

# FEDERAL ELECTION COMMISSION

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## Weekly Digest Week of January 11 – 15

### COMMISSION MEETINGS AND HEARINGS

On January 14, the Commission held an [open meeting](#).

No Commission executive sessions were scheduled this week.

### ADVISORY OPINIONS

[Advisory Opinion Request 2015-13 \(Reid\)](#). On January 14, the requestor, Senator Harry Reid, [withdrew](#) the Advisory Opinion Request.

[Advisory Opinion Request 2015-14 \(Hillary for America II\)](#). On January 14, the Commission discussed [three drafts](#) responding to an advisory opinion request from Hillary for America, but held over a vote on the matter. Hillary for America asks whether a student interning with the campaign may accept a stipend and academic credit from her university under an exception to the general prohibition on corporate contributions to campaigns. During the discussion, the Commission heard from the requestor's counsel. On January 14, the Commission received an [Extension of Time](#) until February 1, 2016.

[Advisory Opinion 2015-15 \(WeSupportThat.com\)](#). On January 14, the Commission approved an advisory opinion in response to a request on behalf of WeSupportThat.com, a for-profit corporation that proposes to operate a web-based platform that would allow users to contribute to federal candidates according to the candidates' association with a particular issue or legislation. The Commission concluded that the requestor's business plan complies with the Federal Election Campaign Act of 1971, as amended, and Commission regulations and that service fees paid by individuals who use the requestor's website are not contributions. During the discussion, the Commission heard from the requestor's counsel.

### ENFORCEMENT

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

### [MUR 6215](#)

COMPLAINANT: Randy L. Spitzmesser

RESPONDENTS: Tate Snyder Kimsey Architects, Ltd.; J. Windom Kimsey; Christopher Fenton; Peggy Memering; Shelly Lyons; William E. Snyder; Michael Alcorn; Robert Boyle; Dwayne Miller; Greg Gordon; Maizie Pusich; Daniel Knott; Bruce Bowman; Alan Locke; John Gautrey; and Friends for Harry Reid and Claude Zobell, in his official capacity as treasurer

SUBJECT: The complaint alleged that Kimsey and Snyder, principals of Tate Snyder Kimsey Architects, Ltd. (TSKA), (1) illegally reimbursed individuals for political contributions to Friends for Harry Reid and Zobell (Reid Committee), (2) made prohibited corporate contributions and (3) made prohibited contributions by government contractors. Senator Reid was a 2010 candidate for Nevada's United States Senate seat.

DISPOSITION: The Commission entered into a conciliation agreement on October 15, 2010, providing for TSKA and Kimsey to pay a civil penalty of \$34,800. On July 20, 2010, the Commission dismissed the allegations against Fenton, Memering, and Lyons and sent them a cautionary letter, found no reason to believe that Snyder, Alcorn, Boyle, Miller, Gordon, Knott, Bowman, Locke, Gautrey, and Pusich violated the prohibition on contributions in the name of another. On December 11, 2015, the Commission voted to close the file as to the Reid Committee.

### [MUR 6873](#)

COMPLAINANTS: Craig Holman, Public Citizen; Stephen Spaulding, Common Cause; and Evelin Curz and Cynthia Murray, Organization United for Respect at Wal-Mart

RESPONDENTS: Wal-Mart Stores, Inc.; Wal-Mart Stores Inc. PAC for Responsible Government and R. Lee Culpepper, in his official capacity as treasurer

SUBJECT: The complaint alleged that Wal-Mart Stores, Inc. (Wal-Mart) improperly exchanged treasury funds for voluntary contributions by operating a charitable matching program that encourages contributions to its separate segregated funds, Wal-Mart Stores Inc. PAC for Responsible Government (WALPAC).

DISPOSITION: The Commission exercised its prosecutorial discretion and dismissed the allegations. The Commission observed that even if the benefit to Wal-Mart employees from the matching program constituted compensation to WALPAC donors, the value of that benefit/compensation would be *de minimis* and that the record contained no information suggesting any employee was coerced into making a contribution through the matching program.

### [MUR 6956](#)

COMPLAINANT: FEC-Initiated

RESPONDENT: Espaillat for Congress and Rafael Lantigua, in his official capacity as treasurer

SUBJECT: In the normal course of exercising its supervisory responsibilities, the Commission initiated proceedings to determine whether Espaillat for Congress and Lantigua, in his official capacity as treasurer (the Committee), failed to redesignate, reattribute or refund primary election and general election contributions in a timely manner, resulting in the Committee's acceptance of excessive contributions. Adriano Espaillat was a 2014 primary election candidate in New York's 13<sup>th</sup> Congressional District.

DISPOSITION: The Commission entered into a conciliation agreement providing for the Committee to pay a civil penalty of \$5,000.

## [MUR 6966](#)

COMPLAINANT: FEC-Initiated

RESPONDENTS: Democratic Party of Wisconsin and Randy A. Udell, in his official capacity of treasurer

SUBJECT: In the normal course of exercising its supervisory responsibilities, the Commission initiated proceedings to determine whether the Democratic Party of Wisconsin and Udell, in his official capacity of treasurer (the Committee), misstated its disbursements and failed to maintain monthly payroll logs.

DISPOSITION: The Commission entered into a conciliation agreement providing for the Committee to pay a civil penalty of \$23,000.

## **AUDIT**

[Audit Division Recommendation Memorandum on the Utah State Democratic Committee](#). On January 14, the Commission approved an Audit Division Recommendation Memorandum on the Utah State Democratic Committee, covering campaign finance activity between January 1, 2011 and December 31, 2012. The Commission approved findings, with amendments discussed at the table, related to the misstatement of financial activity, recordkeeping for employees, improper bank account structure, the receipt of Levin Fund donations, and contributions that exceed limits.

## **LITIGATION**

[FEC v. Johnson](#) (Case 2:15-cv-00439-DB). On January 11, the Commission filed its [Reply in Support of Its Motion for Partial Judgment on the Pleadings or in the Alternative to Strike Affirmative Defenses](#) in the United States District Court for the District of Utah.

[Pursuing America's Greatness v. FEC](#) (Case 15-5264). On January 13, the Commission filed a [Brief](#) in the United States Court of Appeals for the District of Columbia Circuit.

## **PRESS RELEASES**

[FEC Issues an Advisory Opinion and Approves an Audit Division Recommendation Memorandum](#) (issued January 14)

[Federal Election Commission Certifies Federal Matching Funds for O'Malley](#) (issued January 15)

## **OUTREACH**

On January 13, Commissioner Ann M. Ravel met in Washington, D.C. with law students from New York City's Cardozo Law School to discuss careers in government service, campaign finance in the 2016 elections and the operations of the Commission.

On January 13, Commissioner Ellen L. Weintraub met with Members of Parliament, government officials and NGO leaders from across Sub-Saharan Africa to discuss how the Commission publishes campaign finance information, enforces provisions of campaign finance

law and oversees public funding of Presidential elections.

## **EDUCATIONAL PROGRAMS**

On January 13, the Commission hosted Webinars for PACs and Party Committees on Year-End Reporting and FECFile.

## **UPCOMING COMMISSION MEETINGS AND HEARINGS**

January 26, 2016: The Commission is scheduled to hold an [executive session](#).

January 28, 2016: 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**

January 20, 2016: Webinars for Candidate Committees on Year-End Reporting and FECFile. Additional information is available on the [Educational Outreach](#) page of the Commission website.

## **UPCOMING REPORTING DUE DATES**

January 31, 2016: Year-End Reports are due. For information on general election reporting dates, refer to the [2016 Reporting Dates page](#) of the Commission website.

## **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.

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