



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Office of the Commission Secretary *LC*

DATE: February 24, 2021

SUBJECT: AO 2021-02 (FEN-PAC) Comment on Draft A

Attached is a comment received from Harrison Hiner. This matter is on the February 25, 2021 Open Meeting Agenda.

Attachment

RECEIVED

By Office of the Commission Secretary at 3:51 pm, Feb 24, 2021

Harrison Hiner
Executive Director – Treasurer
Full Employment Now-Political Action Committee
(FEN-PAC)

Comments on Draft Advisory Opinion 2021-02

To the esteemed Federal Election Commissioners,

My name is Harrison Hiner, Executive Director and Treasurer for Full Employment Now-Political Action Committee (FEN-PAC). FEN-PAC is an independent expenditure committee, super PAC.

Due to a pre-existing scheduling conflict, I regrettably am unable to attend the Commission meeting to consider Draft Advisory Opinion 2021-02; initially requested by myself on behalf of FEN-PAC. Thus, I am submitting these written comments in lieu of my attendance.

First of all, I like would to express my gratitude to the Commission for taking the time to examine and consider Draft Advisory Opinion 2021-02. My gratitude also extends to the Commission's legal counsel and staff for their work and guidance throughout this process.

I am writing to state that I am in full agreement with Draft Advisory Opinion 2021-02. On January 4, 2021, I submitted a request for an advisory opinion to get clarification on laws and guidelines as it relates to a super PAC's ability to inform Members of Congress and Congressional candidates on the number of its donors who live in their districts and states

along with the collective amount of contributions for the intent and purposes of policy and legislative issue advocacy.

According to my understanding of current election law, super PACs are allowed to share publicly available non-electioneering information with Members of Congress and Congressional candidates. Given that super PACs are required to report donor information such as name, home address, and the dollar amount given; and that this information is publicly available on the FEC website. I perceived that sharing publicly available donor information with Members of Congress and Congressional candidates would likely be legally permissible. However, I was not absolutely certain of the legality of this action. Therefore, I submitted a request for an advisory opinion to receive formal clarification from the Commission.

I am very pleased that the Commission has concluded in Draft Advisory Opinion 2021-02 that the questions raised in my initial request for an advisory opinion are legally permissible. Once again, I would like to extend my full gratitude to the Commission's legal counsel and staff for their work and diligence on this matter.

I would hope that my request for an advisory opinion on this topic is reflective of FEN-PAC's intent to be in full accordance with federal election law. It is FEN-PAC intent to only share information with Members of Congress and Congressional candidates that is concluded to be permissible per Draft Advisory Opinion 2021-02. It is also FEN-PAC's intent not share any donor information with Members of Congress and Congressional candidates in a manner that could be misconstrued as electioneering or proprietary.

In conclusion, I again regret that I am unable to attend this meeting to deliver my comments to the Commission virtually. I stand readily available via phone, email, or virtual conference to answers any follow-up questions the Commission may have regarding Draft Advisory Opinion 2021-02.

Sincerely,

Harrison Hiner

Executive Director – Treasurer

Full Employment Now-Political Action Committee

(FEN-PAC)