

FEDERAL ELECTION COMMISSION

Press Office
999 E Street, N.W., Washington, DC 20463
Phone: 202-694-1220 Toll Free: 800-424-9530
www.fec.gov



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Contact: Judith Ingram
Julia Queen
Christian Hilland

Weekly Digest Week of October 17 – 21

COMMISSION MEETINGS AND HEARINGS

On October 18, the Commission held an [executive session](#).

ADVISORY OPINIONS

Drafts

[Advisory Opinion 2016-11 \(Plains Cotton Growers, Inc.\)](#). On October 20, the Commission made public a [draft](#) of Advisory Opinion 2016-11 (Plains Cotton Growers, Inc.). Plains Cotton Growers, Inc. and its separate segregated fund, PCGPAC, ask whether Plains Cotton Growers may act as a collecting agent for PCGPAC, and whether their proposed method of soliciting contributions is permissible under the Federal Election Campaign Act of 1971, as amended (the Act), and Commission regulations. Public comments on the draft are due by noon on October 26.

[Advisory Opinion 2016-12 \(Citizen Super PAC\)](#). On October 20, the Commission made public a [draft](#) of Advisory Opinion 2016-12 (Citizen Super PAC). The requestor, an independent expenditure-only political committee registered with the Commission, asks several questions regarding the regulatory consequences of its proposal to send emails to candidates asking those candidates to solicit support for Citizen Super PAC's advertisement projects, which expressly advocate for candidates. Public comments on the draft are due by noon on October 26, 2016.

[Advisory Opinion 2016-14 \(11 Libertarian State Committees\)](#). On October 20, the Commission made public a [draft](#) of Advisory Opinion Request 2016-14 (11 Libertarian State Committees). The requestors, Libertarian political committees in Alabama, Arkansas, Arizona, Hawaii, Idaho, Maryland, Mississippi, Missouri, New Mexico, North Dakota and Texas, ask whether each committee qualifies as a state party committee of the Libertarian National Party. Public comments on the draft are due by noon on October 26, 2016.

ENFORCEMENT

The Commission made public four closed cases and a Statement of Reasons, as follows. For more information, see the case documents in the [Enforcement Query System](#).

[MUR 6905](#)

COMPLAINANT: Center for Competitive Politics

RESPONDENTS: Lawrence Lessig; and Mayday PAC and Cyrus Patten, in his official capacity as treasurer (the Committee)

SUBJECT: The complaint alleged that Lessig and the Committee distributed a series of television advertisements, radio advertisements and mail pieces that did not comply with the Commission's disclaimer requirements.

DISPOSITION: The Commission exercised its prosecutorial discretion and dismissed the matter in consideration of Commission priorities and resources.

[MUR 6905](#)

COMPLAINANT: Center for Competitive Politics

RESPONDENTS: Lawrence Lessig; and Mayday PAC and Cyrus Patten, in his official capacity as treasurer (the Committee)

SUBJECT: The complaint alleged that Lessig and the Committee distributed a series of television advertisements, radio advertisements and mail pieces that did not comply with the Commission's disclaimer requirements.

DISPOSITION: The Commission exercised its prosecutorial discretion and dismissed the matter in consideration of Commission priorities and resources.

[MUR 6958](#)

COMPLAINANT: Matthew G. Whitaker; Foundation for Accountability and Civic Trust

RESPONDENTS: Claire McCaskill; McCaskill for Missouri and Michelle Sherod, in her official capacity as treasurer (the Committee); W. Todd Akin; Akin for Senate and W. Todd Akin, in his official capacity as treasurer (Akin Committee)

SUBJECT: The complaint alleged that McCaskill and the Committee made excessive in-kind contributions to the Akin Committee. The Supplemental Complaint alleged that the Akin Committee accepted the contributions and the two Committees failed to report the transaction. McCaskill and Akin were 2012 candidates for Missouri's United States Senate seat.

DISPOSITION: The Commission closed the file.

[MUR 6973](#)

COMPLAINANT: Timothy A. La Sota, PLC

RESPONDENTS: Ruben Kihuen; Ruben Kihuen for Congress and Jay Petterson, in his official capacity as treasurer (the Committee); Tacos and Beer LLC; Alien Tequila Spirits Company, LLC, Latin Chamber of Commerce; Embassy Nightclub; Ramirez Group, Inc.; ActBlue; and Daniel Chavez

SUBJECT: The complaint alleged that (1) Tacos and Beer LLC, Embassy Nightclub, Latin Chamber of Commerce, and Alien Tequila Spirits Company, LLC made and Kihuen and the Committee accepted unreported, prohibited in-kind contributions, (2) Kihuen and the Committee

failed to report certain campaign expenditures, including office rent to Ramirez Group, Inc., (3) Kihuen included an incorrect disclaimer on his website solicitation page, which was hosted on ActBlue's website, and (4) Kihuen's state committee made an impermissible transfer to his federal committee. Kihuen is a 2016 candidate for Nevada's 4th Congressional District. DISPOSITION: The Commission exercised its prosecutorial discretion and dismissed the matter, noting the *de minimis* nature of the alleged violations, in consideration of Commission priorities.

