

FEDERAL ELECTION COMMISSION

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Weekly Digest Week of November 7 – 11

COMMISSION MEETINGS AND HEARINGS

No Commission open meetings or executive sessions were scheduled this week.

ADVISORY OPINIONS

Drafts

[Advisory Opinion 2016-16 \(Gary Johnson 2012\)](#). On November 10, the Commission made public a [draft](#) of Advisory Opinion 2016-16. The requestor, a publicly funded candidate committee, asks several questions regarding the funds it may use to repay the U.S. Treasury and to pay civil penalties after audit findings by the Commission. Public comments on the draft are due by 12:00 pm on November 16, 2016.

[Advisory Opinion 2016-17 \(Libertarian Party of Michigan Executive Committee, Inc.\)](#). On November 10, the Commission made public a [draft](#) of Advisory Opinion 2016-17. The requestor asks whether it qualifies as a state party committee of the Libertarian National Party. Public comments on the draft are due by 12:00 pm on November 16, 2016.

[Advisory Opinion 2016-18 \(Ohio Green Party\)](#). On November 10, the Commission made public a [draft](#) of Advisory Opinion 2016-18. The requestor asks whether it qualifies as a state party committee of the Libertarian National Party. Public comments on the draft are due by 12:00 pm on November 16, 2016.

[Advisory Opinion Draft 2016-19 \(Libertarian Party of Colorado\)](#). On November 10, the commission made public a [draft](#) of Advisory Opinion 2016-19. The requestor asks whether it qualifies as a state party committee of the Libertarian National Party. Public comments on the draft are due by 12:00 pm on November 16, 2016.

[Advisory Opinion 2016-20 \(Mlinarchik\)](#). On November 10, the Commission made public a [draft](#) of Advisory Opinion 2016-20. The requestor is the sole owner and member of a single-member LLC. The LLC is a federal contractor that is treated as a disregarded entity by the IRS for federal

income tax purposes. The requestor asks whether he may make contributions using his personal funds. Public comments on the draft are due by 12:00 pm on November 16, 2016.

[Advisory Opinion 2016-21 \(Great America PAC\)](#). On November 10, the Commission made public a [draft](#) of Advisory Opinion 2016-21. The requestor, a nonconnected hybrid political committee, asks several questions about the applicability of the former employee conduct standard of the Commission's coordinated communications regulations. Public comments on the draft are due by 12:00 pm on November 16, 2016.

Request Received

[Advisory Opinion Request 2016-22 \(6 Libertarian State Committees\)](#). On November 9, the Commission made public Advisory Opinion Request 2016-22 (6 Libertarian State Committees). The requestors, Libertarian political committees in Alaska, Georgia, Maine, Minnesota, South Dakota and Tennessee, ask whether each committee qualifies as a state party committee of the Libertarian National Party. The Commission will accept written comments on the request during the 10-day period following publication of the request (no later than November 21, 2016) and must issue a response no later than 60 days after receipt of the complete request, that is, by January 3, 2017.

ENFORCEMENT

The Commission made public seven closed cases, as follows. For more information, see the case documents in the [Enforcement Query System](#).

[MURs 6563 and 6733](#)

COMPLAINANTS: Campaign Legal Center and Democracy 21; and Eva Jehle

RESPONDENTS: Representative Aaron Schock (MURs 6563 and 6733); Representative Eric Cantor (MURs 6563 and 6733); Every Republican Is Crucial (ERICPAC) and Melinda Fowler Allen, in her official capacity as treasurer (MURs 6563 and 6733); Campaign for Primary Accountability Inc. and Jonathan Martin, in his official capacity as treasurer (CPA) (MURs 6563 and 6733); Representative Rodney Davis (MUR 6733); and 18th District Republican Central Committee (Federal Account) and Paul Kilgore, in his official capacity as treasurer (MUR 6733)

SUBJECT: The complaints alleged that Schock unlawfully solicited three contributions to the Campaign for Primary Accountability, an independent expenditure-only political committee, in excess of the \$5,000 statutory limit for solicitations by a federal candidate. Schock was a 2012 candidate for reelection in Illinois's 18th Congressional District.

