote: "The Commission notes that this conclusion does not affect the application of the coordination regulations. 11 C.F.R. §§ 109.20, 109.21."
3. Answer Question #12 as set forth in Draft A on page 29, line 6 through page 31, line 7 subject to the following modifications:
  - a.) On page 30, line 10, strike footnote 15.

- b.) On page 31, lines 3 – 7, first sentence, strike the parenthetical “Although Requestors propose to fundraise with as few as two attendees,” and capitalize the word “Neither”.
- c.) On page 31, lines 3 – 7, restate the second sentence to read: “Thus, in light of Requestors’ factual representations and their representations that they will comply with all of the requirements of 11 C.F.R. § 300.64 and any other applicable Commission regulations when engaging in the specified activity, a federal candidate may attend, speak, or be a featured guest as proposed.”

Mr. Elias participated in the discussion that resumed.

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The meeting recessed at 4:33 P.M. and reconvened at 4:58 P.M. with a quorum present.

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I. DRAFT ADVISORY OPINION 2015-09 (continued)

Chair Ravel recognized Secretary and Clerk Werth who participated in the discussion that continued.

Chair Ravel recognized Vice Chairman Petersen who stated, for the record, that he spoke with Mr. Elias resulting in an ex parte communication.

Chair Ravel recognized Vice Chairman Petersen who amended his motion as follows with respect to Question #12:

Answer Question #12 as set forth in Draft A on page 29, line 6 through page 31, line 7 subject to the following modifications:

1. On page 29, lines 8 – 10, delete the paragraph in its entirety.
2. On page 30, line 10, strike the language in footnote 15 and insert the following language: "As explained above, the Commission could not agree whether the Single-Candidate Committees would be permitted to raise nonfederal funds."
3. On page 31, lines 3 – 7, strike the first sentence in its entirety.
4. On page 31, lines 3 – 7, restate the second sentence to read: "In light of Requestors' factual representations and their representations that they will comply with all of the requirements of 11 C.F.R. § 300.64 and any other requirement under the Act or applicable Commission regulations when engaging in the specified activity, a federal candidate may attend, speak, or be a featured guest as proposed."

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

Chair Ravel recognized Mr. Noti of the General Counsel's Office who stated that today is the response deadline and asked if the requestors would be amenable to extending the deadline to November 13, 2015 to provide staff with sufficient time to prepare the response letter. Mr. Elias stated that the requestors agreed to the extension.

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Chair Ravel stated that, without objection, Item III (Draft Advisory Opinion 2015-12) will be considered next on the agenda.

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III. DRAFT ADVISORY OPINION 2015-12

Ethiq, Inc. by Nathan Lowenstein, Esq.

Agenda Document No. 15-61-A (Draft A)  
(Submitted Late)

Chair Ravel recognized Mr. Lowenstein, requestor's counsel, and Mr. Darren Bates, requestor's representative, who were available via telephone to answer Commissioners' questions.

Chair Ravel recognized Mr. Sam Levor 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 Ethiq, Inc.'s request. The requestor has developed a mobile application that uses, among other items, Commission data to match users with ideologically similar candidates and corporations. Ethiq asks whether it: 1) may display factual information about candidates and corporations to its users; 2) may use aggregated Commission data as part of its matching algorithm; 3) may license its data set including aggregated Commission data to third parties; 4) may sell advertising space on its application to third parties including political candidates and committees; and 5) will be subject to any reporting requirements under the Act or Commission regulations.

Mr. Lowenstein participated in the discussion that followed.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve Draft A, Agenda Document No. 15-61-A,  
as amended at the Table:

1. On page 4, strike the sentence that appears on lines 19 through 21.
2. On page 4, change the sentence beginning on line 21 to read as follows:

Based on the facts presented, the Commission concludes that Ethiq's proposed display of information regarding candidates' voting records, statements, and campaign finance information is permissible.

The motion carried by a vote of 5-1 with Commissioners Goodman, Hunter, Petersen, Ravel, and Weintraub voting affirmatively for the decision.

Commissioner Walther dissented.

## II. DRAFT ADVISORY OPINION 2015-11

FYP, LLC by Ezra W. Reese, Esq. and  
Tyler J. Hagenbuch, Esq.

