



APPROVED DECEMBER 11, 2017

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MARCH 23, 2017**

PRESENT: **Steven T. Walther, Chairman, presiding**

 Caroline C. Hunter, Vice Chair

 Lee E. Goodman, Commissioner

 Matthew S. Petersen, Commissioner

 Ellen L. Weintraub, Commissioner

 Alec Palmer, Staff Director¹

 Lisa Stevenson, Acting General Counsel

 Dayna C. Brown, Secretary and Clerk

¹ Ms. Patricia Orrock, Chief Compliance Officer, represented Staff Director Palmer.

Chairman Steven T. Walther called the Federal Election Commission to order in an open meeting at 10:17 A.M. on Thursday, March 23, 2017 with a quorum present.

Chairman Walther recognized Vice Chair Hunter who

MOVED to suspend the rules on the timely submission of agenda documents so that the Commission may consider Agenda Document No. 17-18-A, Draft Supplemental Notice of Disposition on REG 2014-06 (Candidate Debates), and Agenda Document No. 17-17-A, FEC Email Management Policy Memorandum.

The motion carried by a vote of 5-0 with Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voting affirmatively for the decision.

I. DRAFT ADVISORY OPINION 2016-23

**Socialist Workers Party by Michael Krinsky, Esq.
and Lindsey Frank, Esq.**

Agenda Document No. 17-01-A (Draft A)

Agenda Document No. 17-01-B (Draft B)

Agenda Document No. 17-01-C (Draft C)

(Held over from January 12, 2017 and March 9, 2017 meetings)

This matter was held over to the next open meeting.

**II. DRAFT SUPPLEMENTAL NOTICE OF DISPOSITION ON REG 2014-06
(CANDIDATE DEBATES)**

**Agenda Document No. 17-18-A
(Submitted Late)**

Chairman Walther recognized Ms. Jessica Selinkoff of the General Counsel's Office who presented the matter. The requestor, Level the Playing Field, asked the Commission to amend 11 C.F.R. § 110.13(c) in two respects: 1) to preclude sponsors of general election presidential and vice presidential debates from requiring that a candidate meet a polling threshold in order to be included in debates; and 2) to require sponsors of general election presidential and vice presidential debates to have a set of objective, unbiased criteria for debate participation that do not require candidates to satisfy a polling threshold. Ms. Selinkoff explained that on November 20, 2015, the Commission published, in the Federal Register, a Notice of Disposition explaining why it would not initiate a rulemaking. On February 1, 2017, the U.S. District Court for the District of Columbia ordered the Commission to reconsider the disposition of the petition and issue a new decision, consistent with the court's opinion, by April 3. The Supplemental Notice before the Commission, consistent with the court's order, explains why the Commission has decided not initiate a rulemaking at this time.

Mr. Adav Noti of the General Counsel's Office participated in the discussion that followed.

Chairman Walther recognized Commissioner Petersen who

MOVED to approve Agenda Document No. 17-18-A, subject to the Office of General Counsel's suggestion that footnote 3 be moved to page 21.

The motion carried by a vote of 4-1 with Commissioners Goodman, Hunter, Petersen, and Walther voting affirmatively for the decision. Commissioner Weintraub dissented.

III. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE COLORADO REPUBLICAN COMMITTEE (CRC) (A13-12)

Memorandum from the Chief Compliance Officer and Audit Division dated February 16, 2017

Agenda Document No. 17-12-A

(Held over from the March 9, 2017 meeting)

Commissioner Goodman stated that the Commission received last minute information from counsel for the Colorado Republican Committee two days prior to the meeting and requested additional time to review their submissions, along with other relevant copies of documents provided by the Audit Division.

Chairman Walther stated that the matter would be held over to the next meeting.

IV. PROPOSED FINAL AUDIT REPORT ON KIND FOR CONGRESS COMMITTEE (A15-02)

Memorandum from the Chief Compliance Officer and Audit Division dated March 3, 2017

Agenda Document No. 17-13-A

(Resolved on tally pursuant to removal of objection(s))

The Chairman stated that this matter was resolved.

