



APPROVED FEBRUARY 23, 2022

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MARCH 11, 2021¹**

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 Clerk²

Vicktoria J. Allen, Acting Deputy Secretary³

¹ The meeting was conducted virtually.

² Acting Secretary Laura Sinram moderated the meeting.

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

Chair Shana M. Broussard called the Federal Election Commission to order in an open meeting at 10:08 A.M. on Thursday, March 11, 2021 with a quorum present.

Chair Broussard stated that they have some late-submitted documents and then recognized Vice Chair Dickerson 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. 21-14-A and 21-15-A.

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

I. POSSIBLE USE OF CAMPAIGN FUNDS FOR RESIDENTIAL AND PERSONAL SECURITY

A. DRAFT INTERPRETIVE RULE ON USE OF CAMPAIGN FUNDS BY MEMBERS OF CONGRESS FOR PERSONAL AND RESIDENTIAL SECURITY

Memorandum from Chair Shana M. Broussard and Commissioner Ellen L. Weintraub dated March 5, 2021

**Agenda Document No. 21-14-A
(Submitted Late)**

B. DRAFT ADVISORY OPINION 2021-03

National Republican Senatorial Committee (NRSC) and National Republican Congressional Committee (NRCC) by Jessica Johnson, Esq., Chris Winkelman, Esq., Ryan Dollar, Esq., and Erin Clark, Esq.

(To be circulated)

(Held over from the meeting of February 25, 2021)

Chair Broussard stated that ITEM I.B (DRAFT ADVISORY OPINION 2021-03) will be held over as no Commissioner had asked to make any draft public.

Chair Broussard then introduced ITEM I.A (DRAFT INTERPRETIVE RULE ON USE OF CAMPAIGN FUNDS BY MEMBERS OF CONGRESS FOR RESIDENTIAL AND PERSONAL SECURITY) and noted that the issue of the use campaign funds for office holders to pay for certain security expenses is not new. However, over the past few years, the frequency of attacks on Members of Congress and threats to their safety has increased. She remarked that the invasion of the Capitol on January 6, 2021 was terrifying to watch and that it must have been more terrifying in-person. This event along with other acts of violence, threats and harassment against Members of the U.S. House and Senate have made Members understandably concerned for their own safety and that of their family members. She stated that the Draft Interpretive Rule would give guidance to Members of

Congress who, faced with a heightened threat environment, wish to use campaign funds to pay for certain security expenses. The Draft Interpretive Rule would build on the existing body of Advisory Opinions in which the Commission has approved the use of campaign funds to pay for security expenses that arise from threats to a Member's safety due to their role as an office holder. It would not provide the exclusive circumstances under which a Member could use campaign funds for security purposes. Members of Congress and candidates would continue to be able to seek an advisory opinion on proposed rules for use of funds. Chair Broussard stated that the public comment period was open to March 18, 2021, and expressed hope that interested parties would comment, and noted that she looks forward to working with her colleagues on a solution that will give meaningful guidance to the Members of Congress.

Chair Broussard recognized Vice Chair Dickerson who thanked Chair Broussard for her leadership on a very important question. Vice Chair Dickerson expressed concern about the procedure and whether the matter is better handled under the formal rulemaking process. He invited public comment. He also expressed concern that current Members of Congress could more easily avail themselves of a threat assessment by the U.S. Capitol Police and Sergeants at Arms and receive better security than non-incumbent candidates.

Commissioner Weintraub also thanked Chair Broussard for her leadership on this matter. She then expressed confidence in reaching a resolution and looked forward to the comments from the public and to working with her colleagues.

No Commission action was taken.

II. DRAFT ADVISORY OPINION 2021-01

Aluminate, Inc. by Robert L. Fealy

**Agenda Document No. 21-15-A
(Submitted Late)**

(To be held over to a future meeting)

III. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON DR. RAUL RUIZ FOR CONGRESS (A19-03)

Memorandum from the Chief Compliance Officer and Audit Division dated January 8, 2021

Agenda Document No. 21-09-A

(Held over from the meeting of February 25, 2021)

(To be held over to a future meeting)

IV. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE GRASSROOTS VICTORY PAC (A19-14)

Memorandum from the Chief Compliance Officer and Audit Division dated February 11, 2021

Agenda Document No. 21-11-A

Chair Broussard recognized Mr. Chris Carrell and Ms. Nicole Burgess of the Audit Division. Mr. Carrell highlighted the one finding within the Memorandum: 1) Misstatement of Financial Activity- Increased Activity.

