



APPROVED NOVEMBER 4, 2021

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JUNE 20, 2019**

PRESENT:

Ellen L. Weintraub, Chair, presiding

Matthew S. Petersen, Vice Chair

Steven T. Walther, Commissioner

Caroline C. Hunter, Commissioner

Alec Palmer, Staff Director¹

Lisa Stevenson, Acting General Counsel

Laura E. Sinram, Acting Secretary and Clerk

¹ Deputy Staff Director for Management and Administration Kate Higginbotham represented Staff Director Palmer.

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:06 A.M. on Thursday, June 20, 2019 with a quorum present.

Chair Weintraub then welcomed the special guests in the audience.

I. CORRECTION AND APPROVAL OF MINUTES

**Meeting of May 9, 2019
Agenda Document No. 19-24-A**

**Meeting of May 23, 2019
Agenda Document No. 19-25-A**

Chair Weintraub recognized Vice Chair Petersen who

MOVED to approve the minutes for the meeting held on May 9, 2019, as set forth in Agenda Document No. 19-24-A, as well as the minutes for the meeting on May 23, 2019, as set forth in Agenda Document No. 19-25-A.

The motion carried by a vote of 4-0 with Commissioners Hunter, Petersen, Walther, and Weintraub voting affirmatively for the decision.

II. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE OKLAHOMA DEMOCRATIC PARTY (A17-19)

**Memorandum the Chief Compliance Officer and Audit
Division dated June 3, 2019**

Agenda Document No. 19-27-A

Chair Weintraub recognized Mr. Jeff Spilizewski of the Audit Division who highlighted the four findings within the Memorandum: 1) Misstatement of Financial Activity; 2) Misstatement of Levin Fund Activity; 3) Recordkeeping for Employees; and 4) Reporting of Debts and Obligations.

Chair Weintraub stated that she put in an objection so she could make a motion to add a joint fundraising finding.

Discussion followed.

Chair Weintraub recognized Commissioner Walther who

MOVED to add a new finding that the Oklahoma Democratic Party violated the joint fundraising regulations at 11 C.F.R. § 102.17(c) when it received \$3,013,100 in net proceeds from the Hillary Victory Fund joint fundraising committee and on the same day transferred \$3,003,100 to the Democratic National Committee.

Chair Weintraub cited the Statement that she issued on May 31, 2019 in MURs 7304, 7331, and 7339 involving the Hillary Victory Fund and the Trump Victory Fund.

Chair Weintraub then called for vote on Commissioner Walther's motion. The motion failed by a vote of 2-2 with Commissioners Walther and Weintraub voting affirmatively for the motion. Commissioners Hunter and Petersen dissented.

Chair Weintraub recognized Vice Chair Petersen who

MOVED to approve the Audit Division Recommendation Memorandum on the Oklahoma Democratic Party (A17-19), as set forth in Agenda Document No. 19-27-A.

The motion carried by a vote of 4-0 with Commissioners Hunter, Petersen, Walther, and Weintraub voting affirmatively for the decision.

Chair Weintraub recognized Commissioner Hunter who offered her thanks to Ms. Dayna Brown and Ms. Laura Sinram for stepping up to fill their new details.

III. INTERNET AD DISCLAIMERS RULEMAKING PROPOSAL FOR REG 2011-02 (INTERNET COMMUNICATION DISCLAIMERS AND DEFINITION OF "PUBLIC COMMUNICATION")

**Memorandum from Chair Ellen L. Weintraub dated
June 13, 2019**

Agenda Document No. 19-26-A (Draft A)

**Memorandum from Vice Chair Matthew S. Petersen and
Commissioner Caroline C. Hunter dated June 19, 2019**

**Agenda Document No. 19-26-B (Draft B)
(Submitted Late)**

Chair Weintraub stated that there was a late submitted document motion.

Vice Chair Petersen then

**MOVED to suspend the rules on the timely submission of
agenda documents in order that the Commission may**

consider the late submission of Agenda Document No. 19-26-B.

The motion carried by a vote of 4-0 with Commissioners Hunter, Petersen, Walther, and Weintraub voting affirmatively for the decision.

Chair Weintraub introduced the matter and recognized Mr. Neven Stipanovic, who stated that he was happy to answer any questions.

Chair Weintraub noted that she put this on the agenda because it's been on the Commission's agenda for a very long time. She then highlighted the item's history, especially within the last year, and further stated that the Commission should clarify these rules. Chair Weintraub noted the receipt of a new proposal from her colleagues and went on to describe the similarities and differences in the proposals. She further noted that it was unlikely that the Commission would vote on these proposals at this meeting but planned to bring this back and hoped to have a vote at least on rule text at the next meeting given its importance.

Chair Weintraub then recognized Vice Chair Petersen who noted the usefulness of apprising the public where Commissioners stand, to evaluate the approaches, and to give the public opportunity to comment on the approaches. Vice Chair Petersen discussed the overlap between the two (2) proposals; the various Advisory Opinions that have addressed this issue about how to apply a

disclaimer requirement that contemplated a very different communications environment of traditional media; and that this rulemaking has relevance independent from the issues related to the foreign national concern. He then went on to highlight several guiding principles that he kept in mind when approaching this issue, including: flexibility due to the dynamic nature of the internet; maintaining ad format options that are currently available to candidates, political committees, and independent speakers; maintaining the availability on the internet of many low-cost advertising options; and maintaining the current internet exemption. Vice Chair Petersen noted his hope of reaching consensus on this matter.

Discussion then followed regarding Chair Weintraub's proposal, including: whether the production costs of an ad trigger the need for a disclaimer; the trigger for when a full disclaimer would not be required; and when an abbreviated disclaimer would be appropriate.

Discussion continued regarding Commissioner Hunter's prior proposal on using objective standards on items such as pixel size.

Chair Weintraub reiterated Vice Chair Petersen's earlier request for public comment on either or both proposals, or to submit a new idea.

Commissioner Hunter also included a request for comments.

Discussion continued.

Chair Weintraub stated that this would be on the next open meeting agenda.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:42 A.M.

Signed:



**Ellen L. Weintraub
Chair of the Commission (2019)**

Attest:



**Laura E. Sinram
Acting Secretary and Clerk of the Commission**