**V. PROPOSED FINAL AUDIT REPORT ON THE KANSAS
DEMOCRATIC PARTY (A13-08)**

**Memorandum from the Chief Compliance Officer and Audit
Division dated February 28, 2017**

Agenda Document No. 17-14-A

(Resolved on tally pursuant to removal of objection(s))

The Chairman stated that this matter was resolved.

VI. 2017 CHIEF FOIA OFFICER REPORT

**Memorandum from the Chief FOIA Officer, Deputy General
Counsel – Administration, dated February 2, 2017**

Agenda Document No. 17-11-A

(Held over from the March 9, 2017 meeting)

Chairman Walther recognized Commissioner Goodman who stated that this report is due to the Department of Justice annually. Commissioner Goodman indicated that he would be removing his objection so that the report can go to the Department of Justice, noting that he wanted to call the Commission's attention to the report and the functionality of the agency's FOIA program and functions. Commissioner Goodman further noted that the agency has not done a thorough review of its FOIA function in some time and that he will be addressing FOIA in more detail in the coming months.

Chairman Walther expressed his concurrence with Commissioner Goodman's statements, and suggested establishing a committee to review the agency's FOIA functions and provide a report to the Commission.

Mr. Greg Baker of the General Counsel's office participated in the discussion that followed.

VII. FEC EMAIL MANAGEMENT POLICY (WITHDRAWAL AND RESUBMISSION)

**Memorandum from the Acting Deputy Staff Director for
Management and Administration dated November 9, 2016**

Agenda Document No. 17-15-A

**Memorandum from Commissioner Ellen L. Weintraub
dated May 25, 2016**

**Agenda Document No. 17-17-A
(Submitted Late)**

Chairman Walther recognized Commissioner Goodman who acknowledged that NARA (the National Archives and Records Administration) requires such a policy to direct and formalize within the agency, those documents, particularly electronic documents, that are to be preserved for posterity. He stated his desire to move forward in adopting a policy, as required by law. Commissioner Goodman highlighted Commissioner Weintraub's constructive suggested edits to the proposed policy, which he supports.

Chairman Walther recognized Commissioner Weintraub who lauded staff for the policy prepared for the Commission, and expressed her concern that perhaps the definition of Capstone officials was drawn too narrowly.

Mr. Ed Holder of the Staff Director's Office and Mr. Larry Calvert of the General Counsel's Office participated in the discussion that followed.

Chairman Walther stated that the matter would be held over to the next meeting.

VIII. REG 2014-10: IMPLEMENTING THE CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2015

REG 2016-03: POLITICAL PARTY RULES

**Memorandum from Commissioner Lee E. Goodman
dated March 16, 2017**

Agenda Document No. 17-16-A

Chairman Walther recognized Commissioner Goodman who stated that, without objection, he would like to discuss the next two matters together, as he has proposed a resolution that addresses both matters with one resolution. He stated that the Commission has received two petitions urging the Commission to undertake rulemakings with respect to political party matters. He sees the proposals as related because they both discuss regulation of political parties. One petition proposes additional regulation to implement the Consolidated and Further Continuing Appropriations Act of 2015 which created new national party accounts for the three major committees of both national parties. The other

petition urges regulatory changes with respect to the regulation of state and local political parties. Commissioner Goodman proposes that, having issued notices of availability with respect to both petitions and received meaningful comments, the Commission open a rulemaking with respect to political parties, acting on both petitions.

Chairman Walther stated that the proposal was timely and indicated his desire for more time to review the proposal. The Chairman indicated that the matter would be placed on the agenda for the next open meeting.

IX. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 10:37 A.M.**

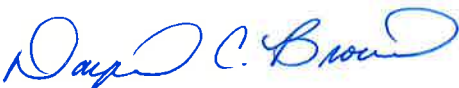
Signed:



Steven T. Walther

Chairman of the Commission

Attest:



Dayna C. Brown

Secretary and Clerk of the Commission