



APPROVED APRIL 20, 2022

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MARCH 10, 2022¹**

PRESENT:

Allen Dickerson, Chairman

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 Clerk²

Vicktoria J. Allen, Acting Deputy Secretary³

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

² Acting Secretary Laura Sinram moderated the meeting.

³ Acting Deputy Secretary Vicktoria Allen was the recording secretary for the meeting.

Chairman Allen Dickerson called the Federal Election Commission to order in an open meeting at 10:13 A.M. on Thursday, March 10, 2022 with a quorum present.

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 Document No. 22-06-A.

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

I. DRAFT ADVISORY OPINION 2022-01

Joan Farr for U.S. Senate OK and KS

Agenda Document No. 22-05-A (Draft A)

Chairman Dickerson recognized Ms. Joanna Waldstreicher and Mr. Robert Knop of the General Counsel's Office.

Ms. Waldstreicher presented the draft advisory opinion from Ms. Joan Farr and her principal campaign committees. Ms. Farr proposes to provide copies of a book that she wrote, and currently owns, as rewards to persons who make contributions to her committees. The request asks whether this proposal is

permissible under the Act and Commission regulations. Draft A concludes that this proposed activity is permissible under the Act and Commission regulations because distributing the books to contributors would constitute an in-kind contribution to the committees, and candidates may make unlimited expenditures, including in-kind contributions, from their own assets.

Chairman Dickerson recognized Commissioner Weintraub who

MOVED to approve Agenda Document No. 22-05-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.

II. FORM 1 REVISIONS PACKAGE

**Agenda Document No. 22-06-A
(Submitted Late)**

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

Mr. Buckley and Mr. Knop participated in the discussion that followed.

Chairman Dickerson recognized Commissioner Trainor who

MOVED to adopt Form 1 with the amendment of striking the term "Super PAC" wherever it is found in the form, in the instructions, and in the explanation and justification for the revision.

Discussion continued.

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

Chairman Dickerson recognized Commissioner Weintraub who

MOVED to approve Agenda Document No. 22-06-A.

The motion carried by a vote of 5-1 with Commissioners Broussard, Cooksey, Dickerson, Walther, and Weintraub voting affirmatively for the motion. Commissioner Trainor dissented.

III. RESUBMISSION: AUDIT DIVISION RECOMMENDATION MEMORANDUM ON MIKE BRAUN FOR INDIANA (A19-02)

**Memorandum from the Chief Compliance Officer and
Audit Division dated February 10, 2022**

Agenda Document No. 22-04-A

Chairman Dickerson recognized Mr. Ryan Krogen of the Audit Division. Mr. Krogen highlighted the five (5) Findings within the Memorandum: 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; and 6) Disclosure of Memo Entries and Candidate Loans. Mr. Krogen stated that, due to a pending Supreme Court decision in Ted Cruz for Senate, et al. v. Federal Election Commission, the Audit Division Recommendation Memorandum recommends that the Commission refrain from considering the following Findings until the Court issues its

decision: Finding 5) Receipt of Contributions in Excess of the Limit and Finding 7) Prohibited Candidate Personal Loan Repayments.

Ms. Danita Alberico of the General Counsel's Office and Ms. Rickida Morcomb of the Audit Division participated in the discussion that followed.

Chairman Dickerson recognized Commissioner Weintraub who

MOVED to approve Agenda Document No. 22-04-A Resubmission: Audit Division Recommendation Memorandum on Mike Braun for Indiana (A19-02), as recommended in the Memorandum from the Chief Compliance Officer and the Audit Division dated February 10, 2022.

Chief Compliance Officer Patricia Orrock, Ms. Dayna Brown of the Audit Division, and Mr. Larry Calvert of the General Counsel's Office 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 recognized Commissioner Trainor who

MOVED to reject Findings 5 and 7 in accordance with the summary judgement order handed down by the U.S. District Court for the District of Columbia in *Cruz v. Federal Election Commission*⁴.

Discussion continued.

⁴ The full name of the case is *Ted Cruz for Senate, et al. v. Federal Election Commission*.

Chairman Dickerson asked whether Commissioner Trainor would consider a friendly amendment to move Finding 7 standing alone. Commissioner Trainor consented to the friendly amendment and

MOVED to reject Finding 7 in accordance with the summary judgement order handed down by the U.S. District Court of the District of Columbia in *Cruz v. Federal Election Commission*.⁵

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

Chairman Dickerson recognized Commissioner Weintraub who

MOVED to approve Findings 1, 2, 3, 4 and 6, as recommended in the Memorandum from the Chief Compliance Officer and the Audit Division dated February 10, 2022.

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

Chairman Dickerson recognized Commissioner Trainor who

MOVED to reject Finding 5 in accordance with the summary judgement order handed down by the U.S. District Court of the District of Columbia in *Cruz v. Federal Election Commission*.⁶

Ms. Brown participated in the continuing discussion.

⁵ The full name of the case is *Ted Cruz for Senate, et al. v. Federal Election Commission*.

⁶ The full name of the case is *Ted Cruz for Senate, et al. v. Federal Election Commission*.

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

Chairman Dickerson recognized Commissioner Weintraub who

MOVED to approve Finding 5 only to the extent it encompasses the individual contributions that would be potentially excessive and not affected by the existence or non-existence of the regulation at issue in the *Cruz* litigation.

Ms. Brown 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.

Discussion continued.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:55 A.M.

Signed:



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

Attest:

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