



APPROVED AUGUST 17, 2022

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JULY 14, 2022¹**

PRESENT:

Allen Dickerson, Chairman

Steven T. Walther, Vice Chair

Shana M. Broussard, Commissioner

Sean J. Cooksey, Commissioner

James E. "Trey" Trainor III, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Lisa Stevenson, Acting General Counsel²

Laura E. Sinram, Acting Secretary and Clerk

Vicktoria J. Allen, Acting Deputy Secretary³

Zainab Smith, Program Management Analyst⁴

¹ This meeting was conducted as a hybrid meeting with virtual and in-person participants.

² Deputy General Counsel Greg Baker represented Acting General Counsel Stevenson.

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

⁴ Program Management Analyst Zainab Smith moderated the meeting.

Chairman Allen Dickerson called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Thursday, July 14, 2022 with a quorum present.

Chairman Dickerson stated that there were late submitted documents and recognized Vice Chair Walther who

MOVED that the Commission consider “DRAFT ADVISORY OPINION 2022-14: EXTENSION OF COMMENT PERIOD” 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, and

FURTHER 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. 22-27-B and 22-29-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. DRAFT ADVISORY OPINION 2022-14 (GOOGLE LLC): EXTENSION OF COMMENT PERIOD

Memorandum from Chairman Allen Dickerson dated July 13, 2022

**Agenda Document No. 22-29-A
(Submitted Late)**

Chairman Dickerson introduced the memorandum regarding an extension of the comment period in this advisory opinion.

Discussion followed.

Chairman Dickerson recognized Commissioner Weintraub who

**MOVED to extend the public comment period for
Advisory Opinion Request 2022-14 until Friday, August 5,
2022.**

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

II. DRAFT ADVISORY OPINION 2022-06

**Hispanic Leadership Trust by Chris K. Gober, Esq.
and Eric Wang, Esq.**

Agenda Document No. 22-28-A (Draft A)

(Held over from the meeting of June 23, 2022)

Chairman Dickerson recognized Mr. Eric Wang on behalf of the requestor, and Ms. Jessica Selinkoff of the General Counsel's Office. Ms. Selinkoff presented the matter. Hispanic Leadership Trust (HLT) is a nonconnected committee with the mission of electing Hispanic Republican candidates to Congress. It expects its initial board will consist of all but one current members of the Congressional Hispanic Conference, and HLT proposes to name two of those members as its chair and vice chair. HLT presented its proposed bylaws

including three fundraising-specific alternatives, and asks whether it would be a leadership PAC or affiliated with the chair or vice chair's existing leadership PACs. The draft concludes that, under the bylaws with proposed fundraising Alternative C, HLT would not be a leadership PAC of either the chair or vice chair or affiliated with those Representatives' existing leadership PACs.

Mr. Wang participated in the discussion that followed.

The matter was held over to a future meeting.

III. DRAFT ADVISORY OPINION 2022-09

Democratic Party of Wisconsin Federal by Jacquelyn K. Lopez, Esq. and Sarah N. Mahmood, Esq.

Agenda Document No. 22-26-A (Draft A)

Chairman Dickerson recognized Ms. Jacquelyn Lopez on behalf of the requestor, and Ms. Heather Filemyr of the General Counsel's Office. Ms. Filemyr presented the matter. The Democratic Party of Wisconsin Federal asks whether it may form a joint fundraising committee with a nominee fund that has been established for the eventual Democratic party nominee for U.S. Senate in Wisconsin. The draft concludes that the proposal is permissible because it is consistent both with the Commission's regulation governing joint fundraising activities, and with prior Commission advisory opinions concerning the solicitation of contributions on behalf of a yet-determined recipient.

Ms. Lopez participated in the discussion that followed.

Chairman Dickerson recognized Commissioner Cooksey who

**MOVED approve Agenda Document Number 22-26-A
(Draft A).**

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

IV. DRAFT ADVISORY OPINION 2022-07

**Congressman Eric Swalwell and Swalwell for Congress
by Rebecca J. Olson, Esq.**

Agenda Document No. 22-27-A (Draft A)

**Agenda Document No. 22-27-B (Draft B)
(Submitted Late)**

**Chairman Dickerson recognized Ms. Cheryl Hemsley of the General
Counsel's Office who presented the matter. Congressman Swalwell is a federal
candidate and incumbent office holder. He and his wife both work full time and
have three small children at home. The request asks whether Congressman
Swalwell may use campaign funds to pay for overnight childcare when he is
traveling for his own campaign or for other campaigns. The request also asks
whether campaign funds may be used to pay for childcare expenses incurred by
the Congressman when he and his spouse travel in response to invitations
received because of his official status or duties. Both Drafts A and B conclude**

that Congressman Swalwell may use campaign funds to pay for childcare expenses incurred when he travels for his own campaign and his spouse is unavailable to care for their children. The drafts differ on whether campaign funds may be used to pay for childcare when the Congressman travels for other campaigns or in response to invitations received because of his official status or duties. Draft A concludes that campaign funds may not be used to pay for childcare in those situations because it would convert campaign funds to personal use. Draft B concludes that Congressman Swalwell may use campaign funds to pay for childcare expenses in these situations because it would not convert campaign funds to personal use.

Chairman Dickerson recognized Ms. Rebecca Olson on behalf of the requestor. Ms. Olson and Ms. Hemsley participated in the discussion that followed.

Chairman Dickerson recognized Commissioner Weintraub who

MOVED to approve Agenda Document Number 22-27-B, otherwise known as Draft B.

Discussion followed.

Chairman Dickerson called the vote. 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.

Chairman Dickerson recognized Commissioner Cooksey who

MOVED to approve Agenda Document Number 22-27-A, which is Draft A.

The motion failed by a vote of 3-2 with Commissioners Cooksey, Dickerson, and Trainor voting affirmatively for the motion. Commissioners Broussard and Weintraub dissented. Commissioner Walther abstained.

Discussion continued.

Chairman Dickerson recognized Commissioner Weintraub who

MOVED to direct the Office of General Counsel to prepare an answer to the requestor's question explaining the areas of agreement between the two drafts and stating that the Commission could not agree on the rest of the answer.

The motion carried by a vote of 5-1 with Commissioners Broussard, Cooksey, Dickerson, Walther, and Weintraub voting affirmatively for the decision. Commissioner Trainor dissented.

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 11:26 A.M.

Signed:



**Allen J. Dickerson
Chairman of the Commission (2022)**

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Attest:

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