

FEDERAL ELECTION COMMISSION

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Weekly Digest Week of February 22 – 26

COMMISSION MEETINGS AND HEARINGS

On February 23, the Commission held an [executive session](#).

On February 25, the Commission held an [open meeting](#) and an [executive session](#).

ADVISORY OPINIONS

Advisory Opinion Issued

[Advisory Opinion 2015-16 \(Niger Innis for Congress\)](#). On February 25, the Commission issued an advisory opinion in response to a request from Niger Innis for Congress (the Committee). Mr. Innis was not a candidate in the general election but his Committee asked whether it may pay certain costs associated with general election contributions from general, rather than primary, election funds. The Commission concluded that the Committee may not. The Commission was unable to agree by the required four affirmative votes on the second question in the request, regarding whether the Committee may donate uncashed refunds of general election contributions to a charity, rather than disgorge the funds to the U.S. Treasury.

Request Received

[Advisory Opinion Request 2016-01 \(Ethiq\)](#). On February 24, the Commission made public Advisory Opinion Request 2016-01 (Ethiq). The requestor asks whether its production and distribution of news content qualifies for the media exemption from the definitions of "contribution" and "expenditure" in the Federal Election Campaign Act of 1971, as amended. The Commission will accept written comments on the request during the 10-day period following publication of the request (no later than March 7, 2016) and is required to issue a response no later than 60 days after receipt of the complete request, that is, by April 25, 2016.

[Advisory Opinion Request 2016-02 \(Enable Midstream Services, LLC\)](#). On February 25, the Commission made public Advisory Opinion Request 2016-02. Enable Midstream Services, LLC owns, operates, and develops midstream natural gas and crude oil infrastructure assets. It intends

to create a separate, segregated fund. Enable Midstream Services, LLC asks whether its planned separate segregated fund will be affiliated with the separate segregated funds of either CenterPoint Energy, Inc. or OGE Energy Corporation, or both. The Commission will accept written comments on the request during the 10-day period following publication of the request (no later than March 7, 2016) and is required to issue a response no later than 60 days after receipt of the complete request, that is, by April 25, 2016.

ENFORCEMENT

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

[MUR 6956](#) - Espailat for Congress and Rafael Lantigua in his official capacity as treasurer. On February 26, Commissioner Goodman issued a [Statement of Reasons](#).

LITIGATION

[FEC v. Johnson](#) (Case 2:15-cv-00439-DB). On February 23, the United States District Court for the District of Utah issued an [Order](#) and an [Order on Motion for Partial Judgment on the Pleadings or to Strike Affirmative Defense](#). On February 24, the Commission filed its [Amended Complaint for Civil Penalty, Declaratory, Injunctive, and Other Appropriate Relief](#).

[FEC v. Lynch](#) (Case 9:15-cv-81732-KAM). On February 19, the Defendants filed an [Answer to Complaint](#) and a [Motion to Dismiss](#) in the United States District Court for the Southern District of Florida.

[Pursuing America's Greatness v. FEC](#) (Case 1:15-cv- 01217). On February 23, the United States District Court for the District of Columbia heard oral argument.

[Stop Reckless Economic Instability caused by Democrats, et al. v. FEC](#) (Case 15-1455). On February 23, the United States Court of Appeals for the Fourth Circuit issued an [Opinion](#) and [Judgment](#).

AUDITS

[Final Audit Report of the Commission on the Utah State Democratic Committee](#). On February 23, the Commission issued the Final Audit Report of the Commission on the Utah State Democratic Committee, covering campaign finance activity between January 1, 2011 and December 31, 2012. The Commission approved findings related to (1) the misstatement of financial activity, (2) recordkeeping for employees, (3) improper bank account structure, (4) the receipt of Levin Fund donations, and (5) receipt of contributions that exceed limits. Vice Chairman Steven T. Walther and Commissioners Ann M. Ravel and Ellen L. Weintraub issued a [Statement of Reasons](#).

OUTREACH

On February 24, Vice Chairman Walther and Communications Specialist Isaac Baker discussed U.S. campaign finance regulations with transparency advocates, investigative journalists, civil society leaders, and academics from Europe and Eurasia. The meeting was part of the State Department's International Visitor Leadership Program.

On February 26, Vice Chairman Walther and Communications Specialist Zainab Smith discussed the role and function of the Commission with political leaders from the Middle East and North Africa. The meeting was part of the State Department's International Visitor Leadership Program.

On February 26, Commissioner Ravel was the featured guest participant at the American Constitution Society for Law and Policy's Twitter Chat on campaign finance and the 2016 Elections in Washington, D.C.

EDUCATIONAL PROGRAMS

On February 24, the Commission hosted a Webinar for Political Party Committees.

PRESS RELEASES

[Court of Appeals Issues Opinion in *Stop Reckless Economic Instability Caused by Democrats et al. v. FEC*](#) (issued February 23)

[FEC Issues an Advisory Opinion](#) (issued February 25)

UPCOMING COMMISSION MEETINGS AND HEARINGS

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

March 16: 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

March 23: Webinar for Candidate Committees. Additional information is available on the [Educational Outreach](#) page of the Commission website.

UPCOMING REPORTING DUE DATES

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

April 15: April Quarterly Reports are due. For information on quarterly reporting dates, refer to

the [2016 Quarterly Reporting page](#) of the Commission website.

April 20: April Monthly Reports are due. For more information on monthly reporting dates, refer to the [2016 Monthly Reporting 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.

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

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