DISPOSITION: The Commission entered into a conciliation agreement providing for Schock to pay a civil penalty of \$10,000. The Commission found no reason to believe that Cantor, ERICPAC and Allen, in her official capacity as treasurer, CPA and Martin, in his official capacity as treasurer, and 18th District Republican Central Committee (Federal Account) and Kilgore, in his official capacity as treasurer, made excessive contributions. The Commission closed the file as to the allegations concerning Davis.

[MUR 6812](#)

COMPLAINANT: Jeffrey Richmond

RESPONDENTS: Penn Line Service Inc. (Penn Line); Laborers' International Union (LIUNA); and Laborers' International Union, Local 453 (LIUNA PAC).

SUBJECT: The complaint alleged that Penn Line unlawfully deducted \$11.51 from the complainant's pay and transferred the money to LIUNA's separate segregated fund (SSF) before he became a member of the union. The complaint alleged further that Penn Line fired him for not authorizing additional deductions to the SSF.

DISPOSITION: The Commission exercised its prosecutorial discretion and dismissed the allegations as to LIUNA and LIUNA PAC. The Commission observed that the union's SSF authorization form solicited only voluntary contributions from union members, Penn Line appeared to have acted contrary to the disclaimers on the union's form, the activity appears to have been limited to two employees, and the union had taken remedial actions to prevent future occurrences. The Commission sent letters reminding LIUNA and LIUNA PAC of the requirements of the Federal Election Campaign Act of 1971, as amended, and Commission regulations regarding solicitations to an SSF. The Commission found reason to believe Penn Line (1) failed to inform that complainant that contributions to the SSF were voluntary, (2) threatened his job if he did not consent to payroll deductions for such contributions, and (3) fired him when he refused to consent. The Commission entered into a conciliation agreement providing for Penn Line to pay a civil penalty of \$5,500.

[MUR 6838](#)

COMPLAINANT: Robert R. Rush

RESPONDENT: Joseph Aossey

SUBJECT: The complaint alleged that an unknown person had distributed a mailer expressly advocating the election of two federal candidates without a proper disclaimer.

DISPOSITION: The Commission found reason to believe an unknown respondent had failed to report expenditures made in connection with the mailer and failed to include a compliant disclaimer on the mailer. In the course of an investigation, the Commission identified the person who paid for the mailer as Aossey. The Commission exercised its prosecutorial discretion and dismissed the matter in consideration of Commission resources. The Commission observed the *de minimis* amount at issue and evidence that Aossey was solely responsible for the mailers and did not collaborate with a political campaign.

[MUR 6900](#)

COMPLAINANT: Kansas Republican Party

RESPONDENTS: Orman for U.S. Senate Inc. and Wynne R. Jennings, in his official capacity as treasurer (the Committee); Gregory J. Orman; Kansas Democratic Party and Tobias Schlingensiepen, in his official capacity as treasurer (KDP); and Allen County Democrats

SUBJECT: The complaint alleged that KDP improperly made use of the "volunteer exemption" to make coordinated expenditures on behalf of Orman and the Committee. Orman was a 2014 candidate for Kansas's U.S. Senate seat.

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

[MUR 6914](#)

COMPLAINANT: Margaret Ann Mulvihill

RESPONDENT: DeFranco for Congress and Kai P. Moy, in his official capacity as treasurer (the Committee)

SUBJECT: The complaint alleged that the Committee failed to include in its disclosure reports a debt allegedly still owed to the Complainant for campaign-related expenses.

DISPOSITION: The Commission exercised its prosecutorial discretion and dismissed the matter in consideration of Commission priorities and resources. The Commission observed that there was a question as to whether the Committee had notice of a specific debt.

[MUR 7010](#)

COMPLAINANT: Sam Wheeler, on behalf of Stokes, Wasser, and Wheeler, LLP

RESPONDENTS: Erin McClelland; and Erin McClelland for Congress, Inc. and Douglas Campbell, in his official capacity as treasurer (the Committee)

SUBJECT: The complaint alleged that the Committee falsely reported a disbursement and failed to disclose a debt owed to the complainant's firm in a year-end disclosure report. McClelland was a 2014 candidate for Pennsylvania's 12th Congressional District.

