



APPROVED NOVEMBER 9, 2022

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, OCTOBER 20, 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 Counsel²

Laura E. Sinram, Secretary and Clerk

Vicktoria J. Allen, Acting Deputy Secretary³

Zainab Smith, Program Management Analyst⁴

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

² Greg Baker, Deputy General Counsel – Administration, represented Acting General Counsel Lisa Stevenson.

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

⁴ Program Management Analyst Zainab Smith moderated the meeting.

Chairman Allen Dickerson called the Federal Election Commission to order in an open meeting at 10:03 A.M. on Thursday, October 20, 2022 with a quorum present.

Chairman Dickerson recognized Vice Chair Lindenbaum 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. 22-51-A, 22-51-B, 22-51-C, and 22-51-D.

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

I. DRAFT ADVISORY OPINION 2022-21

DSCC, Bennet for Colorado, and People for Patty Murray by Jacqueline K. Lopez, Esq., Rachel L. Jacobs, Esq., Shanna M. Ruelbach, Esq., and Jonathan A. Peterson, Esq.

**Agenda Document No. 22-51-A (Draft A)
(Submitted Late)**

**Agenda Document No. 22-51-B (Draft B)
(Submitted Late)**

**Agenda Document No. 22-51-C (Draft C)
(Submitted Late)**

**Agenda Document No. 22-51-D (Draft D)
(Submitted Late)**

Chairman Dickerson recognized the General Counsel's Office, and also Ms. Jacqueline Lopez, Ms. Rachel Jacobs, and Mr. Jonathan Peterson on behalf of the requestors. Chairman Dickerson then recognized Ms. Heather Filemyr of the General Counsel's Office who presented the matter.

The requesters ask whether the DSCC may pay for television advertisements, labeled Solicitations 1 and 2 in the request, using its legal proceedings account, and whether Bennet for Colorado and People for Patty Murray may coordinate with the DSCC on the advertisements.

With respect to Solicitation 1, Drafts A, B, and C conclude that the DSCC may pay for Solicitation 1 using the legal proceedings account. Those drafts also conclude that the candidate committees may coordinate with the DSCC on the advertisements because the limitations on coordinated expenditures by a national party committee do not apply to disbursements from the legal proceedings account.

With respect to Solicitation 2, Draft A concludes that the DSCC may not pay for Solicitation 2 using funds in the legal proceedings account because disbursements from the legal proceedings account for that solicitation would be for the purpose of influencing a federal election. Draft B concludes that the DSCC may pay for Solicitation 2 using the funds in the legal proceedings account provided that the advertisements do not contain express advocacy, and

that the DSCC may coordinate with the candidate committees on Solicitation 2 in that circumstance. Draft C concludes that the DSCC may pay for Solicitation 2 using funds in the legal proceedings account because Solicitation 2 contains a solicitation for donations to the legal proceedings account and is therefore a permissible use of funds in that account. Draft C also concludes that the DSCC may coordinate Solicitation 2 with the candidate committees.

Draft D concludes that the DSCC may pay for both Solicitation 1 and Solicitation 2 subject to reasonable cost allocation among the DSCC's accounts, including the legal proceedings account. Draft D also concludes that the candidate committees may coordinate the solicitations with the DSCC provided that those costs not reasonably allocable to the legal proceedings account are either consistent with the limits on coordinated expenditures by a national political party committee, or the DSCC treats those costs as in-kind contributions to the candidate with whom the advertisement is coordinated.

Ms. Lopez participated in the discussion that followed.

Chairman Dickerson recognized Commissioner Weintraub who

MOVED to approve Draft A, which is Agenda Document No. 22-51-A, and subject to the amendment to the sentence on page 8, line 7, as discussed at the table.

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

Chairman Dickerson recognized Vice Chair Lindenbaum who

**MOVED to approve Draft D, which is Agenda Document
No. 22-51-D.**

**The motion carried by a vote of 4-2 with Commissioners Broussard,
Dickerson, Lindenbaum, and Trainor voting affirmatively for the decision.
Commissioners Cooksey and Weintraub dissented.**

**II. NOTICE OF AVAILABILITY FOR REG 2022-05 (CONDUIT REPORTING
THRESHOLD)**

Agenda Document No. 22-50-A

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

**Agenda Document No. 22-50-A contains a draft Notification of Availability
for a Petition for Rulemaking submitted by WinRed, Inc., a nonconnected
political committee. The committee asks the Commission to amend its existing
regulations regarding the threshold amount at which conduits forwarding
contributions to political committees must identify the contributors to the
recipient political committees and to the Commission. 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 Commissioner Cooksey who

MOVED to approve Agenda Document 22-50-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. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:36 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**