



APPROVED DECEMBER 12, 2017

MINUTES OF AN OPEN MEETING

OF THE

FEDERAL ELECTION COMMISSION

THURSDAY, AUGUST 17, 2017

PRESENT: Steven T. Walther, Chairman, presiding

Caroline C. Hunter, Vice Chair

Lee E. Goodman, Commissioner

Matthew S. Petersen, Commissioner

Ellen L. Weintraub¹, Commissioner

Alec Palmer, Staff Director

Lisa Stevenson, Acting General Counsel

Dayna C. Brown, Secretary and Clerk

¹ Commissioner Weintraub participated by telephone.

Chairman Steven T. Walther called the Federal Election Commission to order in an open meeting at 10:53 A.M. on Thursday, August 17, 2017 with a quorum present.

Chairman Walther recognized Vice Chair Hunter who

MOVED to add to the agenda consideration of AO 2017-08 Point Bridge Capital, LLC, and that the Commission determine pursuant to 11 C.F.R. 2.7(d) that business so requires and no earlier public announcement was possible; and

FURTHER MOVED to suspend the rules on the timely submission of agenda documents in order that the Commission may consider Agenda Document Nos. 17-35-A, Draft A and 17-35-B, Draft B, of Advisory Opinion 2017-06, Stein and Gottlieb; and Agenda Document No. 17-36-A, Draft A of Advisory Opinion 2017-08, Point Bridge Capital, LLC.

The motion carried by a vote of 5-0 with Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voting affirmatively for the decision.

I. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE ILLINOIS REPUBLICAN PARTY (IRP) (A13-09)

Memorandum from the Chief Compliance Officer and the Audit Division dated July 25, 2017

Agenda Document No. 17-34-A

Chairman Walther recognized Mr. Robert Morcomb of the Audit Division who stated that the memorandum before the Commission contained six (6)

Findings and that the Illinois Republican Party requested and received an Audit Hearing which was held on June 22, 2017.

Mr. Morcomb and Mr. Marty Favin of the Audit Division participated in the discussion that followed.

Chairman Walther recognized Commissioner Weintraub who

MOVED to approve the Audit Division Recommendation Memorandum on the Illinois Republican Party.

Discussion followed.

The motion failed by a vote of 1-4 with Commissioner Weintraub voting affirmatively for the motion. Commissioners Goodman, Hunter, Petersen, and Walther dissented.

Chairman Walther recognized Commissioner Goodman who

MOVED to approve Findings 1, 3, 5, and 6 of the Audit Division Recommendation Memorandum on the Illinois Republican Party.

The motion carried by a vote of 5-0 with Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voting affirmatively for the decision.

Acting General Counsel Lisa Stevenson and Mr. Larry Calvert of the General Counsel's Office participated in the discussion that followed.

Commissioner Goodman

MOVED to reject Finding 2 of the Audit Division Recommendation Memorandum on the Illinois Republican Party, and find that the Party provided sufficient evidence to establish the volunteer mail requirement.

Discussion followed.

The motion carried by a vote of 4-1 with Commissioners Goodman, Hunter, Petersen, and Walther voting affirmatively for the decision. Commissioner Weintraub dissented.

Commissioner Goodman then

**MOVED to reject Finding 4 of the Audit Division
Recommendation Memorandum on the Illinois Republican
Party for lack of sufficient evidence to support the finding.**

**Mr. Morcomb of the Audit Division participated in the discussion
that followed.**

The motion carried by a vote of 4-1 with Commissioners Goodman, Hunter, Petersen, and Walther voting affirmatively for the decision. Commissioner Weintraub dissented.

II. DRAFT ADVISORY OPINION 2017-06

**Stein and Gottlieb by Jonathan S. Berkon, Esq. and
Tyler J. Hagenbuch, Esq.**

**Agenda Document No. 17-35-A (Draft A)
(Submitted Late)**

**Agenda Document No. 17-35-B (Draft B)
(Submitted Late)**

**Chairman Walther recognized Ms. Joanna Waldstreicher of the General
Counsel's Office who presented the draft advisory opinion concerning the
application of the Federal Election Campaign Act of 1971 (the Act), as amended,**

and the Commission regulations to the request of Eli Stein and Jeremy Gottlieb.

The requestors ask several question about their proposed mobile app that would allow users to round up spare change from their debit or credit card

transactions and contribute those amounts to candidates for Federal office.

Both Drafts conclude that the proposed app is permissible and complies with the applicable provisions of the Act and Commission regulations.

Chairman Walther acknowledged Mr. Jonathan Berkon, Esq., counsel for the requestors, who was present to answer Commissioners' questions. Mr. Berkon participated in the discussion that followed.

Chairman Walther recognized Commissioner Weintraub who stated that she would like more time to consider the matter, should the requestors be willing to grant the Commission an extension. Chairman Walther also noted his concern that the public did not have the standard amount of time to comment on the Drafts in this matter, and would therefore also support an extension.

Discussion continued with Mr. Berkon stating that he would confer with his clients on the extension request, noting that time was of the essence from a competitive standpoint. The Commission also discussed the possibility of resolving the matter on tally.

III. DRAFT ADVISORY OPINION 2017-08

Point Bridge Capital, LLC by D. Eric Lycan, Esq.

**Agenda Document No. 17-36-A (Draft A)
(Submitted Late)**

Chairman Walther acknowledged Mr. Eric Lycan, Esq., counsel for the requestor, who was available by telephone to answer Commissioners' questions.

Chairman Walther recognized Ms. Joanna Waldstreicher of the General Counsel's Office who presented the draft advisory opinion concerning the application of the Federal Election Campaign Act of 1971 (the Act), as amended, and the Commission regulations to the request of Point Bridge Capital, LLC. The requestor asks several questions about its proposal to establish an index of publically traded securities based on support for a political party and its candidates, and to establish an exchange traded fund (ETF) based on that index. The Draft concludes that the proposed index and ETF are permissible under the Act and Commission regulations, and that the requestor would not be required to file any reports with the Commission.

Chairman Walther recognized Mr. Lycan who thanked Ms. Waldstreicher and Mr. Robert Knop of the General Counsel's Office for their assistance with this advisory opinion request, and for their excellent customer service.

Chairman Walther called for a motion. Vice Chair Hunter then

MOVED to approve Agenda Document 17-36-A.

The motion carried by a vote of 5-0 with Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voting affirmatively for the decision.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 12:14 P.M.**


Signed:



Steven T. Walther

Chairman of the Commission

Attest:



**Dayna C. Brown
Secretary and Clerk of the Commission**