



APPROVED NOVEMBER 3, 2021

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JUNE 18, 2020¹**

PRESENT:

James E. "Trey" Trainor III, Chair, presiding²

Steven T. Walther, Vice Chair

Caroline C. Hunter, Commissioner³

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Lisa Stevenson, Acting General Counsel

Laura E. Sinram, Acting Secretary and Clerk⁴

Vicktoria J. Allen, Acting Deputy Secretary⁵

¹ The meeting was conducted virtually.

² Commissioner Trainor was elected as Chair during Item II and presided over most of the meeting as the Chair. He will be referred to as Commissioner Trainor prior to his election and Chair Trainor after his election.

³ Commissioner Hunter presided over the meeting during Items I and II. She will be referred to as Chair Hunter prior to Commissioner Trainor's election as Chair, and Commissioner Hunter after Commissioner Trainor's election as Chair.

⁴ Acting Secretary Laura Sinram moderated the meeting.

⁵ Acting Deputy Secretary Vicktoria Allen was the recording secretary for the meeting.

Chair Caroline C. Hunter called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Thursday, June 18, 2020 with a quorum present.

I. WELCOMING REMARKS

Chair Hunter welcomed new Commissioner, James E. "Trey" Trainor III, after a 9-month period in which the Commission was without a quorum. Chair Hunter stated that Commissioner Trainor brings a wealth of campaign finance law and most importantly practical experience advising candidates and committees. She further stated that this experience will be valuable to the Commission and that they were delighted to have him here.

Commissioner Trainor expressed his thanks to everyone who helped him get started at the agency and that he looked forward to working with everyone over the coming months and years.

Chair Hunter then stated that this was her first day back in the office in three months and marked the beginning of Phase 1 of reopening Agency operations following the COVID-19 pandemic. She further stated that these have been unsettling and trying times for all Americans and thanked the entire FEC staff for working diligently throughout. Chair Hunter went on to note that many employees have had to deal with circumstances throughout that make it very difficult to work and take care of loved ones at the same time. She further

stated that thanks to the hard work of FEC employees, campaign finance reports have been posted online for the public in a timely manner; analysts continue to review reports, auditors continue to audit cases that started before the loss of quorum; and lawyers continue to work on enforcement cases. On behalf of all of the Commissioners, she thanked the staff for their hard work and dedication.

II. ELECTION OF OFFICERS

Vice Chair

Chair Hunter

MOVED to nominate Steven Walther to serve as Commission Vice Chair in 2020.

Chair Hunter explained that Vice Chair Walther had been serving as Vice Chair since the beginning of 2020, but per the Agency's Directives, he had to be formally nominated and elected upon restoration of a quorum. Chair Hunter then thanked Vice Chair Walther for his service as Vice Chair. She stated that she enjoyed working with him and noted that he was a helpful ally in many of the reforms they have made at the agency to increase transparency and input from the public. She further expressed her appreciation of his willingness to listen to the other point of view and highlighted several accomplishments during his career.

Chair Hunter called for the vote on the nomination of Vice Chair Walther.

The motion carried by a vote of 4-0 with Commissioners Hunter, Trainor, Walther, and Weintraub voting affirmatively for the decision.

Chair

Chair Hunter recognized Vice Chair Walther who thanked her for the kind comments and expressed his appreciation to Commissioner Hunter for all of her hard work in getting things done.

Vice Chair Walther then welcomed Commissioner Trainor to the Commission and stated that they looked forward to working with him. Vice Chair Walther noted Commissioner Trainor's valuable experience in working with candidates and committees for over two (2) decades in the areas of election and campaign finance law and ethics and highlighted some of his professional accomplishments.

Vice Chair Walther then

MOVED to nominate Commissioner Trainor to serve as Chair of the Federal Election Commission for the remainder of 2020.

Chair Hunter called for the vote. The motion carried by a vote of 4-0 with Commissioners Hunter, Trainor, Walther, and Weintraub voting affirmatively for the decision.

Chair Trainor expressed his appreciation and that he looked forward to working with everyone.

III. DRAFT ADVISORY OPINION 2019-15

NORPAC by Josef Schranz

**Agenda Document No. 20-01-A (Draft A)
(Submitted Late)**

Acting Deputy Secretary Vicktoria Allen reminded the Commission of the special motion required in this matter.

Chair Trainor recognized Vice Chair Walther who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of Agenda Documents No. 20-01-A; 20-02-A; 20-03-A; 20-04-A; and 20-05-A.

The motion carried by a vote of 4-0 with Commissioners Hunter, Trainor, Walther, and Weintraub voting affirmatively for the decision.

III. DRAFT ADVISORY OPINION 2019-15 (continued)

NORPAC by Josef Schranz

**Agenda Document No. 20-01-A (Draft A)
(Submitted Late)**

Chair Trainor recognized Mr. Kevin Paulsen and Mr. Robert Knop of the General Counsel's Office.

Acting Secretary Laura Sinram informed the Commission that they were assisting Mr. Paulsen with some technical difficulties.

Mr. Paulsen presented the draft advisory opinion request from NORPAC.

The requestor asks whether it may deduct a flat rate fixed percentage fee from earmarked contributions that it forwards to candidate committees in order to reimburse its merchant processing costs as well as its solicitation and administrative costs. Draft A concludes that NORPAC may deduct the fee as proposed; however, the entirety of the fee would constitute a contribution to NORPAC. Draft A also addresses how each component of the transaction must be reported by NORPAC as well as what information it must disclose to recipient candidate committees.

