



**APPROVED DECEMBER 12, 2017**

**MINUTES OF AN OPEN MEETING**

**OF THE**

**FEDERAL ELECTION COMMISSION**

**THURSDAY, JUNE 22, 2017**

**PRESENT:**

**Steven T. Walther, Chairman, presiding**

**Caroline C. Hunter, Vice Chair**

**Lee E. Goodman, Commissioner**

**Matthew S. Petersen, Commissioner**

**Ellen L. Weintraub, Commissioner**

**Alec Palmer, Staff Director**

**Lisa Stevenson, Acting General Counsel**

**Dayna C. Brown, Secretary and Clerk**

**Chairman Steven T. Walther called the Federal Election Commission to order in an open meeting at 11:21 A.M. on Thursday, June 22, 2017 with a quorum present.**

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**Chairman Walther recognized Vice Chair Hunter who**

**MOVED to suspend the rules on the timely submission of agenda documents so that the Commission may consider Draft Advisory Opinion 2017-01, Agenda Document No. 17-22-B (Draft B); and Draft Advisory Opinion 2017-03, Agenda Document No. 17-23-B (Draft B).**

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

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**Chairman Walther recognized Ms. Kate Belinski, Esq., counsel for the American Urological Association (AUA), and Mr. David Mason, Esq., counsel for the American Association of Clinical Urologists, Inc. (AACU), each of whom were in attendance to answer Commissioners' questions. Item I (Draft Advisory Opinion 2017-01) and Item II (Draft Advisory Opinion 2017-03) were once again considered simultaneously by the Commission.**

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**I. DRAFT ADVISORY OPINION 2017-01**

**American Urological Association by Kate A. Belinski, Esq.**

**Agenda Document No. 17-22-A (Draft A)**

**Agenda Document No. 17-22-B (Draft B)  
(Submitted Late)**

**(Held over from the June 8, 2017 meeting)**

**II. DRAFT ADVISORY OPINION 2017-03**

**American Association of Clinical Urologists, Inc./URO PAC by Barbara Arango and David M. Mason, Esq.**

**Agenda Document No. 17-23-A (Draft A)**

**Agenda Document No. 17-23-B (Draft B)  
(Submitted Late)**

**(Held over from the June 8, 2017 meeting)**

**Mr. Mason informed the Commission that Dr. Charles McWilliams, President of the AACU, was also in attendance and would begin the discussion on behalf of AACU.**

**Dr. McWilliams stated that he is a volunteer with the AACU, has been a member of the AUA for 30 plus years, and joined the AACU for advocacy about 20 years ago. He stated that the AUA and AACU have always worked together. He noted that the AACU assumed the advocacy from the outset, and then the AUA changed their status around 20 years ago and began to join the AACU in advocating. Dr. McWilliams cited several examples where the entities work together and experience overlap, including: the state society network wherein the AACU handles the state society work and the AUA handles the Federal, with the two working together as a team; shared leadership on the boards of the two**

**entities by rotation; most of AACU's members also being AUA members; and alignment between the entities with respect to legislative and policy issues. Dr. McWilliams noted that administrative issues have developed in recent years that have made it difficult for the two entities to work together, and further stated AACU sees the disaffiliation request as an administrative issue and no different from their 2002 affiliation.**

**Chairman Walther recognized Mr. Mason who detailed his disagreement with the legal analysis contained in Draft B regarding the relationship between the AACU and AAU sections which dismisses the relationship as unimportant or not properly before the Commission. Mr. Mason stated that the nature of the organizations is such that a lot of work goes on at the section level, particularly as it relates to the PAC where a lot of the solicitations occur at the section level. When the joint agreement was in place, and since then, the sections continued to support UROPAC with administrative funding. Mr. Mason also highlighted that the organizations are unquestionably affiliated for election law purposes based on the integrated membership. These factors, Mr. Mason stated, weigh heavily towards affiliation.**

**Chairman Walther recognized Ms. Belinski who reiterated AUA's position on disaffiliation. Ms. Belinski stated that AUA is pleased with Draft B of both matters, which they believe reflect the right result and the proper analysis. She stated that the AACU's supplemental submission filed earlier in the week, and**

**Mr. Mason's comments this morning, continue to rely heavily on the section analysis. Ms. Belinski stated that this is because the entities have very few relations at the national level at this point, such that the sections constitute the only relationship that exists at all between AUA and AACU. Every decision AUA has made regarding AACU at the national level in the last three (3) years has been to pull away from and sever ties with the AACU. Ms. Belinski further stated that the decisions were made with the full support of the AUA board, including the section leaders represented on the board. The AUA national board is responsible for safeguarding the organization's interests, vetting its policies, and overseeing its operations. Ms. Belinski stated that this charge cannot be overridden by a few sections that provide minor financial support to UROPAC's administration. She reiterated that it is the will of AUA's board to disaffiliate from AACU, and respectfully requested that the Commission determine that AUA and AACU are no longer affiliated, and adopt the B Drafts in both matters.**

**Dr. McWilliams, Mr. Mason, and Ms. Belinski participated in the discussion that followed.**

**Chairman Walther recognized Vice Chair Hunter who**

**MOVED to amend Agenda Document No. 17-23-B by:**

- 1. Inserting on page 21, line 7, the paragraph concurrently appearing on page 21, lines 1 - 6 of Agenda Document No. 17-22-B; and**
- 2. Moving current footnote 13 on page 17 of the draft to the**

**end of line 7 on page 13 of the same draft.**

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

**Discussion continued.**

**Chairman Walther recognized Vice Chair Hunter who**

**MOVED to approve Agenda Document No. 17-22-B and Agenda Document No. 17-23-B, as amended at the table.**

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

**III. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE AMERICAN FINANCIAL SERVICES ASSOCIATION PAC (AFSAPAC) (A15-11)**

**Memorandum from the Chief Compliance Officer and Audit Division dated June 2, 2017**

**Agenda Document No. 17-25-A**

**This matter was resolved on tally.**

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**Vice Chair Hunter**

**MOVED to suspend the rules on the timely submission of agenda documents so that the Commission may consider Discussion of Commission's Response to Alleged Foreign Interference in American Elections, Agenda Document No. 17-28-A.**

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

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**IV. DISCUSSION OF COMMISSION'S RESPONSE TO ALLEGED FOREIGN INTERFERENCE IN AMERICAN ELECTIONS**

**Memorandum from Commissioner Ellen L. Weintraub  
dated September 9, 2016**

**Agenda Document No. 17-27-A**

**Memorandum from Commissioner Ellen L. Weintraub  
dated September 29, 2016**

**Agenda Document No. 16-49-A**

**Memorandum from Commissioner Ellen L. Weintraub  
dated June 21, 2017**

**Agenda Document No. 17-28-A  
(Submitted Late)**

**Chairman Walther stated that the matter will be held over to the next open meeting.**

**Chairman Walther recognized Commissioner Weintraub who stated that the document in this matter addresses serious issues affecting our democracy, issues over which the Commission has jurisdiction.**

**V. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission,  
the meeting adjourned at 11:58 A.M.**

**Signed:**



**Steven T. Walther**

**Chairman of the Commission**

**Attest:**



**Dayna C. Brown**

**Secretary and Clerk of the Commission**