



**APPROVED AUGUST 3, 2022**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
WEDNESDAY, JUNE 8, 2022<sup>1</sup>**

**PRESENT:**

**Allen Dickerson, Chairman, presiding**

**Steven T. Walther, 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, Acting Secretary and Clerk**

**Vicktoria J. Allen, Acting Deputy Secretary<sup>2</sup>**

**Zainab Smith, Program Management Analyst<sup>3</sup>**

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

<sup>2</sup> Acting Deputy Secretary Vicktoria Allen was the recording secretary for the meeting.

<sup>3</sup> Zainab Smith moderated the meeting.

**Chairman Allen Dickerson called the Federal Election Commission to order in an open meeting at 10:11 A.M. on Wednesday, June 8, 2022 with a quorum present.**

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**Chairman Dickerson recognized Vice Chair Walther who**

**MOVED to suspend the rules on the timely submission of agenda documents in order that the Commission may consider the late submission of Agenda Documents No. 22-19-A1, 22-20-A1, and 22-23-A.**

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

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**I. INTERIM FINAL RULE: INDEPENDENT EXPENDITURE REPORTING**

**Memorandum from Chairman Allen Dickerson and Commissioner Shana M. Broussard dated May 19, 2022**

**Agenda Document No. 22-19-A**

**Memorandum from Chairman Allen Dickerson and Commissioner Shana M. Broussard dated June 7, 2022**

**Agenda Document No. 22-19-A1 (Revised)  
(Submitted Late)**

**(Held over from the meeting of May 26, 2022)**

**Chairman Dickerson recognized Ms. Joanna Waldstreicher of the General Counsel's Office who presented the matter.**

**Chairman Dickerson then recognized Commissioner Broussard who**

**MOVED to approve the draft Interim Final Rule Removing  
11 C.F.R. § 109.10(e)(1)(vi), as set forth in Agenda  
Document No. 22-19-A1, as recommended in the  
Memorandum to the Commission dated June 7, 2022.**

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

**II. INITIAL DETERMINATION ON ELIGIBILITY TO RECEIVE PRIMARY  
ELECTION PUBLIC FUNDS – HOWIE HAWKINS, HOWIE HAWKINS  
2020 (LRA 1132)**

**Memorandum to the Commission dated March 9, 2022**

**Agenda Document No. 22-14-A**

**(Held over from the meetings of May 12, 2022 and May 26, 2022)**

**This matter was resolved on tally.**

**III. DRAFT ADVISORY OPINION 2022-05**

**DSCC**

**Agenda Document No. 22-18-A (Draft A)**

**(Held over from the meeting of May 26, 2022)**

**This matter was held over to a future meeting.**

**IV. DRAFT ADVISORY OPINION 2022-03**

**Democracy Engine, LLC**

**Agenda Document No. 22-20-A (Draft A)**

**Agenda Document No. 22-20-A1 (Revised Draft A)  
(Submitted Late)**

**Agenda Document No. 22-20-B (Draft B)**

**Chairman Dickerson recognized Ms. Heather Filemyr of the General Counsel's Office, and Ms. Carol Laham, Esq. on behalf of the requestor. Ms. Filemyr presented the matter.**

**The requestor asks whether a corporation not operating through a separate segregated fund ("SSF") may use the requestor's web platform to solicit and track contributions from members of a corporation's restricted class to federal candidates and political committees, and whether corporations and their separate segregated funds may use the requestor's web platform to solicit and track contributions from the general public to federal candidates and political committees. All drafts conclude: 1) that the proposed activity is not prohibited corporate facilitation when conducted by a separate segregated fund; 2) that the proposal is not barred by the Act's prohibition on the sale or use of contributor data because the data would be obtained from Democracy Engine's records of payments it processes; and 3) disclaimers are required on a customized page on the Democracy Engine platform available to the public.**

**Draft A and Revised Draft A both conclude that a corporation not acting through a separate segregated fund may not use Democracy Engine's platforms to solicit members of the restricted class or general public because Democracy Engine's corporate client would use the platform's contribution function to facilitate the making of contributions to candidates and political committees. Draft B concludes that a corporation not acting through a separate segregated fund may use Democracy Engine's platform to solicit members of the restricted class or the general public because Democracy Engine, not its corporate client, would provide the method of transmitting the contributions as a service to the individual contributors.**

