



**APPROVED AUGUST 2, 2023**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
THURSDAY, MAY 4, 2023<sup>1</sup>**

**PRESENT:**

**Dara Lindenbaum, Chair, presiding**

**Sean J. Cooksey, Vice Chairman**

**Shana M. Broussard, Commissioner**

**Allen J. Dickerson, Commissioner**

**James E. "Trey" Trainor III, Commissioner**

**Ellen L. Weintraub, Commissioner**

**Alec Palmer, Staff Director<sup>2</sup>**

**Lisa Stevenson, Acting General Counsel**

**Laura E. Sinram, Secretary and Clerk**

**Vicktoria J. Allen, Deputy Secretary<sup>3</sup>**

**Zainab Smith, Program Management Analyst<sup>4</sup>**

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

<sup>2</sup> Deputy Staff Director for Management and Administration Kate Higginbotham represented Staff Director Palmer.

<sup>3</sup> Deputy Secretary Vicktoria Allen was the recording secretary for the meeting.

<sup>4</sup> Program Management Analyst Zainab Smith moderated the meeting.

**Chair Dara Lindenbaum called the Federal Election Commission to order in an open meeting at 12:48 P.M. on Thursday, May 4, 2023 with a quorum present.**

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**Chair Lindenbaum recognized Vice Chairman Cooksey who**

**MOVED to suspend the rules on the timely submission of agenda documents in order that the Commission may consider the late submission of Agenda Document No. 23-10-B1.**

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

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**I. REVISED AUDIT PROCEDURES**

**A. REVISED AUDIT PROCESS FOR COMMITTEES THAT DO NOT RECEIVE PUBLIC FUNDS**

**Memorandum from Chair Dara Lindenbaum and  
Commissioner James E. "Trey" Trainor III**

**Agenda Document No. 23-10-A**

**B. AUDIT PROCESS FOR COMMITTEES THAT DO NOT RECEIVE PUBLIC FUNDS (FEDERAL REGISTER NOTICE)**

**Agenda Document No. 23-10-B**

**Agenda Document No. 23-10-B1 (Revised)  
(Submitted Late)**

**C. REPORTS ANALYSIS DIVISION LEGAL QUESTION RESOLUTION PROGRAM (FEDERAL REGISTER NOTICE)**

**Agenda Document No. 23-10-C**

**D. REVISED DIRECTIVE 69**

**Agenda Document No. 23-10-D**

**E. REVISED DIRECTIVE 70**

**Agenda Document No. 23-10-E**

**Chair Lindenbaum thanked Commissioners, Commissioner Offices, and FEC staff for their work on the proposed audit procedures and highlighted elements of the proposals.**

**Chair Lindenbaum then recognized Commissioner Trainor who thanked Chair Lindenbaum, Commissioner Offices, and FEC staff. Commissioner Trainor made remarks<sup>5</sup> regarding the proposed procedures and requested, without objection, that they be recorded in the minutes by unanimous consent.**

**Chair Lindenbaum then recognized Commissioners Cooksey, Weintraub, Broussard, and Dickerson who each made remarks regarding the proposed procedures and thanked the Commission and FEC staff for their work.**

**Chair Lindenbaum recognized Commissioner Weintraub who**

**MOVED that the Commission open a 30-day formal public comment period regarding Agenda Document 23-10-B1.**

**Discussion followed.**

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<sup>5</sup> Commissioner Trainor's remarks are attached in full at the end of these minutes.

**Chair Lindenbaum called the vote. The motion failed by a vote of 2-4 with Commissioners Broussard and Weintraub voting affirmatively for the motion. Commissioners Cooksey, Dickerson, Lindenbaum, and Trainor dissented.**

**Chair Lindenbaum recognized Commissioner Weintraub who introduced the next motion and**

**MOVED to amend Agenda Document 23-10-B1 to add a new Section V:**

**V. Commission Report to the Public**

**Within six months following the conclusion of the 2023-2024-cycle audits, and within six months following the conclusion of every subsequent election-cycle audits, the Commission will report to the public on how the new procedures are achieving the goals set forth in the final paragraph of the introduction to the explanation of these procedures: "to strike the appropriate balance, within the constraints of the Act, among efficiency, procedural protections for audited committees, orderly development of the law, transparency, and the Commission's statutory authority to seek voluntary compliance with the Act."**

**Discussion followed.**

**Chair Lindenbaum called the vote. The motion failed by a vote of 2-4 with Commissioners Broussard and Weintraub voting affirmatively for the motion. Commissioners Cooksey, Dickerson, Lindenbaum, and Trainor dissented.**

**Chair Lindenbaum recognized Commissioner Trainor who**

**MOVED to approve Agenda Document No. 23-10-B1,  
which is the Revised Audit Process For Committees  
That Do Not Receive Public Funds.**

