

# FEDERAL ELECTION COMMISSION

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For Immediate Release  
September 15, 2016

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## **FEC Approves Two Notices of Availability to Seek Public Comment**

WASHINGTON – The Federal Election Commission today approved two Notices of Availability to seek public comment on whether the Commission should initiate a rulemaking in connection with new accounts of national party committees and revise its existing rules regarding the use of federal funds to pay for certain activities of state, district, or local committees of a political party.

[REG 2014-10: Implementing the Consolidated and Further Continuing Appropriations Act, 2015](#). The Commission approved a Notice of Availability seeking comment on whether the Commission should initiate a rulemaking based on a Petition for Rulemaking on Implementing the Consolidated and Further Continuing Appropriations Act, 2015, which established certain new accounts for national party committees. The petition also asked the Commission to amend its regulations regarding convention committees. Comments must be submitted on or before January 30, 2017.

[REG 2016-03: Political Party Rules](#). The Commission approved a Notice of Availability seeking comment on whether the Commission should initiate a rulemaking based on a Petition for Rulemaking asking the Commission to revise existing rules regarding the use of federal funds to pay for certain activities of state, district, or local committees of a political party. Comments must be submitted on or before January 30, 2017.

[REG 2013-01: Draft Notice of Proposed Rulemaking on Technological Modernization](#). The Commission noted that it made public a second draft of a Notice of Proposed Rulemaking on Technological Modernization, which would request comment on proposed changes to more than 100 Commission regulations to address contributions and expenditures made by electronic means, such as through internet-based payment processors or text messaging, to eliminate and update references to outdated technologies, and to address similar issues. The Commission held the matter over until the next open meeting.

[Promoting Voluntary Compliance](#). The Commission discussed a Memorandum on promoting voluntary compliance through a list of basic compliance tips the agency should consider distributing through social media and other media outlets to complement existing outreach efforts.

[Proposed Statement of Policy on the Application of the Foreign National Prohibition to Domestic Corporations Owned or Controlled by Foreign Nationals](#). The Commission was unable to reach agreement by the required four affirmative votes on a proposed Statement of Policy that would (1) clarify how foreign national prohibition in the Federal Election Campaign Act of 1971, as amended (the Act), applies to U.S. domestic subsidiaries of foreign nationals that make

independent expenditures, disbursements for electioneering communications, contributions to political committees that make only independent expenditures, or contributions to separate accounts maintained by political committees for making only independent expenditures, and (2) create a safe harbor for political committees that may lawfully accept corporate contributions or donations within which they will be deemed to have confirmed that they do not come from foreign national sources.

[Proposal to Rescind Advisory Opinion 2006-15 \(TransCanada\)](#). The Commission was unable to reach agreement by the required four affirmative votes on a proposal to formally rescind Advisory Opinion 2006-15 (TransCanada) and the parts of other advisory opinions that purported to permit domestic subsidiaries of foreign corporations to make contributions or donations, either directly or through separate segregated funds, in connection with federal, state, and local elections.

[Proposal to Launch Rulemaking to Ensure that U.S. Political Spending Is Free from Foreign Influence](#). The Commission was unable to reach agreement by the required four affirmative votes on a proposal to initiate a rulemaking examining the role of foreign political spending in U.S. elections following the Supreme Court decision in [Citizens United v. FEC](#). During the discussion, Vice Chairman Steven T. Walther presented a [Statement](#). The Commissioners agreed to prioritize expedited treatment of complaints regarding foreign national contributions.

[Request for Guidance on Interpretation of Conciliation Agreement in MUR 5635 \(The Viguerie Company, et al.\)](#). Prior to today's meeting, the Commission approved on tally a Memorandum from the Office of General Counsel in response to a request for guidance on interpretation of a 2005 conciliation agreement in the context of recent court rulings in connection with the Act and Commission regulations. The Memorandum recommends that the Commission find that the requestors would not be prohibited from (1) entering into “no-risk” contracts in future agreements where in-kind contributions are made solely to independent expenditure-only political committees or a non-contribution account of a non-connected committee or (2) using third-party, non-banking lenders to finance the cost of postage for mailings where in-kind contributions are made solely to independent expenditure-only political committees or a non-contribution account of a non-connected committee.

[Audit Division Recommendation Memorandum on the Utah Republican Party](#). Prior to the open meeting, the Commission approved on tally the Audit Division Recommendation Memorandum on the Utah Republican Party, covering campaign finance activity from January 1, 2011, to December 31, 2012. The Commission approved findings related to the receipt of prohibited contributions, receipt of contributions that exceed limits, misstatement of financial activity, recordkeeping for employees, reporting of debts and obligations, and apparent excessive contribution in the form of staff advances.

*The Federal Election Commission (FEC) is an independent regulatory agency that administers and enforces federal campaign finance laws. The FEC has jurisdiction over the financing of campaigns for the U.S. House of Representatives, the U.S. Senate, the Presidency and the Vice*

*Presidency. Established in 1975, the FEC is composed of six Commissioners who are nominated by the President and confirmed by the U.S. Senate.*

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