



**APPROVED MARCH 16, 2022**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
THURSDAY, JULY 15, 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**

**Lisa Stevenson, Acting General Counsel**

**Laura E. Sinram, Acting Secretary and Clerk**

**Vicktoria J. Allen, Acting Deputy Secretary<sup>2</sup>**

**Maureen M. Benitz, Program Management Analyst<sup>3</sup>**

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

<sup>2</sup> Acting Deputy Secretary Vicktoria Allen was the recording secretary for the meeting.

<sup>3</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 10:44 A.M. on Thursday, July 15, 2021 with a quorum present.**

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**Chair Broussard and Vice Chair Dickerson congratulated Mr. Charles Kitcher on being named the permanent Associate General Counsel for Enforcement.**

**\*\*\*\*\***

**Chair Broussard stated that they had some late-submitted documents and recognized Vice Chair Dickerson who**

**MOVED that the Commission consider “Motion to Amend Directive 68 to Include Additional Information in Quarterly Status Reports to Commission”, and that the Commission determine, pursuant to 11 C.F.R. § 2.7(d)(1) that business so requires and no earlier public announcement was possible.**

**FURTHER MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of Agenda Documents No. 21-30-C and 21-30-C1.**

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

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**I. DRAFT ADVISORY OPINION 2021-06**

**Representative Robin Kelly and the Democratic Party of Illinois by  
Charles E. Borden, Esq. and Samuel C. Brown, Esq.**

**Agenda Document No. 21-30-A (Draft A)**

**Agenda Document No. 21-30-B (Draft B)**

**Agenda Document No. 21-30-C (Draft C)  
(Submitted Late)**

**Agenda Document No. 21-30-C1 (Revised Draft C)  
(Submitted Late)**

**(Held over from the meeting of June 24, 2021)**

**Chair Broussard recognized Mr. Charles Borden and Mr. Sam Brown, who  
were appearing on behalf of the requestors. Chair Broussard then recognized  
Ms. Heather Filemyr and Mr. Robert Knop of the General Counsel's Office.**

**Mr. Knop provided an update on the matter. The requestors ask 1)  
whether the state party can raise and spend non-federal funds through its  
nonfederal account while Congresswoman Kelly serves as Chair and 2) whether  
the Congresswoman's name and title as Chair may appear on the letterhead for  
its solicitations from the non-federal account. Draft A concludes the answer to  
the first question is no and the second question is moot. Drafts B and C reach  
the same basic conclusion on the first question, that the state party may raise  
and spend non-federal funds on its non-federal account while Congresswoman  
Kelly serves as Chair, but differ under the conditions that the state party may do**

**so. The only difference between Draft C and Revised Draft C is the addition of a footnote on the final page of Revised Draft C. The Drafts also reach the same conclusion on the 2nd question, that Congresswoman Kelly's name and title as Chair, may not appear on the letterhead for solicitations for the non-federal account because doing so would identify the solicitations as being sent on Congresswoman Kelly's behalf in violation of the Act's soft money prohibition.**

**Mr. Brown participated in the discussion that followed regarding how the committee will proceed with their fundraising activity if no decision is reached by the Commission; whether a declaratory judgement action is available; and the requestor's thoughts on Revised Draft C.**

**Chair Broussard recognized Vice Chair Dickerson who**

**MOVED the adoption of Revised Draft C, which is  
Agenda Document 21-30-C1.**

**Discussion followed on the motion.**

**Commissioner Weintraub stated that she reluctantly will not be supporting the motion, as she still has some concerns about a federal office holder being the leader of an organization that is raising soft money.**

**Chair Broussard recognized Commissioner Trainor who stated that he was planning to support the motion and noted the chilling effect this statute has on important first amendment rights for political fundraising and spending.**

**Commissioner Trainor further stated that because the statute prohibits a federal**

**officeholder from lawfully raising nonfederal funds under state law, it also effectively limits who the members of the party may choose to represent them, which is a clear limitation on the associational rights of the party members. He also stated that it essentially turns the party chairmanship role in Illinois to that of an honorary role.**

**Chair Broussard explained her reasons for her proposed Draft, including that the party was willing to put these structures in place to promote diversity within the party. She stated that it was a challenge to find a way that fits within the Act but protects against an infusion of soft money. Chair Broussard then thanked her colleagues for working together to find a compromise and her recognition that it may not satisfy all sides.**