Chair Trainor recognized Mr. Josef Avi Schranz, NORPAC's treasurer, who asked about a hypothetical situation regarding how the committee would report the credit card processing fee and operating fee portions of an earmarked contribution made through NORPAC's website and how much he would report for the earmarked contribution itself.

Mr. Paulsen and Mr. Knop participated in the discussion that followed regarding the credit card processing and operation fees, the earmarked contribution, and how those would be reported; how previously issued Advisory Opinions regarding processing fees were applied to this request; and how NORPAC was being relieved of the burden of paying the processing fees when a contributor chooses to use NORPAC's website.

Chair Trainor stated that it was his understanding that there was unanimous support for Draft A and asked if there was a motion.

Vice Chair Walther then

MOVED to approve Draft A, as set forth in Agenda Document No. 20-01-A.

The motion carried by a vote of 4-0 with Commissioners Hunter, Trainor, Walther, and Weintraub voting affirmatively for the decision.

IV. DRAFT ADVISORY OPINION 2019-16

Philip Shemanski

**Agenda Document No. 20-02-A (Draft A)
(Submitted Late)**

Chair Trainor recognized Ms. Heather Filemyr and Mr. Knop of the General Counsel's Office. Ms. Filemyr presented the draft advisory opinion request from Philip Shemanski. The requestor asks whether he may use the first and last initials of candidate Donald Trump in the name under which he registers an unauthorized political action committee. Draft A concludes that the proposal is permissible because the initials of "DT" are not a name for purposes of the statute.

Chair Trainor recognized Mr. Philip Shemanski, who expressed his appreciation to the Commission for considering the request.

Chair Trainor stated that it was his understanding that there was unanimous support for Draft A and asked if there was a motion.

Vice Chair Walther then

**MOVED to approve Agenda Document No. 20-02-A,
otherwise known as Draft A.**

**The motion carried by a vote of 4-0 with Commissioners Hunter, Trainor,
Walther, and Weintraub voting affirmatively for the decision.**

**Acting Secretary Laura Sinram informed the Commission that she was
assisting a participant rejoin the Commission's virtual meeting.**

V. DRAFT ADVISORY OPINION 2019-18

IDF International Technologies, Inc. by Konstantin Goudkov

**Agenda Document No. 20-03-A (Draft A)
(Submitted Late)**

**Agenda Document No. 20-05-A (Revised Draft A)
(Submitted Late)**

**Chair Trainor recognized the General Counsel's Office for a presentation.
Ms. Joanna Waldstreicher of the General Counsel's Office presented the draft
advisory opinion request from IDF International Technologies, Inc. Agenda
Document 20-03-A is a draft response to IDF International Technologies, Inc.
Agenda Document 20-05-A is a revised version of Draft A that reaches the same
conclusions. IDF is a for-profit corporation that operates online discussion
forums on various topics, including "One Political Plaza", a forum for discussion**

of political topics. The requestor asks a number of questions about its operation of and advertisements for “One Political Plaza”. The Drafts both conclude that IDF’s activities are not expenditures, contributions, independent expenditures, or electioneering communications under the Act and Commission regulations. Because IDF will not be making any expenditures, independent expenditures, or electioneering communications or receiving any contributions, the Drafts further conclude that IDF is not required to register with the Commission, submit any reports, or include any disclaimers on its advertisements.

Chair Trainor recognized Commissioner Weintraub who welcomed Chair Trainor to the Commission. She then explained that Revised Draft A is similar to Draft A, and that Revised Draft A includes some small changes in the language but does not include substantial differences from the original.

Discussion followed.

Commissioner Weintraub

MOVED to approve Agenda Document No. 20-05-A, also known as Revised Draft A.

The motion carried by a vote of 4-0 with Commissioners Hunter, Trainor, Walther, and Weintraub voting affirmatively for the decision.

VI. DRAFT NOTIFICATION OF AVAILABILITY FOR REG 2020-02 (TRANSFERS FROM CANDIDATE'S AUTHORIZED COMMITTEE)

**Agenda Document No. 20-04-A
(Submitted Late)**

Chair Trainor recognized the General Counsel's Office for a presentation.

Ms. Filemyr of the General Counsel's Office presented a Draft Notification of Availability for a Petition for Rulemaking received from Citizens United and Citizens United Foundation. The Petition asks the Commission to amend its regulations to limit the amount that the authorized committee of a federal candidate may transfer to a national political party committee if the funds are derived from the candidate's personal funds. If approved, the Draft Notification will be published in the *Federal Register*, and the Commission will receive public comments on the Petition for a period of 60 days.

Vice Chair Walther

MOVED to approve the Notification of Availability for REG 2020-02 (Transfers from Candidate's Authorized Committee), as set forth in Agenda Document No. 20-04-A.

The motion carried by a vote of 4-0 with Commissioners Hunter, Trainor, Walther, and Weintraub voting affirmatively for the decision.

Chair Trainor provided closing remarks on his first open meeting, thanking everyone for working together and looking forward to working with everyone.

VII. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:35 A.M.

Signed:



**James E. "Trey" Trainor III
Chair of the Commission (2020)**

Attest:

Laura e Sinram

Digitally signed by Laura e
Sinram
Date: 2022.12.07 14:32:21 -05'00'

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

Vicktoria J Allen

Digitally signed by Vicktoria J Allen
Date: 2022.12.07 12:46:48 -05'00'

**Vicktoria J. Allen
Acting Deputy Secretary of the Commission**