



APPROVED NOVEMBER 10, 2022

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, SEPTEMBER 29, 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 10:07 A.M. on Thursday, September 29, 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. 22-49-A and 22-49-B.

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 Commissioner Broussard for a point of personal privilege. Commissioner Broussard thanked the council members for their innovation in creating last week's Diversity, Equity, and Inclusion programming and thanked her colleagues for their support of the program.

I. DRAFT ADVISORY OPINION 2022-20

Maggie for NH by Jacquelyn Lopez, Esq. and Varoon Modak, Esq.

**Agenda Document No. 22-49-A (Draft A)
(Submitted Late)**

**Agenda Document No. 22-49-B (Draft B)
(Submitted Late)**

Chairman Dickerson recognized Ms. Joanna Waldstreicher of the General Counsel's Office, and Ms. Jacquelyn Lopez and Mr. Varoon Modak for the requestors.

Chairman Dickerson noted, for the record,

“Our statute requires us to open Advisory Opinions for a public comment period of 20 days. Unfortunately, that period runs tomorrow. Meaning that, while I am hoping that we can have a productive conversation to answer any questions that Commissioners may have, we will be unable, as a matter of law, to take a vote today. I do intend [] to circulate drafts on tally tomorrow.”

Chairman Dickerson again recognized Ms. Waldstreicher who presented the matter. Maggie for NH asks whether short code text messages containing links to “split-it” fundraising pages, which allow contributors to multiple political committees simultaneously, would be in-kind contributions to the committees listed on those pages. Draft A concludes that the proposed text messages would be in-kind contributions when they contain any of the types of content described in the content standards at 11 C.F.R. § 109.21(c)(2) – (5) because they will satisfy all three (3) prongs of the coordinated communication test. Draft B concludes that they will not be in-kind contributions because they will not be public communications and, therefore, will not satisfy the content prong of the coordinated communication test.

Acting General Counsel Lisa Stevenson clarified that the Advisory Opinion comment period is 10 days, not 20 days.

Ms. Lopez participated in the discussion that followed.

No Commission action was taken.

II. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON ANIBAL COMISIONADO 2020 (A21-03)

Memorandum to the Commission dated August 25, 2022

Agenda Document No. 22-46-A

This matter was resolved on tally.

III. PROPOSED FINAL AUDIT REPORT ON THE KENTUCKY STATE DEMOCRATIC CENTRAL EXECUTIVE COMMITTEE (A19-13)

Memorandum to the Commission dated September 8, 2022

Agenda Document No. 22-47-A

This matter was resolved on tally.

IV. PROPOSED FINAL AUDIT REPORT ON THE DEMOCRATIC PARTY OF ARKANSAS (A19-15)

Memorandum to the Commission dated September 8, 2022

Agenda Document No. 22-48-A

This matter was resolved on tally.

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:14 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**