[MUR 7085](#)

COMPLAINANT: FEC-Initiated

RESPONDENT: State Tea Party Express

SUBJECT: In the normal course of carrying out its supervisory responsibilities, the Commission initiated proceedings to determine whether the State Tea Party Express, a nonprofit organization, failed to timely file a quarterly report disclosing independent expenditures and receipts.

DISPOSITION: The Commission entered into a conciliation agreement providing for the State Tea Party Express to pay a civil penalty of \$4,800.

[MUR 6589](#) - American Action Network; and Stephanie Fenrijo, in her capacity as treasurer. On October 19, Chairman Matthew S. Petersen and Commissioners Lee E. Goodman and Caroline C. Hunter issued a [Statement of Reasons](#).

ALTERNATIVE DISPUTE RESOLUTION

The Commission made public two 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 807](#)

COMPLAINANT: FEC-Initiated

RESPONDENT: Keep The Promise PAC and Dathan Voelter, in his official capacity as treasurer (the Committee)

SUBJECT: The Committee failed to timely file a 48-hour report disclosing an independent expenditure.

DISPOSITION: The Committee agreed to pay a civil penalty of \$1,425, certify the closure of its federal account and file a termination report.

[ADR 809](#)

COMPLAINANT: Michael Jude

RESPONDENTS: Donovan for Congress and Steven J. Martin, in his official capacity as treasurer

SUBJECT: The complaint alleged that the Committee distributed materials that lacked disclaimers stating that the Committee had paid for them. Donovan was a 2015 special election candidate for New York's 11th Congressional District.

DISPOSITION: The Commission exercised its prosecutorial discretion and took no action in the matter. The Commission observed that the Committee took remedial action and indicated in an affidavit that representatives will participate in the Commission's e-learning program and at least one educational webinar.

LITIGATION

[*CREW, et al. v. FEC*](#) (Case 1:14-cv-01419-CRC). On October 19, Intervenor-Defendant American Action Network filed a [Notice of Appeal](#) in the United States District Court for the District of Columbia.

OUTREACH

On October 19, Chairman Matthew S. Petersen and Commissioner Ellen L. Weintraub discussed the role and work of the Commission with representatives from the Organization for Security and Co-operation in Europe (OSCE).

On October 19, Communications Specialist Chris Berg discussed the role and work of the Commission with a Liberian delegation visiting the United States as part of the State Department's International Visitor Leadership Program.

On October 20, Staff Attorney Esther Gyory participated in an election law panel discussion at the Public Leadership Education Network's (PLEN) annual Women, Law and Advocacy seminar in Washington, DC.

October 20-21, Vice Chairman Steven T. Walther participated in discussions on voting abroad, internal democratic systems of political parties, political districting and auditing of political parties at the Eleventh Inter-American Meeting of Electoral Bodies in Mexico.

CAMPAIGN FINANCE REPORTS

October 20: October Monthly Reports were due. For more information on monthly reporting dates, refer to the [2016 Monthly Reporting page](#) on the Commission website.

FEDERAL REGISTER

On October 7, the Commission published a [Notice of Availability on Party Contribution Limits](#) and a [Notice of Availability on Political Party Rules](#) in the Federal Register. The Commission will accept comments until January 30, 2017.

On October 18, the Commission published in the Federal Register a Notice to reopen the comment period and set a hearing on the [Advance Notice of Proposed Rulemaking on Internet Disclaimers](#). The Commission will accept comments until December 19, 2016.

UPCOMING COMMISSION MEETINGS AND HEARINGS

October 25: The Commission is scheduled to hold an [executive session](#).

October 27: 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 EDUCATIONAL PROGRAMS

November 16: Webinar on Winding Down the Campaign & Post-General Reporting. Additional information is available on the [Educational Outreach](#) page of the Commission website.

UPCOMING REPORTING DUE DATES

October 27: Pre-General Reports are due. For more information on reporting dates, refer to the [2016 Reporting Dates page](#) of the Commission website.

DISCLOSURE INITIATIVES

Commission staff, together with our partners at 18F, continue to add new features to the agency's [beta.fec.gov](#) website. The Commission encourages website visitors to submit comments and questions by clicking on the “Feedback” tab at the bottom of each page.

ADDITIONAL RESEARCH MATERIALS

Additional research materials about the agency, campaign finance information, and election results are available through the [Library section](#) of the Commission website.

The [2016 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 Commission has published the [October Record](#) newsletter. [Sign up](#) to receive email notification when new Record articles are posted.

The 2016 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.

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