Commissioner Weintraub provided background on the use of the heading “Misstatement of Financial Activity – Increased Activity” as it was discussed at a recent hearing requested by Grassroots Victory PAC; the publicly available materiality thresholds; and the possibility of changing the heading to better match those thresholds. Commissioner Weintraub suggested that, since the heading appears to be inconsistent with the FEC’s published documents, the Commission conform the heading to the materiality thresholds and call it “Increased Activity” and delete the phrase “Misstatement of Financial Activity.”

Commissioner Trainor stated that he agreed with Commissioner Weintraub’s suggestion.

Chief Compliance Office Patricia C. Orrock, Ms. Dayna Brown, and Ms. Erica Lee of the Audit Division participated in the discussion that followed regarding the use of this heading; how changing it would impact current and future audits; how it would appear on the Agency’s website; the history of this heading; the possibility of changing this in a future document instead of in this audit; the negative connotation of the heading; changing future audit thresholds; the possibility of adding a notation, such as a parenthetical, to indicate a

correction on the audit report; and the impact this change would have on the search capabilities on the FEC's website.

Commissioner Cooksey stated that he agreed with Commissioner Weintraub's position but also that he would not support going back and changing old findings that the Commission already approved. He suggested the possibility of changing the search functions for future reports. Commissioner Cooksey further stated that he was prepared to support Commissioner Weintraub's change and Commissioner Trainor's change.

Vice Chair Dickerson stated that he agreed with Commissioner Cooksey and noted the need to update Agency systems to better reflect the suggested language in this audit.

Chair Broussard stated that she understood the need for the correction but that it should be corrected moving forward as she had concerns regarding how the search function would apply to this audit. Chair Broussard then highlighted that she would abstain from this matter.

Chair Broussard recognized Commissioner Weintraub who thanked her colleagues for their thoughtfulness on this but stated that she didn't believe it was right to put the convenience of staff ahead of the fairness to the regulated community.

Chair Broussard again recognized Commissioner Weintraub who

MOVED to approve the Audit Division Recommendation Memorandum on the Grassroots Victory PAC (A19-14), subject to deleting “Misstatement of Financial Activity” before “Increased Activity” on page 3 (the Cover Page), page 5 (the Table of Contents), page 8 (the Summary), and page 9 (Part IV) of Agenda Document Number 21-11-A; and adding after the phrase “Increased Activity” a parenthetical that says “(Corrected).”

The motion carried by a vote of 5-0 with Commissioners Cooksey,

Dickerson, Trainor, Walther, and Weintraub voting affirmatively for the decision.

Commissioner Broussard abstained.

V. PROPOSED FINAL AUDIT REPORT ON THE NATIONAL TOOLING & MACHINING ASSOCIATION (NTMA) COMMITTEE FOR A STRONG ECONOMY (A19-10)

Memorandum from the Chief Compliance Officer and Audit Division dated February 4, 2021

Agenda Document No. 21-12-A

Chair Broussard recognized Mr. Jonathan Fonseca and Ms. Lee of the Audit Division. Mr. Fonseca highlighted the two findings within the Memorandum: 1) Misstatement of Financial Activity - Increased Activity and 2) Disclosure of Contributions Made to Federal Candidate Committees.

Chair Broussard recognized Commissioner Weintraub who stated that in fairness the Commission should make the same change to this document that was made in the prior document. Commissioner Weintraub then

MOVED to approve the Proposed Final Audit Report on the National Tooling & Machining Association (NTMA) Committee for a Strong Economy (A19-10), subject to

the deletion of the phrase “Misstatement of Financial Activity” before the phrase “Increased Activity” on page 2 (the Cover Page), page 4 (the Table of Contents), page 7 (the Summary), and page 8 (Part IV) of Agenda Document Number 21-12-A; and add the phrase “(Corrected)” after “Increased Activity”.

Commissioner Weintraub then thanked the Audit Division for their good work on the two audits on the agenda. Chair Broussard also thanked the Audit Division and stated that she would abstain from this vote as well for the same reasons.

Chair Broussard called for the vote on Commissioner Weintraub’s motion. The motion carried by a vote of 5-0 with Commissioners Cooksey, Dickerson, Trainor, Walther, and Weintraub voting affirmatively for the decision. Commissioner Broussard abstained.

VI. PROPOSED FINAL AUDIT REPORT ON VAN DREW FOR CONGRESS (A19-04)

Memorandum from the Chief Compliance Officer and Audit Division dated February 4, 2021

Agenda Document No. 21-13-A

(Resolved on tally)

VII. PROPOSED MODIFICATIONS TO PROGRAM FOR REQUESTING CONSIDERATION OF LEGAL QUESTIONS BY THE COMMISSION (LRA 1129)

(To be circulated)

(To be held over to a future meeting)

VIII. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:40 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**