



AGENDA DOCUMENT NO. 17-05-A
APPROVED JANUARY 25, 2017

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, DECEMBER 1, 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 Director

Lisa Stevenson, Acting General Counsel

Shelley E. Garr, Deputy Secretary

Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 10:42 A.M. on Thursday, December 1, 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. 16-70-A, 2016 Legislative Recommendations.

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

**Meeting of September 15, 2016
Agenda Document No. 16-63-A**

**Meeting of September 29, 2016
Agenda Document No. 16-64-A**

**Meeting of October 27, 2016
Agenda Document No. 16-65-A**

**Meeting of November 17, 2016
Agenda Document No. 16-66-A**

Chairman Petersen recognized Vice Chairman Walther who

MOVED to approve the minutes for the meeting of September 15, 2016, Agenda Document No. 16-63-A; the meeting of September 29, 2016, Agenda Document No. 16-64-A; the meeting of October 27, 2016, Agenda Document No. 16-65-A; and the meeting of November 17, 2016, Agenda Document No. 16-66-A.

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 2016-20

Christoph Mlinarchik, JD, CFCM

Agenda Document No. 16-57-A (Draft A)

Agenda Document No. 16-57-A-1 (Revised Draft A)

Agenda Document No. 16-57-B (Draft B)

(Held over from the meeting of November 17, 2016)

Chairman Petersen introduced the matter. Discussion followed.

Chairman Petersen recognized Commissioner Weintraub who

MOVED to approve Agenda Document No. 16-57-A-1 (Revised Draft A) with respect to Advisory Opinion 2016-20.

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.

Chairman Petersen recognized Commissioner Hunter who

MOVED to approve Agenda Document No. 16-57-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.

III. DRAFT ADVISORY OPINION 2016-21

Great America PAC by Michael T. Morley, Esq. and Dan Backer, Esq.

Agenda Document No. 16-58-A (Draft A)

(to be held over to the next meeting)

IV. PROPOSED AMENDMENTS TO DIRECTIVE 52

Agenda Document No. 16-55-A

(Held over from the meeting of November 17, 2016)

Chairman Petersen recognized Mr. Neven Stipanovic who presented the matter, which recommends amending Directive 52 with respect to certain Commission voting procedures. These include amending Directive 52 to no longer circulate Administrative Fines matters on a no-objection ballot, and to update Directive 52 so that its procedures conform to the Commission's current accepted voting practices.

Chairman Petersen recognized Vice Chairman Walther who

MOVED to approve Agenda Document No. 16-55-A.

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

V. PROPOSED FINAL AUDIT REPORT ON THE UTAH REPUBLICAN PARTY (A13-06)

Memorandum from the Chief Compliance Officer and Audit Division dated October 25, 2016

Agenda Document No. 16-62-A

(Held over from the meeting of November 17, 2016)

Chairman Petersen introduced the matter. Discussion followed.

Chairman Petersen recognized Commissioner Hunter who

MOVED to reconsider the vote with respect to the Audit Division Recommendation Memorandum on the Utah Republican Party in Agenda Document No. 16-38-A.

Discussion continued.

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

Discussion resumed.

Chairman Petersen recognized Commissioner Hunter who

MOVED to approve Findings 1, 2, 3, 5, and 6, in Agenda Document No. 16-38-A.

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

Chairman Petersen recognized Commissioner Weintraub who

MOVED to approve Finding 4.

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. Adav Noti of the General Counsel's Office and Mr. Thomas Hintermister and Ms. A'knea Smith of the Audit Division participated in the discussion that ensued.

Chairman Petersen recognized Commissioner Hunter who

MOVED to take the following actions:

- 1. Approve the recommendation for the Recordkeeping for Employees Finding as set forth in Agenda Document No. 16-62-A related to the \$270,738 that the Committee disclosed as having been paid with the allocation of federal and non-federal funds.**
- 2. Direct the Audit Division to include in a proposed Final Audit Report an additional issues section addressing the \$14,504 for the 100% non-federal payments.**

Chairman Petersen offered, and Commissioner Hunter agreed, to a friendly amendment to change Agenda Document No. 16-62-A to Agenda Document No. 16-38-A.

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

VI. 2016 LEGISLATIVE RECOMMENDATIONS

**Memorandum from the Office of Congressional, Legislative and Intergovernmental Affairs
dated November 30, 2016**

**Agenda Document No. 16-70-A
(Submitted Late)**

Chairman Petersen recognized Mr. Duane Pugh of the Office of Congressional, Legislative and Intergovernmental Affairs who presented the 13 draft legislative recommendations for 2016, which reflect input from all of the Commissioners and staff throughout the Commission. These include electronic filing of Senate reports; electronic filing of electioneering communication reports; authority to create SES positions; fraudulent misrepresentation of campaign authority; making permanent the Administrative Fines Program; increasing some thresholds; authority to accept gifts; conversion of campaign funds; permitting political committees to make disbursements other than by check; increasing

**the in-home event exemption and unreimbursed travel expense exemption;
prohibiting fraudulent PAC practices; updating citations to reflect the
recodification of FECA; and repealing some convention funding provisions.**

Discussion followed.

Chairman Petersen recognized Commissioner Walther who

**MOVED to approve the Draft Legislative Recommendations for
2016 as recommended in the Memorandum from the Office of
Congressional, Legislative and Intergovernmental Affairs dated
November 30, 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. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission, the meeting
adjourned at 11:12 A.M.**

Signed:



**Matthew S. Petersen
Chairman of the Commission
(2016)**

Attest:



**Dayna C. Brown
Acting Secretary and Clerk of the Commission**



**Shelley E. Garr
Deputy Secretary of the Commission (2016)**