



APPROVED JULY 26, 2023

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MARCH 30, 2023¹**

PRESENT:

Sean J. Cooksey, Vice Chairman, presiding

Shana M. Broussard, Commissioner

Allen Dickerson, 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, Deputy Secretary²

Maureen Benitz, Program Management Analyst³

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

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

³ Program Management Analyst Maureen Benitz moderated the meeting.

Vice Chair Sean Cooksey called the Federal Election Commission to order in an open meeting at 10:33 A.M. on Thursday, March 30, 2023 with a quorum present.

Vice Chair Cooksey stated that he would serve as Chair of the meeting in the absence of Chair Dara Lindenbaum and that Agenda Item II. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON LATINOS FOR AMERICA FIRST (A21-12) would be held over to a future meeting.

I. DRAFT ADVISORY OPINION 2023-02

Humana, Inc. by Joseph M. Birkenstock, Esq.

Agenda Document No. 23-05-A (Draft A)

(Commissioner Lindenbaum is recused)

Chair Cooksey stated for the record, “Chair Lindenbaum is recused from this matter.”

Vice Chair Cooksey recognized Mr. Joseph Birkenstock who appeared on behalf of the requestors. Vice Chair Cooksey then recognized Ms. Cheryl Hemsley and Mr. Robert Knop of the General Counsel’s Office. Ms. Hemsley presented the matter.

The request asks whether Humana Inc. PAC is still affiliated with their former subsidiary, KAH Hospice Company, Inc. and KAH Hospice Company, Inc. PAC, having spun-off KAH Hospice in August of 2022. The draft first notes that the entities are not per se affiliated and then goes on to consider the facts in light of the affiliation factors set forth in the regulations. After analyzing the relationships between the two companies and their SSFs, the draft determines that the entities are no longer affiliated.

Mr. Birkenstock participated in the discussion that followed.

Vice Chair Cooksey recognized Commissioner Dickerson who

MOVED to approve Agenda Document No. 23-05-A, which is Draft A, subject to the table edits suggested by Commissioner Weintraub and further subject to changing the signature line to the Vice Chairman in light of the Chair's recusal.

The motion carried by a vote of 5-0 with Commissioners Broussard, Cooksey, Dickerson, Trainor, and Weintraub voting affirmatively for the decision. Commissioner Lindenbaum was recused and did not vote.

II. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON LATINOS FOR AMERICA FIRST (A21-12)

Memorandum to the Commission dated March 1, 2023

Agenda Document No. 23-04-A

This matter was held over to a future meeting.

III. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:38 A.M.

Signed:

A handwritten signature in black ink that reads "Sean J. Cooksey". The signature is written in a cursive, flowing style.

Sean J. Cooksey

Vice Chairman of the Commission

Attest:

Laura E. Sinram

Secretary and Clerk of the Commission