Agenda Document No. 15-62-A (Draft A)  
(Submitted Late)

Chair Ravel recognized Mr. Reese and Mr. Hagenbuch, requestor's counsel, who were available to answer Commissioners' questions.

Chair Ravel recognized Ms. Esther Gyory 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 FYP, LLC's request. FYP, LLC is a limited liability company that has asked to be

treated as a corporation for purposes of this request. It is developing an application called MyChange which will "round up" a participating user's credit card or debit card transactions to the next whole dollar amount and provide the difference to political committees or other nonprofit organizations designated by the user. The requestor asks whether it may implement MyChange without making a prohibited corporate contribution and whether a user's contribution to a political committee through MyChange would include fees paid by the user to the requestor for its services.

Mr. Reese participated in the discussion that followed and stated that, at the request of the Commission, the requestor would extend the response deadline to November 30, 2015.

Discussion continued.

Chair Ravel stated that the Commission will hold this matter over to the November 17 portion of the meeting unless it is able to reach consensus in the interim on a draft.

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Chair Ravel recognized Secretary and Clerk Werth who stated that, if needed, the closed captioning staff were available until 7 P.M. today.

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Discussion followed concerning additional Items to discuss today. Chair Ravel stated that Item IV would be considered next.

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IV. REG 2014-09 AMENDMENT OF 11 C.F.R. 115

Memorandum from Chair Ann M. Ravel and  
Commissioner Ellen L. Weintraub dated  
November 6, 2015

Agenda Document No. 15-60-A  
(Submitted Late)

Chair Ravel recognized Mr. Stipanovic of the General Counsel's Office who stated that, on November 18, 2014, the Commission received a petition for rulemaking from Public Citizen. The petition asked the Commission to amend its regulations regarding federal contractors. The Commission published a notice of availability on March 30, 2015 and the public comment period closed on May 29, 2015. The Commission received 19,750 comments from individuals and 9 comments from organizations and elected officials; all but 2 comments supported the petition. The Commission's next step is to determine whether to initiate a rulemaking or issue a notice of disposition.

Discussion followed.

Chair Ravel recognized Commissioner Weintraub who MOVED that

WHEREAS on November 18, 2014 Public Citizen submitted a petition requesting that the Commission clarify how its rules regarding the ban on federal contractor contributions apply to entities of the same corporate family;

WHEREAS the Commission received approximately 19,750 comments on the Notice of Availability published in the Federal Register on March 30, 2015;

WHEREAS all but two of those comments supported the petition and urged the Commission to open a rulemaking to clarify its federal contractor rules as requested by the petition;

WHEREAS the Connecticut State Elections Enforcement Commission and the New York City Campaign Finance Board submitted comments describing how their government contractor regulations apply to entities from the same corporate family;

WHEREAS the U.S. Court of Appeals for the District of Columbia Circuit, in an en banc decision, recently rejected a constitutional challenge to the federal contractor ban and held that "our national experience supports Congress' fear that political contributions by government contractors can corrupt and interfere with merit-based administration" of government, *Wagner v. FEC*, 793 F.3d 1, 21 (D.C. Cir. 2015);

The Commission open a rulemaking and that the Office of General Counsel draft a Notice of Proposed Rulemaking that proposes to revise 11 C.F.R. Part 115 and seeks public comment as to whether the rule should be amended as recommended in the petition filed by Public Citizen or whether the Commission should adopt another method, such as the methods used by the Connecticut State Elections Enforcement Commission or the New York City Campaign Finance Board.

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.

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Following discussion, Chair Ravel stated that Items V (Rulemaking Priorities and Proposals) and VII (Commission Documents/Public Disclosure Policies) will be held over to the November 17 portion of the meeting and the Commission will next

consider Item VIII (Motion to Set Priorities and Scheduling on Pending Enforcement Matters Awaiting Reason-to-Believe Consideration).

