



AGENDA DOCUMENT NO. 18-14-A

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, FEBRUARY 8, 2018**

PRESENT:

Caroline C. Hunter, Chair, presiding

Ellen L. Weintraub, Vice Chair

Lee E. Goodman, Commissioner

Matthew S. Petersen, Commissioner

Alec Palmer, Staff Director

Lisa Stevenson, Acting General Counsel

Dayna C. Brown, Secretary and Clerk

Chair Caroline C. Hunter called the Federal Election Commission to order in an open meeting at 11:05 A.M. on Thursday, February 8, 2018 with a quorum present.

I. DRAFT ADVISORY OPINION 2017-13

**National Sorghum Producers and Sorghum PAC
by John Duff**

**Agenda Document No. 18-06-A
(Submitted Late)**

Chair Hunter recognized the requestor, Mr. John Duff, who was available via telephone to answer Commissioners' questions.

Chair Hunter recognized Vice Chair Weintraub who

MOVED to waive the rules on the timely submission of agenda documents so that the Commission may consider Agenda Document No. 18-06-A.

The motion carried by a vote of 4-0 with Commissioners Goodman, Hunter, Petersen, and Weintraub voting affirmatively for the decision. Commissioner Walther was not present and did not vote.

I. DRAFT ADVISORY OPINION 2017-13 (continued)

Chair Hunter recognized Ms. Joanna Waldstreicher of the Office of General Counsel who presented the draft advisory opinion concerning whether National Sorghum Producers (NSP) and certain state organizations of

sorghum producers constitute a federation of trade associations; whether the requestor's proposed check off system is a permissible means of soliciting and collecting contributions to Sorghum PAC; and whether the state organizations may act as collecting agents for Sorghum PAC. The draft concludes that NSP and the state organizations do constitute a federation of trade associations, that the proposed check off system is permissible, and that the state organizations may act as collecting agents for Sorghum PAC.

Chair Hunter recognized Vice Chair Weintraub who

MOVED to Approve Agenda Document No. 18-06-A.

The motion carried by a vote of 5-0 with Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voting affirmatively for the decision.¹

Chair Hunter stated that today marks the end of an era as Commissioner Goodman is leaving the Commission on Friday, February 16th. She stated that he would certainly be missed, that the Commission accomplished much in his time with the agency, and that he has been an excellent addition to the Commission. Chair Hunter remarked that Commissioner Goodman has been a happy warrior for the rights of political parties in particular and for those who want to participate in speech on the internet. She expressed her appreciation for his happiness, thoroughness

¹ Commissioner Walther's vote was recorded in accordance with Directive 10, Paragraph H.

and professionalism throughout his time at the Commission and wished him the best of luck as he rejoins a law firm he was a member of some time ago.

Chair Hunter recognized Commissioner Goodman for a moment of personal privilege. Commissioner Goodman stated that yesterday he delivered his resignation to the White House, effective February 16th, to resume the private practice of law at the law firm of Wiley Rein. He requested the indulgence of his colleagues as he shared his public expressions of gratitude. First and foremost Commissioner Goodman thanked his Executive Assistants during his time at the Commission: Andrew Woodson, who is now at Wiley Rein and was a faithful friend and colleague; Gary Lawkowski who is now an attorney at the Department of Interior; Brandi Zehr who is also at Wiley Rein; Mike Columbo who came to him indirectly from the Office of General Counsel, proved to be a capable advisor, and is now at the law firm of Neilson Merksamer in the San Francisco Bay Area; Stewart Crosland who is now practicing law at Jones Day; current Executive Assistant Chris Curran who graciously came to him from the Office of General Counsel, whom he thanked for his herculean efforts; and Allison Curry who joined him out of the law school this year and will be leaving the Commission today to join Chris Ashby who is an excellent practitioner in this area of law.

Commissioner Goodman stated that he could not possibly mention everyone by name, but wished to publically express gratitude and admiration to certain people who stand out for their efforts and who are representative of so many people who work at the Commission:

- **Wei Luo:** Commissioner Goodman stated that the FEC is fundamentally a data operation and we make the data publically available. He remarked that Wei has devoted some 50-60 hours a week over the last three (3) years to wholly transform the FEC's IT infrastructure in ways that can't be seen. The Commission has a new website, has converted to the cloud, and has new search engines and functions, as well as new API functions. Commissioner Goodman thanked Wei for his superlative work, good grace, earnestness, and friendship.
- **Mark Shonkwiler:** Commissioner Goodman stated that most remarkable about Mark is that every time Mark appeared before the Commission, he saw things a little differently. He remarked that Mark understands the law and the Commission probably better than any lawyer, and can tactfully explain precedent and statutory interpretation in a way he found masterful. Former Commissioner McGahn warned him that Mark was probably the cleverest attorney in the Office of General Counsel.
- **Amy Rothstein:** Commissioner Goodman stated that there have been times when he has been awestruck by Amy's facility and in-depth knowledge of Commission regulations and policy choices and how to weave those into rulemakings and advisory opinions. He remarked that this was an awe-inspiring skill.
- **Jessica Selinkoff:** Commissioner Goodman stated that Jessica is a wicked smart attorney and her intelligence is admired.
- **Joshua Blume:** Commissioner Goodman stated that while Joshua does not come before the Commission often, he writes some of the most well-written and articulate legal memos that he has seen anywhere in his legal career.

