COMMISSION MEETINGS AND HEARINGS

On October 7, the Commission held an executive session.

On October 9, the Commission held an open meeting.

ADVISORY OPINIONS

Advisory Opinions Issued

AO 2014-12 (DNC and RNC). On October 9, the Commission approved an advisory opinion in response to a request from the Democratic National Committee (DNC) and Republican National Committee (RNC). The Commission concluded that the DNC and RNC may establish convention committees to raise funds under a separate contribution limit, as outlined in the request, because convention committees are “national committees” under the Federal Election Campaign Act of 1971, as amended, and Commission regulations. During the discussion, the Commission heard from counsel on behalf of the requestors.

Advisory Opinions Considered

AOR 2014-14 (Trammell). On October 9, the Commission discussed and then held over draft advisory opinions in response to a request from Professor Jack Trammell. The requestor, a candidate for the United States House of Representatives, asks whether his employer, Randolph-Macon College, may continue to pay its share of his fringe benefits while he is on unpaid leave in order to campaign. The Commission planned a tally vote on these drafts in the near future.

AOR 2014-15 (Brat). On October 9, the Commission discussed and then held over draft advisory opinions in response to a request from Professor David Brat. The requestor, a candidate for the U.S. House of Representatives, asks whether his employer, Randolph-Macon College, may continue to pay its share of his fringe benefits while he is on unpaid leave in order to campaign. The Commission planned a tally vote on these drafts in the near future.
Comments Received

AOR 2014-16 (Connecticut Democratic State Central Committee). On October 9 and 10, the Commission received comments on Advisory Opinion Request 2014-16. The requestor, the Connecticut Democratic State Central Committee, asks whether a proposed mailing is “federal election activity” and if so, if state law concerning allocation of federal election activity costs is preempted by federal law.

Request Received

AOR 2014-17 (Berkadia). On October 3, the Commission made public Advisory Opinion Request 2014-17, which was submitted on behalf of Berkadia Commercial Mortgage LLC. The requestor -- an LLC wholly owned by corporations but treated as a partnership for tax purposes -- asks if it may authorize trade associations of which it is a member to solicit Berkadia's executive and administrative personnel. The Commission must issue a response no later than 60 days after the receipt of the complete request, that is, by December 1, 2014.

ADMINISTRATIVE FINES

The Commission made public four campaign finance enforcement matters that were resolved through its Administrative Fines (AF) program, as follows. For more information, see the case documents in the Enforcement Query System.

AF 2809 – Lynch for Congress and Laura Lynch, in her official capacity as treasurer. The Commission made a final determination and assessed a civil penalty of $495.

AF 2810 – Meshea Poore for West Virginia and Dave Pence, in his official capacity as treasurer. The Commission made a final determination and assessed a civil penalty of $1,090.

AF 2811 – Branko Radulovacki for US Senate and Branko Radulovacki, in his official capacity as treasurer. The Commission made a final determination and assessed a civil penalty of $1,090.

AF 2813 – Marc Veasey Congressional Campaign Committee and Dr. Charles G. Langham, III, in his official capacity as treasurer. The Commission made a final determination and assessed a civil penalty of $3,330.

ALTERNATIVE DISPUTE RESOLUTION

The Commission made public five campaign finance enforcement matters that were resolved through its Alternative Dispute Resolution (ADR) program, as follows. For more information, see the case documents in the Enforcement Query System.

ADR 725 – Mike Crapo for U.S. Senate and Paul Kilgore, in his official capacity as treasurer. The Commission closed the file.
ADR 711 – Republican National Committee and Anthony W. Parker, in his official capacity as treasurer. The respondent agreed to (1) develop and certify the distribution of procedures to vendors for the identification and reporting of debts and obligations, and (2) pay a civil penalty of $3,400.

ADR 715 – Romney for President, Inc. and Darrell Crate, in his official capacity as treasurer. The respondent agreed to pay a civil penalty of $14,000.

ADR 719 – United Food and Commercial Workers International Union Active Ballot Club and Anthony M. Perrone, in his official capacity as treasurer. The respondent agreed to (1) certify that a representative has participated in an FEC conference, (2) perform an annual, calendar-year internal and external audit of the Committee’s accounts and reconciliations of the Committee’s accounts in the preparation of each Committee report, and (3) pay a civil penalty of $2,300.

ADR 721 – Committee on Letter Carriers Political Education (Letter Carriers Political Action Fund) and Timothy C. O’Malley, in his official capacity as treasurer. The respondent agreed to (1) certify that a representative has participated in an FEC conference, (2) perform an annual, calendar-year internal and external audit of the Committee’s accounts and reconciliations of the Committee’s accounts in the preparation of each Committee report, and (3) pay a civil penalty of $3,800.

LITIGATION

Kuhn for Congress v. FEC (Case 2:13-cv-03337-PMD). On October 8, the plaintiff filed Proposed Findings of Fact and Conclusions of Law in the United States District Court for the District of South Carolina.

Independence Institute v. FEC (Case 1:14-cv-01500-CKK). On October 6, the United States District Court for the District of Columbia issued its Memorandum Opinion and Order, denying plaintiff's application for a three-judge court, awarding judgment to the Commission, and denying plaintiff's motion for a preliminary injunction as moot. On October 8, the plaintiff filed a Notice of Appeal with the United States Court of Appeals for the District of Columbia Circuit.

Stop Reckless Economic Instability caused by Democrats, et al. v. FEC (Case 1:14-cv-00397-AJT-IDD). On October 3, the Commission filed its Opposition to the Plaintiffs’ Motion for Summary Judgment and plaintiffs filed their Opposition to the Commission’s Motion for Summary Judgment in the United States District Court for the Eastern District of Virginia. On October 10, the Commission filed its Rebuttal in Support of Its Motion for Summary Judgment and plaintiffs filed their Rebuttal Memorandum in Support of Plaintiff’s and American Future PAC’s Motion for Summary Judgment.

