



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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**AGENDA ITEM**

May 18, 2016

**MEMORANDUM**

For Meeting of 5-19-16

TO: The Commission

FROM: Commissioner Lee E. Goodman

**SUBMITTED LATE**

SUBJECT: Proposed Amendments to the Draft Final Rule and Explanation and Justification for Technical Amendments to 2015 CFR

As discussed most recently at the Commission's April 28, 2016 open meeting, I propose, and will make the appropriate motion, for the Commission to approve Agenda Document 16-12-A with the following amendments to Sections C and G of that document:

Section C of Agenda Document 16-12-A proposes changes to paragraphs (b)(1)( and (b)(2) of 11 C.F.R. § 104.4. In lieu of the changes proposed in Agenda Document 16-12-A, the text of 11 C.F.R. 104.4(b)(1) after its italicized header will be replaced with:

For each election in which a political committee makes independent expenditures, the political committee shall aggregate its independent expenditures made in each calendar year to determine its reporting obligation. When a committee makes independent expenditures aggregating less than \$10,000 on an election in any calendar year, up to and including the 20<sup>th</sup> day before an election, the committee must report those independent expenditures on Schedule E of FEC Form 3X, at the time of its regular reports in accordance with 11 CFR 104.3, 104.5, and 104.9.

In lieu of the changes proposed in Agenda Document 16-12-A, the first sentence following the italicized header in 11 C.F.R. § 104.4(b)(2) should be replaced with:

For each election in which a political committee makes independent expenditures, the political committee shall aggregate its independent expenditures made in each calendar year to determine its reporting obligation. When a committee makes independent expenditures aggregating \$10,000 or more on an election in any calendar year, up to and including the 20<sup>th</sup> day before an election, it must report those independent expenditures on Schedule E of FEC Form 3X.

Section G of Agenda Document 16-12-A proposes changes to 11 C.F.R. § 109.10(c): In lieu of the changes proposed in Agenda Document 16-12-A, the first sentence in the text of 11 C.F.R. 109.10(c) through that section's first comma should be replaced with the following:

For each election in which a person who is not a political committee makes independent expenditures, the person shall aggregate its independent expenditures made in each calendar year to determine its reporting obligation. When such a person makes independent expenditures aggregating \$10,000 or more on an election in any calendar year, up to and including the 20<sup>th</sup> day before an election, the person . . .

[the remainder of the existing first sentence will then continue: “. . . must report the independent expenditures on FEC Form 5 . . .”]