



APPROVED DECEMBER 11, 2017

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, APRIL 20, 2017**

PRESENT:

Steven T. Walther, Chairman, presiding

Caroline C. Hunter, Vice Chair

Lee E. Goodman, Commissioner

Matthew S. Petersen, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Lisa Stevenson, Acting General Counsel

Dayna C. Brown, Secretary and Clerk

Chairman Steven T. Walther called the Federal Election Commission to order in an open meeting at 10:17 A.M. on Thursday, April 20, 2017 with a quorum present.

Chairman Walther stated that Item II. (Draft Advisory Opinion 2016-23) would be discussed first, followed by Item 1. (Audit Division Recommendation Memorandum on the Colorado Republican Committee (CRC) (A13-12)).

Chairman Walther expressed regret that Adav Noti, a 10 year employee of the FEC's Office of General Counsel, would be departing the agency. He stated that Mr. Noti attended Georgetown University followed by New York University Law School, and then clerked for Judge Berle Schiller in the Eastern District of Pennsylvania. Mr. Noti worked for Paul, Weiss, Rifkind, Wharton & Garrison for three years before beginning work in the Litigation Division of the U.S. Attorney's Office. From there Mr. Noti joined the FEC where he served in several capacities within the Office of General Counsel, currently serving as the Associate General Counsel for Policy. Chairman Walther stated that it has been great to work with Mr. Noti and highlighted his great command of the law and impressive oral argument of cases.

Chairman Walther recognized Commissioner Weintraub who stated that Mr. Noti is one of the smartest, most thoughtful lawyers that she has ever had the privilege of working with. She noted her appreciation of Mr. Noti's decision to stay broadly within the public service field and remain in this area of the law. Commissioner Weintraub stated that Mr. Noti will be missed.

Chairman Walther recognized Commissioner Petersen who extended his thanks to Mr. Noti for the great work he has done at the agency. He noted the enjoyable interactions he has had with Mr. Noti both in his time in Litigation and as head of the Policy Division. Commissioner Petersen highlighted Mr. Noti's fine legal judgement and professionalism. He stated that he looks forward to their continuing association in the campaign finance realm in the future.

Chairman Walther recognized Commissioner Goodman who stated that the agency was losing one of the biggest brains and most experienced professionals we have in the agency. He stated that it has been a privilege to work with Mr. Noti, and he looks forward to their continuing association.

Chairman Walther recognized Mr. Adav Noti of the General Counsel's Office who thanked the Commissioners for their kinds words and stated that, to the extent that the Commission has been happy with the work of the Policy Division

in recent years, it is thanks to the men and women of the division who work very hard to think carefully about the difficult questions before them, and provide the best advice possible on every matter.

II. DRAFT ADVISORY OPINION 2016-23

**Socialist Workers Party by Michael Krinsky, Esq. and
Lindsey Frank, Esq.**

Agenda Document No. 17-01-A (Draft A)

Agenda Document No. 17-01-B (Draft B)

Agenda Document No. 17-01-C (Draft C)

**(Held over from the January 12, 2017 and March 9 and 23,
2017 meetings)**

Chairman Walther recognized Alyson Kennedy, presidential candidate for the Socialist Workers Party; Steve Clark and John Stewter, members of the Socialist Workers Party; and Lindsey Frank, counsel for the Socialist Workers Party, all of whom were present to answer Commissioners' questions.

Chairman Walther asked the General Counsel's Office to discuss the two latest Drafts, Drafts B and C.

Chairman Walther recognized Ms. Joanna Waldstreicher 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 of the Socialist Workers Party. The

requestors were granted an exemption from certain disclosure obligations in the 1979 consent decree due to the likelihood that supporters of the Socialist Workers Party would face governmental and private threats, harassment, or reprisals if their connections to the Socialist Workers Party were publically disclosed. The partial exemption was extended by an updated settlement agreement in 1985 and further extend through Advisory Opinions issued in 1990, 1996, 2002, 2008, and 2012. The 2012 Advisory Opinion extended the partial exemption through the end of 2016 and the Socialist Workers Party now asks for the exemption to be extended again. Drafts A and B conclude that Socialist Workers Party has not demonstrated a reasonable probability that disclosing its supporters and vendors continues to subject those persons to threats, harassments or reprisals, and therefore conclude that the partial reporting exemption should not be renewed. Draft C concludes that based on Socialist Workers Party's status as a minor party, and the long history of harassment of the Party and its supporters, as well as evidence of harassment since the Commission last considered the reporting exemption, the partial reporting exemption should be renewed through December 31, 2020.

Mr. Clark and Mr. Frank participated in the discussion that followed.

Chairman Walther recognized Vice Chair Hunter who

MOVED to approve Agenda Document No. 17-01-C (Draft C).

The motion failed by a vote of 3-2 with Commissioners Goodman, Hunter, and Petersen voting affirmatively for the motion. Commissioners Walther and Weintraub dissented.

Chairman Walther recognized Commissioner Weintraub who

MOVED to approve Agenda Document No. 17-01-B (Draft B).

The motion failed by a vote of 2-3 with Commissioners Walther and Weintraub voting affirmatively for the motion. Commissioners Goodman, Hunter, and Petersen dissented.

The Chairman announced a 15 minute recess.

The meeting recessed at 11:52 A.M. and reconvened at 12:10 P.M. with a quorum present.

I. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE COLORADO REPUBLICAN COMMITTEE (CRC) (A13-12)

**Memorandum from the Chief Compliance Officer and Audit Division
dated February 16, 2017**

Agenda Document No. 17-12-A

**(Held over from the March 9 and March 23, 2017
meetings)**

Chairman Walther recognized Commissioner Goodman who stated that the Colorado Republican Committee (CRC) submitted information two to three weeks ago which caused some adjustments in Audit's analysis of its findings. He articulated his belief that the Commission should credit the late arriving information and obtain the most accurate analysis from the Audit Division given the updated information.

Commissioner Goodman then

MOVED that the Commission direct the Audit Division to withdraw the current Audit Division Recommendation Memorandum (ADRM), and submit a revised ADRM incorporating the late submitted information to the Commission.

The motion carried by a vote of 5-0 with Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voting affirmatively for the decision.

III. MANAGEMENT AND ADMINISTRATIVE MATTERS


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

Signed:


Steven T. Walther

Chairman of the Commission

Attest:



Dayna C. Brown

Secretary and Clerk of the Commission