**Ms. Laham participated in the discussion that followed.**

**Commissioner Trainor asked whether the requestor would be amenable to providing an extension. Ms. Laham participated in the continuing discussion.**

**Commissioner Cooksey then asked that the matter be held over and an appropriate extension sought.**

**Ms. Filemyr and Ms. Laham participated in the continuing discussion.**

**Chairman Dickerson stated that the matter will be held over.**

**V. DRAFT ADVISORY OPINION 2022-04**

**Jill Stein for President Committee by Harry Kresky, Esq.**

**Agenda Document No. 22-21-A (Draft A)**

**Chairman Dickerson recognized Mr. Joseph Wenzinger of the General Counsel's Office and Mr. Harry Kresky on behalf of the requestor. Mr. Wenzinger presented the matter.**

**The requestor is the principal campaign committee for Dr. Jill Stein, a candidate for the Green Party nomination for president in 2016. The committee asked various questions concerning the use of committee funds raised after the general election in 2016 to pay outstanding administrative fines to the Commission or to make repayments to the United States Treasury. The draft concludes that the committee need not establish a separate, segregated account to raise funds designated as other receipts to pay administrative fines; the committee may not raise funds designated as primary contributions to pay administrative fines; and the committee may use funds designated as primary contributions to make repayments to the United States Treasury.**

**Mr. Wenzinger, Mr. Kresky, and the requestor Dr. Jill Stein participated in the discussion that followed.**

**Chairman Dickerson recognized Commissioner Cooksey who**

**MOVED to approve Agenda Document No. 22-21-A (Draft A).**

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

**VI. PROPOSED FINAL AUDIT REPORT ON MIKE BRAUN FOR INDIANA  
(A19-02)**

**Memorandum to the Commission dated May 13, 2022**

**Agenda Document No. 22-22-A**

**Memorandum from Commissioner Ellen L. Weintraub  
dated June 2, 2022**

**Agenda Document No. 22-23-A  
(Submitted Late)**

**(Held over from the meeting of May 26, 2022)**

**Chairman Dickerson recognized Mr. Ryan Krogen of the Audit Division who presented the matter. Mr. Krogen highlighted the five (5) findings within the Memorandum to the Commission dated May 13, 2022: 1) misstatement of financial activity; 2) failure to file 48-hour notices; 3) disclosure of occupation and/or name of employer; 4) receipt of apparent prohibited contributions-- loans; 5) disclosure of memo entries and candidate loans. The Additional Issues consist of Issue 1: receipt of contributions in excess of the limit, and Issue 2: prohibited candidate personal loan repayments.**

**Ms. Jessica Selinkoff, Ms. Danita Alberico, and Mr. Larry Calvert of the General Counsel's Office, and Ms. Rickida Morcomb and Ms. Dayna Brown of the Audit Division participated in the discussion that followed.**

**Chairman Dickerson recognized Commissioner Weintraub who**

**MOVED find that the Committee received \$732,429 in excessive contributions from individuals as detailed by**

**the Audit Division in Agenda Document No. 22-23-A and that the finding be included in the Final Audit Report.**

**Ms. Brown and Ms. Morcomb participated in the continuing discussion.**

**Chairman Dickerson called the vote. The motion failed by a vote of 3-3 with Commissioners Broussard, Walther, and Weintraub voting affirmatively for the motion. Commissioners Cooksey, Dickerson, and Trainor dissented.**

**Chairman Dickerson again recognized Commissioner Weintraub who**

**MOVED to add, at the end of Part V. Additional Issues. Issue 1, the paragraph:**

**“On June 8, 2022 the Commission considered a motion to include a finding that the Committee received \$732,429 in excessive contributions from individuals that remain after fully taking into account the *Cruz* decision. The Commission did not approve by the required four votes this proposed finding.”**

**The motion failed by a vote of 3-3 with Commissioners Broussard, Walther, and Weintraub voting affirmatively for the motion. Commissioners Cooksey, Dickerson, and Trainor dissented.**

**Chairman Dickerson recognized Commissioner Trainor**

**MOVED to adopt the Proposed Final Audit Report on Mike Braun for Indiana, as recommended in the Memorandum from the Chief Compliance Officer and the Audit Division dated May 13, 2022.**

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



**VII. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission, the  
meeting adjourned at 11:22 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**