DISPOSITION: The Commission exercised its prosecutorial discretion and dismissed the matter in consideration of Commission priorities and resources. The Commission observed that the Committee quickly amended the disclosure report at issue to include the disputed debt.

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 3052](#) – Greg Garrett for Congress and Gary Linker, in his official capacity as treasurer. The Commission made a final determination to take no further action and close the file.

[AF 3071](#) – National Council of Textile Organizations Inc. Political Action Committee and Robin Haynes, in her official capacity as treasurer. The Commission made a final determination and assessed a civil penalty of \$2,200.

[AF 3074](#) – Simon Winston for Congress and Maureen Hafernik, in her official capacity as treasurer. The Commission made a final determination and assessed a civil penalty of \$6,700.

[AF 3082](#) – Dan Lipinski for Congress and Jerome R. Hurckes, in his official capacity as treasurer. The Commission made a final determination and assessed a civil penalty of \$210.

ALTERNATIVE DISPUTE RESOLUTION

The Commission made public one campaign finance enforcement matter that was resolved through its Alternative Dispute Resolution (ADR) program, as follows. For more information, see the case documents in the [Enforcement Query System](#).

[ADR 800](#)

COMPLAINANT: FEC-Initiated

RESPONDENTS: The 2016 Draft Committee and Robert H. Frank, in his official capacity as treasurer (the Committee)

SUBJECT: The Committee failed to disclose all debts in its 2014 Year-End Report and all receipts in its 2015 Mid-Year Report.

DISPOSITION: The Committee agreed to pay a civil penalty of \$11,000, certify the closure of its federal account, and file a termination report.

LITIGATION

[*FEC v. Lynch*](#) (Case 9:15-cv-81732-KAM). On November 7, the United States District Court for the Southern District of Florida issued a [Consent Judgment](#).

[*Lieu, et al. v. FEC*](#) (Case 1:16-cv-02201). On November 4, Representative Ted Lieu, Representative Walter Jones, Senator Jeff Merkley, State Senator (Ret.) John Howe, Zephyr Teachout and Michael Wager filed a [Complaint for Declaratory and Injunctive Relief](#) in the United States District Court for the District of Columbia.

[*Republican Party of Louisiana, et al. v. FEC*](#) (Case 1:15-cv-1241-CRC-SS-TSC). On November 7, the United States District Court for the District of Columbia issued a [Memorandum Opinion](#) and [Order](#).

OUTREACH

On November 5, Commissioner Ellen L. Weintraub participated in a panel discussion on campaign finance presented by the Organization for Security and Co-operation in Europe Parliamentary Assembly in Washington, D.C.

On November 7, Commissioner Ann M. Ravel spoke at the International Foundation for Electoral Systems, 2016 U.S. Election Program's "Follow the Money: Mega Donors, Small Donors and Super PACs" event in Washington, D.C.

On November 7, Commissioner Weintraub discussed Commission operations and campaign finance law with a group of professionals from Argentina. The meeting was part of a program sponsored by the Center for American Studies Foundation.

On November 7, Commissioner Weintraub discussed Commission operations and campaign finance law with a delegation from the Netherlands. The meeting was part of a program sponsored by the Atlantic & Pacific Exchange Program.

On November 7, Commissioner Weintraub discussed Commission operations and campaign finance law with a group of Russian leaders from the independent monitoring group Golos (Voice). The meeting was part of the National Democratic Institute (NDI) program in Washington, DC.

On November 9, Commissioner Ravel was the keynote speaker for the Santa Clara Country Bar

Association's Annual Judges Night Dinner in San Jose, CA.

On November 10, Commissioner Weintraub discussed Commission operations and campaign finance law with a delegation led by Pakistan's Chief Election Commissioner, Chief Justice Mohammad Raza, at the GEO Conference in Washington, D.C.

PRESS RELEASES

[District Court Issues Opinion in *Republican Party of Louisiana, et al. v. FEC*](#) (issued November 8)

UPCOMING COMMISSION MEETINGS AND HEARINGS

November 15: The Commission is scheduled to hold an [executive session](#).

November 17: 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

December 8: Post-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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