**Discussion followed.**

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

**Chair Lindenbaum recognized Commissioner Trainor who**

**MOVED to approve Agenda Document No. 23-10-C,  
which is the Reports Analysis Division Legal Question  
Resolution Program.**

**Discussion followed.**

**Chair Lindenbaum called the vote. The motion carried by a vote of 5-0 with  
Commissioners Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voting  
affirmatively for the decision. Commissioner Broussard abstained.**

**Chair Lindenbaum recognized Commissioner Trainor who**

**MOVED to approve Agenda Document 23-10-D, which is  
Revised Directive 69.**

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

**Chair Lindenbaum recognized Commissioner Trainor who**

**MOVED to approve Agenda Document 23-10-E.**

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

**II. DRAFT ADVISORY OPINION 2023-03**

**Colorado Republican State Central Committee by  
Christopher Murray, Esq. and Julian Ellis Jr., Esq.**

**Agenda Document No. 23-09-A (Draft A)**

**Chair Lindenbaum recognized Mr. Christopher Murray who appeared on behalf of the requestor. Chair Lindenbaum then recognized Ms. Lindsay Bird of the General Counsel's Office who presented the matter. The request asks whether funds received and spent by the Colorado Republican State Central Committee's legal fund, established to challenge a state law that created a semi-open primary system, would be contributions and expenditures under the Federal Election Campaign Act, and whether disbursements from the fund would be Federal Election Activity or activity conducted in connection with a federal election. The draft concludes that the funds received and spent solely to litigate the constitutionality of the state law would not be contributions and expenditures under the Act because they would not be received and spent for the purpose of influencing any election for federal office. The draft further concludes that the proposed legal fund would not be engaged in Federal**

**Election Activity or otherwise engaged in activity in connection with a federal election.**

**Mr. Murray participated in the discussion that followed.**

**Chair Lindenbaum recognized Commissioner Broussard who**

**MOVED to approve Agenda Document No. 23-09-A,  
subject to revising footnote 22 by deleting the sentence  
that follows, "Id."**

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

**Discussion continued.**

**III. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON  
LATINOS FOR AMERICA FIRST (A21-12)**

**Memorandum to the Commission dated March 1, 2023**

**Agenda Document No. 23-04-A**

**(Held over from the meetings of March 30, 2023 and  
April 19, 2023)**

**Chair Lindenbaum recognized Mr. Kendrick Smith of the Audit Division  
who highlighted the five findings within the Memorandum: 1) Misstatement of  
Financial Activity, 2) Increased Activity, and 3) Disclosure of Occupation and/or  
Name of Employer.**

**Chair Lindenbaum then recognized Commissioner Weintraub who**

**MOVED to approve the Audit Division Recommendation Memorandum on Latinos for America First, as recommended in the Memorandum from the Chief Compliance Officer and the Audit Division dated March 1, 2023.**

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

**Chair Lindenbaum recognized Vice Chairman Cooksey who**

**MOVED approval subject to the following:**

- 1. In the Audit Division Recommendation Memorandum, reduce the amount in violation in Finding 3: Disclosure of Occupation and/or Name of Employer to 129 contributions from individuals totaling \$39,340, and make any corresponding technical and conforming changes to the forthcoming proposed final audit report; and**
- 2. Remove from Finding 1: Misstatement of Financial Activity in the forthcoming proposed final audit report language that “LFAF provided no specific explanation as to why the \$76,172 in contributions from individuals were not reported” and in its place insert the Committee’s contention that the errors were unintentional and due to the volunteer treasurer’s lack of experience.**

**Discussion followed.**

**Vice Chairman Cooksey withdrew his previous motion and**

**MOVED to reduce the amount in violation in Finding 3: Disclosure of Occupation and/or Name of Employer to 129 contributions from individuals totaling \$39,340 and**



**make any corresponding technical and conforming changes in the forthcoming proposed final audit report.**

**The motion carried by a vote of 5-0 with Commissioners Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voting affirmatively for the decision. Commissioner Broussard abstained.**

**Chair Lindenbaum recognized Vice Chairman Cooksey who**

**MOVED to approve the Audit Division Recommendation Memorandum on Latinos for America First, as recommended in the Memorandum from the Chief Compliance Officer and the Audit Division dated March 1, 2023, subject to removing from Finding 1: Misstatement of Financial Activity in the forthcoming proposed final audit report language that “LFAF provided no specific explanation as to why the \$76,172 in contributions from individuals were not reported” and in its place insert the Committee’s contention that the errors were unintentional and due to the volunteer treasurer’s lack of experience.**

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

**IV. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission, the meeting adjourned at 1:47 P.M.**

**Signed:**

A handwritten signature in black ink, appearing to read 'Dara Lindenbaum', written in a cursive style.

**Dara Lindenbaum  
Chair of the Commission**

**Attest:**

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