

FEDERAL ELECTION COMMISSION

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Weekly Digest Week of August 1 – 5

COMMISSION MEETINGS AND HEARINGS

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

ADVISORY OPINIONS

Advisory Opinion Issued and Concurring Statement

[Advisory Opinion 2016-06 \(Internet Association and Internet Association PAC\)](#). On August 1, the Commission approved on tally an advisory opinion responding to a request from the Internet Association (IA), a trade organization representing members of the Internet industry, and its separate segregated fund, the Internet Association Political Action Committee (IAPAC). The Commission concluded that IAPAC may conduct its proposed activities and that IAPAC must pay IA the software development and staffing costs for such activities to avoid IA making a prohibited corporate contribution to IAPAC. The Commission could not agree by the required four affirmative votes on whether IAPAC's activity would result in in-kind contributions to the participating candidates. On August 2, Chairman Matthew S. Petersen and Commissioners Lee E. Goodman and Caroline C. Hunter issued a [Concurring Statement](#).

Draft

[Advisory Opinion 2016-08 \(eBundler.com\)](#). On August 4, the Commission made public a [draft](#) of Advisory Opinion 2016-08. The requestor asks a number of questions about the requestor's proposed fundraising and contribution-processing platforms. Public comments on the draft are due by noon on August 15, 2016.

ENFORCEMENT

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

[MUR 6622](#)

COMPLAINANT: FEC-Initiated; and Paul Welday

RESPONDENT: Kerry Bentivolio for US Congress and Timothy Witt, in his official capacity as treasurer (the Committee)

SUBJECT: In the normal course of carrying out its supervisory responsibilities and based on information contained in a complaint, the Commission initiated proceedings to determine whether there was reason to believe that the Committee filed reports without the signature of the treasurer and failed to accurately disclose receipts, disbursements, debts, and cash-on-hand information. Bentivolio was a 2012 candidate for Michigan's 11th Congressional District.

DISPOSITION: The Commission entered into a conciliation agreement providing for the Committee to pay \$2,200.

[MUR 6816](#)

COMPLAINANT: Citizens for Responsibility and Ethics in Washington and Melanie Sloan

RESPONDENTS: American Future Fund (AFF); Americans for Job Security (AJS); and The 60 Plus Association, Inc. (60 Plus)

SUBJECT: The complaint alleged that AFF, AJS and 60 Plus failed to disclose that the Center to Protect Patient Rights (CPPR) provided funds for the purpose of furthering independent expenditures and electioneering communications in connection with the 2010 federal elections.

DISPOSITION: The Commission entered into conciliation agreements providing for AFF to pay a civil penalty of \$140,000, AJS to pay a civil penalty of \$43,000, and 60 Plus to pay a civil penalty of \$50,000.

[MUR 6863](#)

COMPLAINANT: Steve Robertson, Chairman, Republican Party of Kentucky

RESPONDENT: Alison for Kentucky and Robert C. Stilz III, in his official capacity as treasurer (the Committee); Alison Lundergan Grimes; and S.R. Holding Co. Inc., d/b/a Signature Special Event Services (SSES)

SUBJECT: The complaint alleged that SSES gave and Grimes and the Committee accepted prohibited corporate in-kind contributions in the form of a motor coach leased at a below-market rate. Grimes was a 2014 candidate for Kentucky's United States Senate seat.

DISPOSITION: The Commission closed the file.

[MUR 6891](#)

COMPLAINANT: American Democracy Legal Fund

RESPONDENT: Beat REID PAC and Steve Rebillot, in his official capacity as treasurer (BRP)

SUBJECT: The complaint alleged that BRP, an independent expenditure-only political committee, incorporated the last name of Senator Harry Reid in its own name although it did not appear to be an authorized committee of the candidate.

DISPOSITION: The Commission exercised its prosecutorial discretion and dismissed the matter, sending a letter of caution to BRP. The Commission observed that (1) BRP's violation of the prohibition on using a candidate's name in the name of a committee other than the candidate's authorized committee ceased after Senator Reid announced he was not running for re-election, (2) BRP has engaged in limited activity since its organization in October 2014, and (3) BRP raised little money, made no independent expenditures opposing Reid, issued no communications beyond the social media activity described in the matter, apparently became dormant, and has requested to terminate.

