



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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September 15, 2016

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson *LJS*
Deputy General Counsel

Adav Noti *AN*
Associate General Counsel

Neven F. Stipanovic *NFS*
Acting Assistant General Counsel

Joseph Wenzinger *JW*
Attorney

SUBJECT: Notice of Availability Draft B – Political Party Rules

AGENDA ITEM

For Meeting of 9-15-16

SUBMITTED LATE

On June 15, 2016, the Commission received a Petition for Rulemaking (“Petition”) from the Ken Martin, Chair of the Minnesota Democratic Farmer-Labor Party. The Petition asks the Commission to revise existing rules regarding the use of federal funds to pay for certain activities of state, district, or local committees of a political party.

The Office of General Counsel has examined the Petition and determined that it meets the requirements of 11 CFR 200.2(b). Therefore, we have drafted the attached Notice of Availability (“Notice”) seeking comment on whether the Commission should initiate a rulemaking on the proposal in the Petition. The Notice will be published in the *Federal Register* pursuant to 11 CFR 200.3(a)(1).

In keeping with the Commission’s usual procedure, the Notice does not address the merits of the Petition. Instead, it states that consideration of the merits will be deferred until the close of the comment period.

The Office of General Counsel requests that Draft B be placed on the agenda for the September 15, 2016, open meeting.

Attachment

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 106, 109

[NOTICE 2016-XX]

Rulemaking Petition: Political Party Rules

AGENCY: Federal Election Commission

ACTION: Rulemaking Petition: Notice of Availability

SUMMARY: On June 15, 2016, the Federal Election Commission received a Petition for Rulemaking asking the Commission to revise existing rules regarding the use of federal funds to pay for certain activities of state, district, or local committees of a political party. The Commission seeks comments on this petition.

DATES: Comments must be submitted on or before January 30, 2017.

ADDRESSES: All comments must be in writing. Commenters are encouraged to submit comments electronically via the Commission's website at <http://www.fec.gov/fosers>, reference REG 2016-03, or by email to [address]. Alternatively, commenters may submit comments in paper form, addressed to the Federal Election Commission, Attn.: Mr. Neven F. Stipanovic, Acting Assistant General Counsel, 999 E Street, NW., Washington, DC 20463.

Each commenter must provide, at a minimum, his or her first name, last name, city, state, and zip code. All properly submitted comments, including attachments, will become part of the public record, and the Commission will make comments available for public viewing on the Commission's website and in the Commission's Public Records room. Accordingly, commenters should not provide in their comments any information that they do not wish to make public, such as a home street address, personal email address, date of birth, phone number, social

1 security number, or driver’s license number, or any information that is restricted from disclosure,
2 such as trade secrets or commercial or financial information that is privileged or confidential.

3 **FOR FURTHER INFORMATION CONTACT:** Mr. Neven F. Stipanovic, Acting Assistant
4 General Counsel, or Mr. Joseph P. Wenzinger, Attorney, Office of General Counsel, 999 E
5 Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

6 **SUPPLEMENTARY INFORMATION:** On June 15, 2016, the Federal Election Commission
7 received a Petition for Rulemaking from the Minnesota Democratic-Farmer-Labor Party and its
8 Chair, Ken Martin, requesting that the Commission amend several regulations applicable to
9 political parties.

10 First, the Federal Election Campaign Act, 52 U.S.C. 30101–46 (the “Act”), as amended
11 by the Bipartisan Campaign Reform Act (“BCRA”), and Commission regulations provide that a
12 state, district, or local committee of a political party must pay for “Federal election activity” with
13 either entirely federal funds or, in other instances, a mix of federal funds and “Levin funds.”
14 See 52 U.S.C. 30125(b); 11 CFR 300.32. Under Commission regulations, “Federal election
15 activity” includes certain activities that urge, encourage, or assist people to register to vote or to
16 vote. See 11 CFR 100.24; Definition of Federal Election Activity, 75 FR 55257, 55260 (Sept.
17 10, 2010). The petitioners request that the Commission narrow this definition.

18 Second, Commission regulations provide that political parties must use a federal account
19 to pay the salary, wages, and fringe benefits of an employee who spends more than 25 percent of
20 that individual’s time on “Federal election activities” or on conduct “in connection with a
21 Federal election.” See 11 CFR 106.7(d)(1)(i)–(ii). The petitioners ask the Commission to
22 amend this rule to omit “Federal election activities” from the calculation, covering only activities
23 “in connection with a Federal election.”

DRAFT B

1 DATED: _____
2 BILLING CODE: 6715-01-P