

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



ISSUE: 2016-18

For Immediate Release
April 29, 2016

Contact: Judith Ingram
Julia Queen
Christian Hilland

Weekly Digest Week of April 25 – 29

COMMISSION MEETINGS AND HEARINGS

On April 26, the Commission held an [executive session](#).

On April 28, the Commission held an [open meeting](#).

ADVISORY OPINIONS

[Advisory Opinion 2016-02 \(Enable Midstream Services, LLC\)](#). On April 28, the Commission approved an advisory opinion in response to a request from Enable Midstream Services, LLC (Enable), which was formed as part of a joint venture between two publicly traded companies, CenterPoint and OGE Energy, and private investors. The commission concluded that the requestor may form its proposed separate segregated fund (SSF) and that this SSF will not be affiliated with the separate segregated fund of CenterPoint Energy, Inc. The Commission did not agree by the required four affirmative votes on whether Enable's SSF would be affiliated with the separate segregated fund of OGE Energy Corporation.

[Advisory Opinion 2016-03 \(George Holding for Congress, Inc.\)](#). On April 28, the Commission approved an advisory opinion in response to a request from George Holding for Congress, Inc., concluding that because a court order and state legislation created a new electoral situation, North Carolina's June 7, 2016, primary election for the U.S. House of Representatives constitutes a separate election from North Carolina's March 15, 2016, primary election for the U.S. House of Representatives under the Federal Election Campaign Act of 1971, as amended, and Commission regulations. Accordingly, candidates who participated in both elections are entitled to a separate contribution limit for each.

ENFORCEMENT

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

[MUR 6738](#)

COMPLAINANT: Brad Miller for United States Congress (Committee)

RESPONDENT: Johnathan W. Broyhill

SUBJECT: The complaint alleged that Broyhill knowingly and willfully embezzled \$58,000 of funds from the Committee.

DISPOSITION: On May 19, 2015, the Commission found reason to believe Broyhill knowingly and willfully embezzled the funds at issue. On March 15, 2016, the Commission determined to take no further action and closed the file.

[MUR 6807](#)

COMPLAINANT: Megan A. Carpenter

RESPONDENTS: Erin McClelland for Congress Committee and David Lazear, in his official capacity as treasurer (Committee); Erin McClelland; and The Arche Wellness Foundation (Foundation)

SUBJECT: The complaint alleged that the Foundation made a prohibited in-kind corporate contribution to McClelland and the Committee when the Foundation paid for and aired an advertisement featuring McClelland as its executive director. McClelland was a 2014 candidate for Pennsylvania's 12th Congressional District.

DISPOSITION: The Commission exercised its prosecutorial discretion and dismissed the matter. The Commission observed there was a low dollar amount at issue, no electoral content in the ad at issue, and McClelland was a public spokesperson for the Foundation.

[MUR 6977](#)

COMPLAINANT: FEC-Initiated

RESPONDENTS: House Majority PAC and Alixandria Lapp, in her official capacity as treasurer

SUBJECT: In the normal course of carrying out its supervisory responsibilities, the Commission initiated proceedings to determine whether there was reason to believe House Majority PAC and Shannon Roche, in her official capacity as treasurer, failed to disclose all independent expenditures in reports filed with the Commission and to file appropriate 24-Hour Reports of independent expenditures in a timely manner.

DISPOSITION: The Commission entered into a conciliation agreement providing for House Majority PAC and Lapp, in her official capacity as treasurer, to pay a civil penalty of \$6,000.

[MUR 6994](#)

COMPLAINANT: FEC-Initiated

RESPONDENTS: Hall for Congress Committee (Ralph Hall – Rockwall, Texas) and J. Blakeley Hall, in his official capacity as treasurer (the Committee)

SUBJECT: In the normal course of carrying out its supervisory responsibilities, the Commission initiated proceedings to determine whether there was reason to believe the Committee failed to report a debt on the original quarterly disclosure report at issue. Ralph Hall was a 2014 primary election candidate for Texas's 4th Congressional District.

DISPOSITION: The Commission entered into a conciliation agreement providing for the Committee to pay a civil penalty of \$4,000.

LITIGATION

[Campaign Legal Center, et al. v. FEC](#) (Case 1:16-cv-00752-JDB). On April 22, Campaign Legal Center and Democracy 21 filed a [Complaint for Declaratory and Injunctive Relief](#) in the United States District Court for the District of Columbia.

[CREW, et al. v. FEC](#) (Case 1:14-cv-01419-CRC). On April 22, Plaintiffs filed a [Reply in Support of Plaintiffs' Motion for Summary Judgment and in Opposition to Defendants' Cross-Motion for Summary Judgment](#) in the United States District Court for the District of Columbia.

[CREW, et al. v. FEC](#) (Case 1:16-cv-00259-BAH). On April 26, [Intervenor-Defendant Crossroads Grassroots Policy Strategies filed an Answer and Affirmative Defense](#) in the United States District Court for the District of Columbia.

[FEC v. O'Donnell](#) (Case 15-cv-00017-LPS). On April 25, Defendants filed a [Sur Reply Brief in Support of Defendant's Motion for Summary Judgment and in Answer to Commission's Motion for Summary Judgment](#) in the United States District Court for the District of Delaware.

[Holmes, et al. v. FEC](#) (Case 15-5120). On April 26, the United States Court of Appeals for the District of Columbia Circuit issued an [Opinion](#), [Order](#) and [Per Curiam Judgment](#).

[Levinthal, et al v. FEC](#) (Case 1:15-cv-01624-APM). On April 28, the Commission filed its [Reply in Support of Its Motion for Summary Judgment and Opposition to Plaintiffs' Cross-Motion for Summary Judgment](#) and [Statement of Genuine Issues](#) in the United States District Court for the District of Columbia.

RULEMAKING AND AGENCY PROCEDURES

[Draft Final Rule and Explanation and Justification for Technical Amendments to 2015 CFR](#). On April 28, the Commission discussed and held over a vote on technical corrections to various sections of its regulations.

[Proposed Statement of Policy Regarding the Public Disclosure of Closed Enforcement Documents](#). On April 28, the Commission held over discussion of two draft documents addressing a proposed statement of policy that would expand the range of records to be made publicly available on a regular basis.

OUTREACH

On April 25, Commissioner Ellen L. Weintraub spoke to students from the University of Wisconsin-Milwaukee about the role of the Commission in presidential elections.

PRESS RELEASES

[Court of Appeals Issues Opinion in *Holmes v. FEC*](#) (issued April 26)

[FEC Issues Two Advisory Opinions](#) (issued April 28)

[FEC Cites Committee for Failure to File 12-Day Pre-Convention Financial Report](#) (issued April 28)

[FEC Cites Committees for Failure to File April Quarterly Financial Report](#) (issued April 29)

[FEC Cites Committee for Failure to File 12-Day Pre-Primary Financial Report](#) (issued April 29)

UPCOMING COMMISSION MEETINGS AND HEARINGS

May 19: The Commission is scheduled to hold an [open meeting](#).

May 24: The Commission is scheduled to hold an [executive session](#).

May 26: 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

May 11: Webinar for Corporations and their PACs. Additional information is available on the [Educational Outreach](#) page of the Commission website.

May 25: Webinar for Trade Associations and their PACs. Additional information is available on the [Educational Outreach](#) page of the Commission website.

UPCOMING REPORTING DUE DATES

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

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