



APPROVED JULY 26, 2023

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, DECEMBER 15, 2022¹**

PRESENT:

Allen Dickerson, Chairman, presiding

Dara Lindenbaum, Vice Chair

Shana M. Broussard, Commissioner

Sean J. Cooksey, Commissioner

James E. "Trey" Trainor III, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Lisa Stevenson, Acting General Counsel

Laura E. Sinram, Secretary and Clerk

Vicktoria J. Allen, Acting Deputy Secretary²

Maureen Benitz, Program Management Analyst³

¹ This meeting was conducted as a hybrid meeting with virtual and in-person participants.

² Acting Deputy Secretary Vicktoria Allen was the recording secretary for the meeting.

³ Program Management Analyst Maureen Benitz moderated the meeting.

Chairman Allen Dickerson called the Federal Election Commission to order in an open meeting at 11:09 A.M. on Thursday, December 15, 2022 with a quorum present.

I. DRAFT ADVISORY OPINION 2022-22

DataVault I by Elliot S. Berke, Esq.

Agenda Document No. 22-57-A (Draft A)

Chairman Dickerson recognized Mr. Elliot S. Berke, on behalf of the requestor. Chairman Dickerson also recognized Mr. Joseph Wenzinger of the General Counsel's Office who presented the matter.

The requestor asks whether it may create and sell non-fungible tokens ("NFTs") to political committees for use in the committees' fundraising endeavors. Because DataVault proposes to sell the NFTs in the ordinary course of business, at the usual and normal charge, and under the same terms and conditions as its nonpolitical clients, the Draft concludes that the proposals presented in the request would not result in prohibited in-kind contributions and are, therefore, permissible.

Chairman Dickerson recognized Mr. Nathaniel Bradley, the CEO of DataVault. Mr. Berke and Mr. Bradley participated in the discussion that followed.

Chairman Dickerson recognized Commissioner Cooksey who

**MOVED to approve Agenda Document No. 22-57-A,
which is Draft A.**

**The motion carried by a vote of 6-0 with Commissioners Broussard,
Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voting affirmatively for
the decision.**

II. DRAFT ADVISORY OPINION 2022-23

DataVault II by Elliot S. Berke, Esq.

Agenda Document No. 22-56-A (Draft A)

**Chairman Dickerson recognized Mr. Wenzinger of the General Counsel's
Office who presented the matter. The requestor asks whether it may, through a
wholly-owned subsidiary, license Adio Tones, a patented technology, to political
committees for use in the committees' fundraising endeavors. Because
DataVault proposes to license Adio Tones to political committees in the
ordinary course of business, at the usual and normal charge, and on the same
terms and conditions as its non-political clients, the Draft concludes that the
proposal would not result in prohibited in-kind contributions and is, therefore,
permissible.**

Mr. Bradley and Mr. Berke participated in the discussion that followed.

Chairman Dickerson recognized Commissioner Cooksey who

**MOVED to approve Agenda Document No. 22-56-A,
which is Draft A.**

The motion carried by a vote of 6-0 with Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voting affirmatively for the decision.

III. REG 2022-06 (DISGORGEMENT): DRAFT NOTIFICATION OF AVAILABILITY

Agenda Document No. 22-59-A

Chairman Dickerson recognized Mr. Tony Buckley of the General Counsel's Office who presented the matter.

Agenda Document No. 22-59-A contains a Draft Notice of Availability for a Petition for Rulemaking submitted by Campaign Legal Center. The petition asks the Commission to amend or clarify its regulations regarding the refunding of contributions that violate the source prohibitions or amount limitations of the Federal Election Campaign Act. The notification seeks comment on whether the Commission should commence a rulemaking based on this petition. The comment period will run for 60 days following publication of the notification in the Federal Register. After the comment period has concluded, and after the comments have been considered, the Commission may decide whether to initiate a rulemaking.

Chairman Dickerson recognized Vice Chair Lindenbaum who

MOVED to approve Agenda Document No. 22-59-A.

Discussion followed.

Chairman Dickerson called the vote. The motion carried by a vote of 6-0 with Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voting affirmatively for the decision.

IV. DRAFT LEGISLATIVE RECOMMENDATIONS 2022

Agenda Document No. 22-58-A

Chairman Dickerson recognized Mr. Duane Pugh of the Office of Congressional, Legislative and Intergovernmental Affairs who presented the matter and participated in the discussion that followed.

Chairman Dickerson recognized Commissioner Cooksey who

MOVED to approve Agenda Document No. 22-58-A, subject to the edits discussed at the table by staff and further subject to the Commission's direction about transmission discussed at the table.

The motion carried by a vote of 6-0 with Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voting affirmatively for the decision.

Chairman Dickerson took a point of personal privilege. Chairman Dickerson reflected on his time as Chairman of the FEC and acknowledged the many accomplishments over the last year. He also recognized staff who reached milestone anniversaries and who made notable contributions to the

agency over the last year. He thanked Commissioner Broussard for her leadership in 2021, which allowed the agency to advance its mission.

V. ELECTION OF OFFICERS FOR 2023

A. Chair

Chairman Dickerson recognized Commissioner Cooksey who

MOVED to nominate Vice Chair Dara Lindenbaum to serve as Chair of the Federal Election Commission for the calendar year 2023.

The motion carried by a vote of 5-0 with Commissioners Broussard, Cooksey, Dickerson, Trainor, and Weintraub voting affirmatively for the decision. Commissioner Lindenbaum abstained.

B. Vice Chair

Chairman Dickerson recognized Madam Chair-Elect Lindenbaum who

MOVED to nominate Commissioner Cooksey to serve as Vice Chair of the Federal Election Commission for the calendar year 2023.

The motion carried by a vote of 6-0 with Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voting affirmatively for the decision.

Chairman Dickerson recognized Vice Chair Lindenbaum for a point of personal privilege. She thanked Chairman Dickerson and his staff in welcoming her to the Commission this year. She also thanked Commissioner Broussard for her leadership in 2021 and her ability to help clear the backlog of enforcement matters. She looks forward to working with Commissioner Cooksey as Vice Chair in 2023.

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 11:50 A.M.

Signed:

A handwritten signature in blue ink, appearing to read "Allen Dickerson", written over a horizontal line.

**Allen Dickerson
Chairman of the Commission (2022)**

Attest:

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