**Chair Broussard recognized Commissioner Walther who stated that he shared Commissioner Weintraub's concerns but will support the motion.**

**Chair Broussard called the vote on Vice Chair Dickerson's pending motion. The motion carried by a vote of 5-1 with Commissioners Broussard, Cooksey, Dickerson, Trainor, and Walther voting affirmatively for the decision. Commissioner Weintraub dissented.**

**II. DRAFT ADVISORY OPINION 2021-07**

**PAC Management Services LLC ("PACMS") by Dan Backer, Esq.**

**Agenda Document No. 21-31-A (Draft A)**

**Chair Broussard welcomed Mr. Dan Backer, who is appearing on behalf of the requestor. Chair Broussard then recognized Mr. Joseph Wenzinger and Ms. Amy Rothstein of the General Counsel’s Office. Mr. Wenzinger presented the draft advisory opinion request from PAC Management Services LLC (“PACMS”). The requestor is a for-profit LLC that is treated as a partnership for federal tax purposes, with each partner taxed as an S corporation. The requestor asks several questions regarding whether it may allow individuals to make and solicit contributions to political committees via its online platform. The Draft concludes that the Act and Commission regulations would not prohibit PACMS’s proposed services and that the proposed services would not cause PACMS to make, facilitate, or be a conduit for contributions, to incur registration or reporting obligations, or to be a “commercial vendor” under 11 C.F.R. §§ 114.2(f) or 116.1(c). The Draft also concludes that PACMS may allow individuals who work for corporations and trade associations, acting in their personal capacities, to solicit contributions via its online platform.**

**Mr. Backer participated in the discussion that followed regarding how PACMS facilitates independent expenditures at the state level; whether PACMS facilitates independent expenditures or expenditures in federal elections; the purpose of the restriction in the request that federal candidates, committees, and their agents cannot serve as solicitors within PACMS; the roles of a solicitor and an agent within PACMS; the ownership structure of the partners of PACMS;**

**whether any of the partners are considered foreign principals under 22 U.S.C. § 611; how clients will be matched with solicitors; the services that PACMS provides; how the credit card processing fees are assessed; whether there are other fees assessed to clients; the process to return funds if a contributor chooses to not renew their yearly subscription or makes no contributions; whether PACMS will suggest candidates or committees to contribute to; whether a client will be able to name or designate a person employed by or affiliated with PACMS to solicit the clients; whether the solicitors of PACMS will receive payment; how a client can request a refund of a contribution; whether there is a process by which the ultimate recipient can work with PACMS in soliciting information needed to establish best efforts; the ability to track contribution limits and whether any external sources would be used; and whether any owners can serve as solicitors.**

**Mr. Wenzinger confirmed that the deadline to respond to this request is Wednesday, July 16, 2021.**

**Commissioner Trainor asked Mr. Backer if he would agree to an extension of time. Mr. Backer agreed to the extension if it were necessary.**

**Mr. Backer participated in the discussion that followed.**

**Chair Broussard stated that this matter will be held over to a future Open Meeting.**

**III. MOTION TO AMEND DIRECTIVE 68 TO INCLUDE ADDITIONAL INFORMATION IN QUARTERLY STATUS REPORTS TO COMMISSION**

**Memorandum from Commissioner Sean J. Cooksey dated  
June 3, 2021**

**Agenda Document No. 21-26-A**

**Agenda Document No. 21-27-A**

**(Held over from the meetings of June 10, 2021 and June 24, 2021)**

**Chair Broussard recognized Commissioner Cooksey who provided an  
update on the matter.**

**Chair Broussard recognized Commissioner Cooksey who**

**MOVED to adopt the Amendment to Directive 68 to  
Include Additional Information in Quarterly Status  
Reports to the Commission, which is Agenda Document  
No. 21-26-A, subject to the edit recommended by the  
Office of General Counsel that the phrase “has voted to  
take one or more of the following actions” be changed  
to “has voted on a motion to take one or more of the  
following actions.”**

**Commissioner Weintraub stated that she will not be supporting the  
motion for reasons previously mentioned.**

**Chair Broussard called the vote on Commissioner Cooksey’s pending  
motion. 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.**



**IV. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission, the meeting adjourned at 11:33 A.M.**

**Signed:**

A handwritten signature in blue ink that reads "Shana M. Broussard". The signature is written in a cursive style with a large initial 'S'.

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

**Attest:**

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