



AGENDA DOCUMENT NO. 19-12-A

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MARCH 28, 2019

PRESENT: Ellen L. Weintraub, Chair, presiding
Matthew S. Petersen, Vice Chairman
Steven T. Walther, Commissioner¹
Caroline C. Hunter, Commissioner
Alec Palmer, Staff Director
Lisa Stevenson, Acting General Counsel
Dayna C. Brown, Secretary and Clerk

¹ Commissioner Walther participated in the meeting via telephone.

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:06 A.M. on Thursday, March 28, 2019 with a quorum present.

Chair Weintraub stated that Commissioner Walther was participating in the meeting telephonically and confirmed that the Commission did have a quorum.

With the regard to the agenda, Chair Weintraub stated that Item II. (DRAFT ADVISORY OPINION 2018-13) and Item III. (DRAFT ADVISORY OPINION 2018-12) were being held over to the next meeting at the request of the requestors when their counsels could be present to the engage the Commission on the respective matters.

II. DRAFT ADVISORY OPINION 2018-13

OsiaNetwork LLC by Jonathan S. Sack, Esq. and
Brian A. Hunt, Esq.

Agenda Document No. 18-49-A (Draft A)

(Held over from the meetings of November 15, 2018
and December 13, 2018)

(To be held over to a future meeting)

III. DRAFT ADVISORY OPINION 2018-12

Defending Digital Campaigns, Inc. by Marc Elias, Esq.
and Michael Toner, Esq.

Agenda Document No. 18-43-A (Draft A)

Agenda Document No. 18-43-B (Draft B)

(Held over from the meetings of October 11, 2018,
October 25, 2018, and December 13, 2018)

(To be held over to a future meeting)

Chair Weintraub further stated that the Audit Division Recommendation Memoranda in Items VII. and VIII. were approved on tally and no longer required discussion in the meeting.

VII. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON HALL FOR CONGRESS (A17-07)

Memorandum the Chief Compliance Officer and Audit Division dated December 18, 2018

Agenda Document No. 19-07-A

VIII. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON JILL STEIN FOR PRESIDENT (JSFP)

Memorandum from the Chief Compliance Officer and Audit Division dated February 14, 2019

Agenda Document No. 19-08-A

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for December 13, 2018
Agenda Document No. 19-05-A

Minutes for February 7, 2019
Agenda Document No. 19-06-A

Chair Weintraub recognized Vice Chairman Petersen who

MOVED to approve the minutes for the meeting on December 13, 2018, as set forth in Agenda Document No. 19-05-A, as well as the minutes for the meeting on February 7, 2019, as set forth in Agenda Document No. 19-06-A.

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

IV. DRAFT ADVISORY OPINION 2019-01

It Starts Today by Jonathan Zucker, Esq.

Agenda Document No. 19-09-A (Draft A)

Chair Weintraub recognized Mr. Jonathan Zucker, Esq. who was available via telephone to answer Commissioners' questions.

Chair Weintraub then recognized Ms. Heather Filemyr, a new attorney with agency, and welcomed her as she presented to the Commission for the first time. Ms. Filemyr presented the draft advisory opinion request from It Starts Today, a non-connected political committee. The requestor asks whether it may establish new types of nominee and presumptive nominee

funds that would accept contributions earmarked for candidates, conditioned on those candidates receiving the endorsement of a specified endorsing organization. The draft concludes that the proposed funds are permissible and that contributions would be made only by the original contributor and not by the requestor because, 1) the requestor would disperse the funds after the public endorsement of the specified endorsing organization which is an objective, easily determinable condition outside of the control of the requestor; 2) the requestor would specify in the solicitation a specific date by which the condition must be met; 3) the requestor would distribute the funds to a previously identified default recipient if this triggering condition was not met; and 4) the requestor would clearly communicate all of this information to contributors in the solicitation.

Ms. Filemyr participated in the discussion that followed regarding edits to page one of the draft, and the point in the process that primary and default recipients are identified.

Chair Weintraub recognized Vice Chairman Petersen who

MOVED to approve Agenda Document No. 19-09-A, otherwise known as Draft A, with the edits discussed at the table regarding the replacement of the word "prospective" on page one, lines 12 and 15 of the draft, with the word "presumptive."

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

V. DRAFT ADVISORY OPINION 2019-02

Bill Nelson for Senate by Marc Elias, Esq. and
Rachel Jacobs, Esq.

Agenda Document No. 19-10-A (Draft A)

Chair Weintraub recognized Ms. Rachel Jacobs, Esq. and Mr. Graham Wilson, Esq. who were available to answer Commissioners' questions.

Chair Weintraub then recognized Mr. Joseph Wenzinger of the General Counsel's Office who presented the draft advisory opinion request from Bill Nelson for Senate. The requestor asks whether it may use excess funds in its recount account to make a donation to a charitable organization or a transfer to a national party committee's account for recounts, contests, or other legal proceedings. The draft concludes that because the proposed donation or transfer would not be for the purpose of influencing a federal election and the excess recount funds would be disposed of in a manner similar to how candidates may permissibly dispose of excess campaign funds under the Federal Election Campaign Act, the proposal is permissible.

Mr. Wilson participated in the discussion that followed regarding comments received on the draft, the prior request for a rulemaking petition on this topic, as well as his belief that the draft's legal analysis was correct.

Chair Weintraub recognized Vice Chairman Petersen who

MOVED to approve Agenda Document No. 19-10-A, Draft A.

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

VI. DRAFT ADVISORY OPINION 2019-03

DC Libertarian Party by Joseph Henschman

Agenda Document No. 19-11-A (Draft A)

Chair Weintraub recognized Ms. Esther Gyory of the General Counsel's Office who presented the draft advisory opinion from DC Libertarian Party. The requestor asks whether it qualifies as a state committee of a national political party. The draft concludes that the DC Libertarian Party qualifies as a state committee of the Libertarian National Party because, 1) the Libertarian National Party is a political party; 2) the DC Libertarian Party is part of the official party structure of the Libertarian National Party; and 3) the DC Libertarian Party is responsible for the day-to-day operations of the Libertarian National Party at the state level.

Discussion followed.

Chair Weintraub recognized Vice Chairman Petersen who

MOVED to approve Agenda Document No. 19-11-A, Draft A.

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

IX. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:26 A.M.

Signed:

Ellen L. Weintraub
Chair of the Commission

Attest:

Dayna C. Brown
Secretary and Clerk of the Commission