[MUR 6941](#)

COMPLAINANT: Citizens for Responsibility and Ethics in Washington

RESPONDENT: National Rifle Association of America Political Victory Fund and Mary Rose Adkins, in her official capacity as treasurer (NRA-PVF); and National Rifle Association Institute for Legislative Action (NRA-ILA)

SUBJECT: The complaint alleged that NRA-ILA solicited \$125,153 from the general public but deposited the funds into the account of the NRA's separate segregated fund, NRA-PVF. As a result, the complaint alleges, the solicitations were actually solicitations for NRA-PVF and thus were improper because they did not adhere to the requirements of solicitations for an SSF. The complaint alleged further that the misdeposited funds did not meet the requirements for funds deposited into a federal account. Finally, the complaint alleged that NRA-PVF failed to report employer and/or occupation information for numerous contributors in the 2014 cycle.

DISPOSITION: The Commission found no reason to believe NRA-PVF and NRA-ILA violated the Act in connection with the solicitations because they were solicited for NRA-ILA and not for NRA-PVF. The Commission dismissed with caution the allegation that the misdeposited funds did not meet requirements for funds deposited into a federal account. The Commission found no reason to believe NRA-PVF failed to report employer and/or occupation information because NRA-PVF has demonstrated that it used best efforts when collecting and reporting contributor information for the 2014 election cycle.

[MUR 6974](#)

COMPLAINANT: Matthew Bernstein

RESPONDENT: Foundation for a Secure and Prosperous America and Susan Neithamer, in her official capacity as treasurer (FSPA)

SUBJECT: The complaint alleged that FSPA failed to report independent expenditures or to register and report as a political committee after disbursing over \$1 million for advertisements regarding Senator Rand Paul's position on negotiations between the United States and Iran, which were aired while Paul was a 2016 candidate for nomination for president.

DISPOSITION: The Commission found no reason to believe FSPA violated the Act. There was an insufficient number of votes to adopt a Factual and Legal Analysis.

[MUR 7054](#)

COMPLAINANT: FEC-Initiated

RESPONDENT: Oakland County Democratic Party and Phillip W. Reid, 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 (1) misstated receipts, disbursements and cash on hand, (2) failed to maintain monthly payroll logs in 2011 and 2012, (3) failed to maintain records of receipts and to properly report receipts in 2011 and 2012, (4) failed to use a campaign depository for all its cash transactions in 2011 and 2012, and (5) failed to disclose \$761,912.15 in disbursements in three monthly reports in 2015.

DISPOSITION: The Commission entered into a conciliation agreement providing for the Committee to pay a civil penalty of \$58,000.

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 787](#) – Conservative Majority Fund and Scott Mackenzie, in his official capacity as treasurer. The respondent agreed to (1) certify that a representative of the Committee participated in an FEC conference, webinar, or other program developed in consultation with the FEC’s Information Division, (2) amend relevant 2013-2014 reports to address any inadequate responses to request for additional information from RAD, and (3) pay a civil penalty of \$3,500.

LITIGATION

[Campaign Legal Center, et al. v. FEC](#) (Case 1:16-cv-00752-JDB). On August 2, the Plaintiffs filed an [Opposition to Commission's Motion to Dismiss](#) in the United States District Court for the District of Columbia.

[Pursuing America's Greatness v. FEC](#) (Case 15-5264). On August 2, the Court of Appeals for the District of Columbia Circuit issued an [Opinion](#) and [Order](#).

OUTREACH

On August 5, Commissioner Ann M. Ravel participated in a podcast with the American Leadership Forum discussing her work with the Commission.

FEDERAL REGISTER

On August 2, the Commission published the [Statement of Policy on Disclosure of Certain Documents in Enforcement and Other Matters](#) (Notice 2016-06) in the Federal Register.

PRESS RELEASES

[Court of Appeals Issues Opinion in Pursuing America's Greatness v. FEC](#) (issued August 2)

[Federal Election Commission Certifies Federal Matching Funds for Stein](#) (issued August 2)

[FEC Cites Committees for Failure to File 12-Day Pre-Primary Financial Report](#) (issued August 2)

[FEC Cites Committees for Failure to File 12-Day Pre-Primary Financial Report](#) (issued August 5)

UPCOMING COMMISSION MEETINGS AND HEARINGS

August 16: The Commission is scheduled to hold an [open meeting](#) and an [executive session](#).

Meeting dates are subject to change. Please contact the Press Office the week of the scheduled meeting for confirmation.

UPCOMING EDUCATIONAL PROGRAMS

August 24: Webinar on Pre-Election Communications and Reporting. Additional information is available on the [Educational Outreach](#) page of the Commission website.

UPCOMING REPORTING DUE DATES

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

The Commission posted the filing deadlines for the Special Democratic Primary Election in Ohio's 8th Congressional District. For information on reporting dates for this election, refer to the [Special Election Report Notice](#).

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 [July 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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