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

Memorandum from Commissioner Steven T. Walther  
dated November 9, 2015

Agenda Document No. 15-63-A  
(Submitted Late)

Chair Ravel recognized Commissioner Walther who stated that his proposal is an on-going issue which, he hoped, that the Commission will focus on to assist in the reduction of enforcement matters. Commissioner Walther

MOVED to adopt the following policy with respect to matters pending exclusively before the Commission for more than one year as of October 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 October 31, 2015, be subject to a *substantive* vote 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 October 31, 2015, be subject to a *substantive* vote at the next executive session of the Commission;

3. That the twenty-five (25) matters identified in the attached chart as numbers eight (8) through thirty-two (32), 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 October 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 forty (40) matters following number thirty-two (32) 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 October 31, 2015, and identified in the attached chart by item number as follows: 52, 69, 37, 35, 40, 36, 33, 70, 38, 41, 43, 39, 44, 42, 34, 46, 47, 62, 45, 50, 56, 48, 54, 49, 51, 58, 57, 55, 53, 59, 65, 64, 60, 61, 63, 66, 67, 72, 71, and 68;
5. That the Chair call, and the Chair elect or 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 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) [see footnote below] is followed;

[Directive 10, Section E.7(e), which discusses motions "to lay a matter over," states

Any such motion shall require a majority vote of at least three members of the Commission; at least three votes will be required for any subsequent motion to take any such matter from the table. Any such motion shall be undebatable. Any such matter which is laid on the table pursuant to these rules shall be taken from the table pursuant to these rules at the next subsequent meeting or the matter dies...."]

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 March 1, 2016;
9. That all matters identified in paragraph 1, 2 3, 4, and 8, if being held in abeyance at the time of the substantive vote, be voted on at the next executive session following the expiration of the period of abatement.
10. That any statute-of-limitations imperiled matters shall be substantively acted on in a timely manner with all due speed, pursuant to Directive 68, [see footnote below] and may interrupt at any time the order otherwise established in this motion.

[Directive 68, which provides for the processing of statute-of-limitations sensitive enforcement matters, is attached to Priorities Motion I, which is appended to this document.]

Discussion followed.

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.

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The meeting recessed at 6:13 P.M. and reconvened on Tuesday, November 17, 2015 at 10:16 A.M. with a quorum present.

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Chair Ravel recognized Vice Chairman Petersen who

MOVED to add to the agenda consideration of the Coordination Rulemaking Proposal and that the Commission determine, pursuant to 11 C.F.R. § 2.7(d), that business so requires and no earlier public announcement was possible.

Discussion followed.

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. 15-62-B, 15-54-A-1, 15-54-D, and 15-27-A-1.

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

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II. DRAFT ADVISORY OPINION 2015-11 (continued)

Agenda Document No. 15-62-B (Draft B)  
(Submitted Late)

Chair Ravel recognized Mr. Reese, requestor's counsel, who was available to answer Commissioners' questions.

Chair Ravel recognized Ms. Gyory of the General Counsel's Office who participated by telephone, introduced the matter, and summarized the distinctions between Drafts A and B.

Mr. Reese participated in the discussion that followed.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve Draft B, Agenda Document No. 15-62-B.

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.

Chair Ravel recognized Commissioner Weintraub who

MOVED to approve Draft 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.

Mr. Reese and Mr. Noti and Ms. Gyory of the General Counsel's Office participated in the discussion that continued.

Chair Ravel stated that the Commission will attempt to reach consensus on a draft by the November 23 response deadline; if not, the Commission will contact the requestor for an extension.

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Chair Ravel recognized Commissioner Hunter who commented on Chair Ravel's appearance on a recent Comedy Central television show.

Discussion followed.

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V. 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

Memorandum from Commissioner Lee E. Goodman dated November 16, 2015 – Regulatory Relief for Political Parties – Revised Resolution

Agenda Document No. 15-54-A-1  
(Submitted Late)

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

Agenda Document No. 15-54-B

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

Agenda Document No. 15-54-C

Memorandum from Chair Ann M. Ravel and Commissioner Ellen L. Weintraub dated November 16, 2015 – Coordination Rulemaking Proposal

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

(Held over from the October 29, 2015 meeting)

Chair Ravel recognized Commissioner Goodman who introduced his proposal to provide regulatory relief for political parties (Agenda Document Nos. 15-54-A and 15-54-A-1). He explained that Agenda Document No. 15-54-A-1 incorporates the edits he discussed at the October 29, 2015 meeting for Sections 1.a and 1.f as well as a new edit for Section 1.b.ii.

Discussion followed.

