



**APPROVED MARCH 23, 2023**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
THURSDAY, AUGUST 11, 2021<sup>1</sup>**

**PRESENT:**

**Shana M. Broussard, Chair, presiding**

**Allen Dickerson, Vice Chair**

**Sean J. Cooksey, Commissioner**

**James E. "Trey" Trainor III, Commissioner**

**Steven T. Walther, Commissioner**

**Ellen L. Weintraub, Commissioner**

**Alec Palmer, Staff Director<sup>2</sup>**

**Lisa Stevenson, Acting General Counsel**

**Laura E. Sinram, Acting Secretary and Clerk<sup>3</sup>**

**Maureen M. Benitz, Program Management Analyst<sup>4</sup>**

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<sup>1</sup> The meeting was conducted virtually.

<sup>2</sup> Deputy Staff Director for Management and Administration Kate Higginbothom represented Staff Director Palmer.

<sup>3</sup> Acting Secretary and Clerk Laura Sinram was the recording secretary for the meeting.

<sup>4</sup> Program Management Analyst Maureen Benitz moderated the meeting.

**Chair Shana M. Broussard called the Federal Election Commission to order in an open meeting at 10:16 A.M. on Thursday, August 11, 2021 with a quorum present.**

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**I. DRAFT ADVISORY OPINION 2021-08**

**Congressman Scott Fitzgerald**

**Agenda Document No. 21-33-A (Draft A)**

**Agenda Document No. 21-33-B (Draft B)**

**(Held over from the meeting of July 29, 2021)**

**Chair Broussard welcomed the requestor's counselors Ms. Jessie Augustyn and Ms. Lane Ruhland. Chair Broussard then recognized Mr. Kevin Paulsen and Mr. Robert Knop of the General Counsel's Office.**

**Mr. Paulsen presented the draft advisory opinion request from Congressman Scott Fitzgerald. The request asks whether the Congressman's state campaign committee and federal leadership PAC are affiliated under the Act and Commission regulations. If so, whether the leadership PAC may receive unlimited transfers of funds from the state committee. If the proposed transfers are permissible, the request further asks whether the state committee must notify its contributors that their contributions are subject to the Act's source prohibitions and contribution limitations. Draft A concludes that the requestor can engage in the activities as proposed and that the state committee must**

**notify its contributors that their contributions are subject to the Act's source prohibitions and contribution limitations. Draft B reaches the opposite conclusion finding that the requestor cannot make the proposed transfers.**

**Chair Broussard recognized Commissioner Cooksey who asked the requestor's counsel for their comments.**

**Ms. Augustyn stated that they were here to advocate for Draft A and noted the Commission's previous recognition of a similar relationship between a state committee and an unaffiliated PAC that have become affiliated and were able to make unlimited transfers between them. Ms. Augustyn further stated that Draft B's fatal flaw is that it posits that BCRA has superseded these regulations that allow these committees to be affiliated. Ms. Augustyn noted that the cited regulations refer to authorized committees, which is not the question asked.**

**Ms. Augustyn participated in the discussion that followed regarding the number of donors to the state committee; the ability to verify that the state contributors meet federal requirements; whether BCRA superseded previous Advisory Opinions that addressed similar issues; the Thompson opinion and whether it applied to this request.**

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**Acting Secretary Laura Sinram participated in the discussion that followed regarding a technical issue.**

**Chair Broussard called for a brief recess.**

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**The meeting recessed at 10:29 A.M. and reconvened at 10:30 A.M.  
with a quorum present.**

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**I. DRAFT ADVISORY OPINION 2021-08 (continued)**

**Ms. Augustyn participated in the continuing discussion regarding whether this new committee would be an authorized committee and the comment submitted by the Campaign Legal Center that did not support Draft A.**

**Commissioner Weintraub stated that she supports Draft B.**

**Ms. Augustyn and Mr. Paulsen participated in the continuing discussion regarding the issue of controls and support, and whether leadership PACs are considered authorized committees; whether there was a distinction between a nonconnected committee and a leadership PAC; the Thompson opinion; the specific regulations for leadership PACs; whether it was an exercise of the Commission's discretion to conclude that the committees are not affiliated; whether BCRA's soft money ban prohibits the proposed activity; and whether converting the state account into a federal account will place all of the Congressman's accounts under FEC regulations.**

**Chair Broussard recognized Commissioner Trainor who**

**MOVED to adopt Draft A.**

**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.**

**Chair Broussard recognized Commissioner Weintraub who**

**MOVED to approve Agenda Document No. 21-33-B,  
otherwise known as Draft B.**

**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.**

**II. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission, the meeting adjourned at 10:46 A.M.**

**Signed:**



**Shana M. Broussard  
Chair of the Commission (2021)**

**Attest:**

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