- **Lorenzo Holloway:** Commissioner Goodman stated that he considers Lorenzo a friend. He remarked that Lorenzo has been a steady and reliable legal advisor to the other divisions of the Commission for many years and expressed his appreciation of Lorenzo's promptness and professionalism in presentations before the Commission.
- **Kevin Deeley:** Commissioner Goodman stated that he had come to trust Kevin's advice and professionalism across many matters and issues. He remarked that he has come to rely on and respect Kevin and the Litigation Division and the professionalism with which they represent the Commission in both pro-regulatory and deregulatory positions.
- **Ed Holder:** Commissioner Goodman stated that everybody needs a good Marine around to run the place and make the transition to a new building work. He remarked that "Major" Holder has kept the agency running and it is often a thankless task. Commissioner Goodman thanked Ed for his hard work.
- **Dayna Brown:** Commissioner Goodman stated that he could not do justice to what Dayna has done for the Commission. He remarked that she has worked in Human Resources, the Staff Director's Office and the Commission Secretary's Office during his four and a half years at the agency and is well respected within the agency.
- **Debbie Chacona:** Commissioner Goodman stated that the RAD Division runs well due to her ability, competence, and ability to motivate the young employees on her team. Commissioner Goodman thanked Debbie for making an operation so critical to the agency run well.
- **Greg Scott and the Information Division:** Commissioner Goodman stated that he has always had a special place in his heart for the proactive compliance advice that the Information Division gives, and the seminars and conferences that they host.

To his fellow Commissioners, Commissioner Goodman stated that this is not an easy job. There are heavy responsibilities that come with being a Commissioner, with balances to be drawn and difficult decisions to be made.

He stated that the Commissioners deserve to be recognized for accepting that burden. Commissioner Goodman stated that he had come to respect the heartfelt positions of even those with whom he as disagreed.

To Vice Chair Weintraub, Commissioner Goodman stated that he has come to respect both her and her principled, heartfelt positions. He understands why she feels the way she does and that all of the Commissioners understand the debate that is embedded in the agency, its construct, and its unique mandate. He remarked that they have had some excellent discussions and debates and that Vice Chair Weintraub has changed his position at times, and at times she has changed the way he explains his position. Commissioner Goodman expressed his belief that the debates they have are in service to the American people and that what some may call a dysfunctional debate may actually edify the record. He further stated that the Commission has been able to find ways to find agreement despite often diametrically opposed positions. Commissioner Goodman expressed to all of the Commissioners, a sincere thank you. He wished the Commission and staff God-speed in their work on behalf of the American people.

Chair Hunter recognized Vice Chair Weintraub who stated that she would miss Commissioner Goodman for some of the very reasons he articulated in his remarks. She will miss his appreciation for the good work

of the Commission's staff and all of the excellent staff he brought into the building to work for him who were always friendly and respectful toward their colleagues across the aisle, which is a tribute to him. She stated that she and Commissioner Goodman have certainly disagreed, but he always did so with a smile on his face. He brought good spirit, good cheer, a willingness to listen, and a warrior's attitude with great commitment to his principles, which she respects. Vice Chair Weintraub wished Commissioner Goodman good luck and success in every future endeavor.

Chair Hunter recognized Commissioner Petersen who stated that he was wearing his University of Virginia tie, primarily out of solidarity with and admiration and respect for his colleague Commissioner Goodman who is a double graduate of the institution. Commissioner Petersen stated that he will greatly miss having Commissioner Goodman as a colleague, and appreciates that he won't be going too far away, and will still be part of the election law world. He expressed that he will greatly miss Commissioner Goodman's principled approach to the law, his dedication to his principles, his hard work, and his ability to do deep dives into the most minute details of any matter. Commissioner Petersen stated that Commissioner Goodman is the consummate gentleman. Notwithstanding debates or discussions, Commissioner Goodman was always good natured and gregarious with a great sense of humor. Commissioner Petersen remarked that for as smart

and accomplished and impressive as he has been in terms of his professional accomplishments, what he will miss most is Commissioner Goodman's friendship.

II. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 11:28 A.M.

Signed:

**Caroline C. Hunter
Chair of the Commission**

Attest:

**Dayna C. Brown
Secretary and Clerk of the Commission**