Chair Ravel recognized Commissioner Goodman who

MOVED to adopt Agenda Document No. 15-54-A-1, a Resolution of the Federal Election Commission Commencing Work on a Notice of Proposed Rulemaking Focused on Strengthening Political Parties.

Discussion continued.

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.

The discussion resumed which also included the Coordination Rulemaking Proposal (Agenda Document No. 15-54-D).

Chair Ravel recognized Commissioner Weintraub who

MOVED to direct the Office of General Counsel to draft a Notice of Proposed Rulemaking that would include all of the proposals that Commissioner Goodman set forth in Agenda Document Nos. 15-54-A and 15-54-A-1 as well as the proposals set forth by Chair Ravel and Commissioner Weintraub in Agenda Document No. 15-54-D.

Discussion continued.

Chair Ravel recognized Commissioner Weintraub who withdrew her motion.

Chair Ravel stated that this matter will be added to the December open meeting.

Chair Ravel stated that the Commission would next consider the Draft Notice of Proposed Rulemaking on Technical Modernization (Agenda Document No. 15-54-C). She recognized Ms. Jessica Selinkoff of the General Counsel's Office who presented this matter. Ms. Selinkoff said that the Draft Notice proposes revisions to over 100 Commission regulations (such as administrative regulations in Part 1, regulations that implement the Federal Election Campaign Act, and public finance regulations at Part 9039) and also proposes eliminating references to outdated technologies and updating references to computer and internet terminology.

Mr. Noti and Mr. Theodore Lutz of the General Counsel's Office also participated in the discussion that followed.

Chair Ravel stated that this matter will be held over to the December open meeting.

Chair Ravel stated that the Commission would now consider the Outline of a Draft NPRM Implementing Party Segregated Accounts (Agenda Document No. 15-54-B). She recognized Mr. Stipanovic of the General Counsel's Office who introduced this matter and explained that it addresses proposed regulatory changes in response to certain provisions in legislation passed by Congress: 1) the

Consolidated and Further Continuing Appropriations Act ("Appropriations Act") and 2) the Gabriella Miller Kids First Research Act ("Research Act"). The Appropriations Act amended the Federal Election Campaign Act by establishing separate limits on contributions to three types of segregated accounts of national party committees, and the Research Act amended the Presidential Election Campaign Fund Act by terminating the entitlement of the national party committees to public funds to finance their presidential nominating conventions.

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

Chair Ravel stated that this matter will be held over to the December open meeting.

VI. 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 and 29, 2015 meetings)

Chair Ravel stated that this matter will be held over to the December open meeting.

Discussion followed.

VII. COMMISSION DOCUMENTS / PUBLIC DISCLOSURE POLICIES

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

Agenda Document No. 15-27-A

Memorandum from Commissioner Lee E. Goodman  
dated November 16, 2015

Agenda Document No. 15-27-A-1  
(Submitted Late)

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,  
October 1, and October 29, 2015 meetings)

Chair Ravel recognized Commissioner Goodman who presented Agenda Document Nos. 15-27-A and 15-27-A-1. He explained that his proposal will place more enforcement documents on the public record when MUR enforcement files are made public at their conclusion. In addition to those documents previously described in Agenda Document No. 15-27-A which are placed on the public record in accordance with the Commission's 2003 Interim Disclosure Policy, Agenda Document No. 15-27-A-1 incorporates additional material reflected in Agenda

Document No. 15-27-B (Disclosing Additional Categories of Documents to the Public Record at the Close of an Enforcement Matter); all of which would still be subject to any confidentiality requirements. Commissioner Goodman noted that Agenda Document No. 15-27-A-1 does not recommend any changes in the Commission's currently adopted policies regarding fulfillment of FOIA requests. Finally, he summarized additional categories of documents to be made public.

Acting General Counsel Daniel Petalas and Mr. Lawrence Calvert of the General Counsel's Office also participated in the discussion that followed.

Chair Ravel recognized Commissioner Goodman who requested that the General Counsel's Office prepare a document for Commission consideration at a future meeting that clarified remaining issues.

Chair Ravel stated that this matter will be held over to the December open meeting.

IX. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 1:30 P.M.

Signed:

Ann M. Ravel  
Chair of the Commission (2015)

Attest:

Shawn Woodhead Werth  
Secretary and Clerk of the Commission