

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AO 2015-09
Senate Majority Fund and House) Agenda Documents No. 15-57-A, No.
Majority Fund) 15-57-B, No. 15-57-C, No. 15-57-D, No.
) 15-57-E and No. 15-57-F

CERTIFICATION

I, Shawn Woodhead Werth, recording secretary of the Federal Election Commission open meeting on November 10, 2015 do hereby certify that the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 6-0 to:

Amend Draft F, Agenda Document No. 15-57-F, and add the following proposed answer to Question 4:

“If an individual becomes a candidate, payments that were made for any testing-the-waters activities must have been made with “funds permissible under the Act.” 11 C.F.R. §§ 100.72(a), 100.131(a). Thus, the proposed organizations’ use of funds raised outside of the Act’s limitations and prohibitions to pay for individuals’ testing-the-waters activities would violate Commission regulations if those individuals decide to become candidates.

The Commission could not agree whether a violation of the Act would occur if the individuals never decide to become candidates.”

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

2. Failed by a vote of 3-3 to:

Approve Agenda Document No. 15-57-C, Draft C.

Commissioners Goodman, Hunter, and Petersen voted affirmatively for the motion.

Commissioners Ravel, Walther, and Weintraub dissented.

3. Failed by a vote of 2-4 to:

Approve Agenda Document No. 15-57-E, Draft E, with the following amendment on page 13, line 12: substitute a semi-colon for the period at the end of the sentence and add the following citation: "Advisory Opinion 2007-1 (McCaskill) (concluding that a federal candidate and officeholder's campaign committee for state office, formed years before she became a federal candidate and officeholder, was "directly established, financed, maintained, and controlled by her," i.e. by a federal candidate and thus was subject to the restrictions of 52 U.S.C. § 30125(e)(1).)"

Commissioners Ravel and Weintraub voted affirmatively for the motion. Commissioners Goodman, Hunter, Petersen, and Walther dissented.

4. Decided by a vote of 6-0 to:

Approve Draft F as the final Advisory Opinion as amended earlier in the meeting and by any other majority votes that occur after this vote.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

5. Decided by a vote of 4-2 to:

Amend Draft F, Agenda Document No. 15-57-F, as follows:

- a. On page 2, line 4, strike "hereinafter" in the parenthetical and substitute the following language: "as described in this paragraph and throughout this Opinion".
- b. Answer Question #11 as set forth in Draft A subject to the following edits:
 - i.) That the footnote to the short answer on page 27, lines 14 and 15, be substituted with the following language: "The Commission could not approve a response by the required four affirmative votes to the question of whether the individuals would be permitted to raise nonfederal funds on behalf of the Single-Candidate Committees (as defined above). 52 U.S.C. § 30106(c); 11 C.F.R. § 112.4(a)."
 - ii.) At the end of the sentence on page 29, line 5, add the following footnote: "The Commission notes that this conclusion does not affect the application of the coordination regulations. 11 C.F.R. §§ 109.20, 109.21."

- c. Answer Question #12 as set forth in Draft A on page 29, line 6 through page 31, line 7 subject to the following modifications:
- i.) On page 29, lines 8 – 10, delete the paragraph in its entirety.
 - ii.) On page 30, line 10, strike the language in footnote 15 and insert the following language: “As explained above, the Commission could not agree whether the Single-Candidate Committees would be permitted to raise nonfederal funds.”
 - iii.) On page 31, lines 3 – 7, strike the first sentence in its entirety.
 - iv.) On page 31, lines 3 – 7, restate the second sentence to read: “In light of Requestors’ factual representations and their representations that they will comply with all of the requirements of 11 C.F.R. § 300.64 and any other requirement under the Act or applicable Commission regulations when engaging in the specified activity, a federal candidate may attend, speak, or be a featured guest as proposed.”

Commissioners Goodman, Hunter, Petersen, and Walther voted affirmatively for the decision.

Commissioners Ravel and Weintraub dissented.

November 13, 2015
Date

Attest:

Shawn Woodhead Werth
Secretary and Clerk of the Commission