Stop This Insanity, Inc., et al. v. FEC (Case 13-5008). On October 2, the United States Court of Appeal for the District of Columbia Circuit issued a Judgment affirming the decision of the District Court to dismiss.
RULEMAKING AND AGENCY OPERATIONS

**Final Rules on Independent Expenditures and Electioneering Communications by Corporations and Labor Organizations.** On October 9, the Commission approved final rules regarding corporate and labor organization funding of independent expenditures and electioneering communications in response to a Petition for Rulemaking by the James Madison Center for Free Speech, which petitioned the Commission to amend its regulations in response to the decision of the Supreme Court in *Citizens United v. FEC*. The Commission will transmit the rules to the Speaker of the House of Representatives and the President of the Senate for a 30-legislative-day review period and the rules will be published in the Federal Register. Statements were issued by Vice Chair Ann M. Ravel, Commissioner Ellen L. Weintraub, and Commissioner Steven T. Walther.

**McCutcheon v. FEC Interim Final Rule.** On October 9, the Commission unanimously approved an interim final rule and explanation and justification on removing regulatory limits on the aggregate amounts an individual may contribute to federal candidates and political committees in a two-year cycle in light of the Supreme Court decision in *McCutcheon v. FEC*, which held that the aggregate contribution limits are unconstitutional. The Commission seeks written comment on these revisions on its regulations within 30 days of publication in the Federal Register.

**McCutcheon v. FEC Advance Notice of Proposed Rulemaking (ANPRM).** On October 9, the Commission unanimously approved an ANPRM to request public comment on whether to begin a rulemaking to revise other regulations in light of the court decision in *McCutcheon v. FEC*, and requests public comment within 90 days of publication in the Federal Register. The Commission will hold a hearing on these issues on February 11, 2015. Vice Chair Ravel and Commissioners Walther and Weintraub issued a Statement.

OUTREACH

On October 6, Chairman Lee E. Goodman met with American University students to discuss the role and work of the Commission as well as recent developments in campaign finance law.

On October 7, Christian Hilland of the Press Office and Jason Bucelato of the Public Disclosure Division discussed the Commission’s disclosure systems with a group of journalism students from the Philip Merrill College of Journalism, University of Maryland.

On October 8, Vice Chair Ravel joined a half dozen of top innovators and technologists in an online roundtable discussion and public conversation entitled “Reinvent Technology in Politics” as part of the Reinvent America series hosted by Reinventors.

On October 9, Vice Chair Ravel participated in a public forum on the future of campaign finance and elections at the University of Colorado Denver’s School of Public Affairs in Denver, Colorado.
On October 10, Vice Chair Ravel participated in a panel discussion on campaign finance, election law, and redistricting issues in federal, state and local elections at a meeting of the American Bar Association's Section on State and Local Government in Denver, Colorado.

EDUCATIONAL PROGRAMS

October 8, the Commission held a Webinar and In-Person Workshop on October Reporting for PACs and Party Committees.

October 8, the Commission held a Webinar and In-Person Workshop on FECFiling for PACs and Party Committees.

PRESS RELEASES

District Court Issues Memorandum Opinion and Order in Independence Institute v. FEC (issued October 6)

FEC Approves Final Rules on Independent Expenditures and Electioneering Communications by Corporations and Labor Organizations, Interim Final Rule and ANPRM in Response to McCutcheon v. FEC, Approves Advisory Opinion and Discusses Two Advisory Opinion Requests (issued October 9)

UPCOMING COMMISSION MEETINGS

October 21: The Commission is scheduled to hold an executive session.

October 23: The Commission is scheduled to hold an open meeting.

Meeting dates are subject to change. Please contact the Press Office the week of the scheduled meeting for confirmation.

UPCOMING REPORTING DUE DATES

October 15: Quarterly Reports are due. For information on quarterly reporting dates, refer to the 2014 Quarterly Reporting page of the Commission website.

October 20: October Monthly Reports are due. For more information on monthly reporting dates, refer to the 2014 Monthly Reporting page of the Commission website.

October 23: Pre-General Reports are due. For information on general election reporting dates, refer to the 2014 General Election Reporting page of the Commission website.

OTHER RESOURCES

The 2014 edition of the Combined Federal State Disclosure and Election Directory is available in the Public Records section of the Commission website. This publication identifies the federal and
state agencies responsible for the disclosure of campaign finances, lobbying, personal finances, public financing, candidates on the ballot, election results, spending on state initiatives and other financial filings.

The 2014 edition of Title 11 of the Code of Federal Regulations can be downloaded from the website. To order printed copies, call (800) 424-9530 (press 6) or send an email to info@fec.gov.

The 2013 Legislative Recommendations are available on the Commission’s website.


The Official 2012 Presidential General Election Results are available in the Library section of the website. This listing was compiled from the official election results published by state election offices.

An index to Record news articles published is available on the Commission website. The Record news page is available in the Publications section of the Commission website. Sign up to receive email notification when new articles are posted.

The FEC Annual Reports from 1975-2006 are now available on the website. Beginning in 2007, the Commission consolidated its Annual Report with its Performance and Accountability Report (PAR) to provide a single account of the agency’s activities for each fiscal year.

Instructional videos are available on YouTube at http://www.youtube.com/user/FECTube?feature=watch. These videos are also available on the Commission’s E-Learning resources page at http://www.fec.gov/info/elearning.shtml.

Follow us on Twitter - http://twitter.com/FECupdates

Users of smartphones and other mobile devices may access our mobile interface at http://www.fec.gov/mobile/