



AGENDA DOCUMENT NO. 19-06-A

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, FEBRUARY 7, 2019

PRESENT:

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

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:13 A.M. on Thursday, February 7, 2019 with a quorum present.

I. WELCOMING REMARKS BY CHAIR ELLEN L. WEINTRAUB

Chair Weintraub welcomed everyone to the first open meeting of the year. She noted that the recent government shutdown resulted in the Commission starting the year off behind in fulfilling the important mission of the Agency, that the 2020 presidential election is already underway, and that the election is almost certain to involve the raising and spending of billions of dollars. The Chair stated that she was proud to take the Agency's helm at this important time, and that the Commission is able to do its important job through the dedication, hard work, and public service of each employee of the Agency.

Chair Weintraub highlighted the work before the Commission, including: continuing to confront ongoing attacks on our democracy by foreign adversaries; 326 cases on the Enforcement docket, over 50 of which are imperiled by the statute of limitations; and keeping up with the review, processing, and disclosure of an ever-increasing volume of political activity.

The Chair articulated her pleasure to be serving in a leadership capacity this year with her colleague Vice Chairman Petersen, and noted that this was the first time the two have served together as Chair and Vice Chairman.

In addition to the tackling the Enforcement backlog, Chair Weintraub highlighted potential opportunities for bipartisan action, including moving forward to take stronger measures against SCAM PACs, and the hope that the Commission can come to consensus on new rules for internet advertising disclaimers.

For 2019, the Chair expressed her desire to provide a space for serious discussion on the important issues facing our democracy. To that end, she will be inviting provocative and thoughtful speakers to come to the Commission to share their perspectives with the Commission and the public. Two such events will take place on the afternoon of Thursday, February 21, 2019. The first will be a panel discussion on how money was raised and spent during the 2018 mid-term. The Chair expressed her delight that Shelia Krumholz from the Center of Responsive Politics, and Michael Malbin of the Campaign Finance Institute, now part of the National Institute on Money and Politics, had agreed to attend. The second event of the afternoon will be a reception hosted at the Commission by the Chair from 3:00 – 5:00pm for the campaign finance community.

Chair Weintraub stated that she and Vice Chairman Petersen have agreed to partner in going to Capitol Hill to meet with the Agency's oversight committees and appropriators to advocate for the Commission's legislative recommendations. The recommendations have been carefully considered and have the unanimous, bipartisan support of the Commission.

The Chair thanked those staff members who worked over the shutdown without pay and those that worked hard to catch the Agency up after the shutdown. She specifically recognized the 21 staff members who ensured the Commission's computer systems and data were secure; Mr. Greg Baker and Mr. Robert Kahn of the General Counsel's Office who served as legal advisors; Ms. Kim Humphries of the Information Technology Division (ITD); and especially Mr. Alec Palmer, the Agency's Staff Director, Head of ITD, and Furlough Manager who did his best to keep staff informed during the shutdown and coordinated the recovery from it.

With the 30 Day Post-General Reports that arrived during the shutdown and the Year-End Reports filed by the end of January, Chair Weintraub noted that the Reports Analysis Division found itself with 17.6 million pages of reports to review. She stated that the Reports Analysts are very efficient, and while backlogged, Ms. Debbie Chacona and her staff dived right in. She thanked them for their efforts.

Lastly, Chair Weintraub stated that the Commission's long-time head of Enforcement, Ms. Kathleen Guith, was departing the Agency to be a partner at Holtzman Vogel. The Chair stated that Ms. Guith was an incredibly dedicated public servant and worked very hard every day for the Commission and the American people. She wished Ms. Guith well and noted that she will be missed and successful.

With regard to the agenda, Chair Weintraub stated that Item III. (AUDIT DIVISION RECOMMENDATION MEMORANDUM ON TONY CARDENAS FOR CONGRESS (A17-01)) will be held over due to the unforeseen illness of staff, and the Proposed Final Audit Reports in Items IV. and V. were resolved on tally.

III. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON TONY CARDENAS FOR CONGRESS (A17-01)

Memorandum the Chief Compliance Officer and Audit Division dated December 6, 2018

Agenda Document No. 19-01-A

This matter was held over to a future meeting.

IV. PROPOSED FINAL AUDIT REPORT ON FRIENDS OF ERIK PAULSEN (A17-06)

Memorandum from the Chief Compliance Officer and Audit Division dated December 17, 2018

Agenda Document No. 19-02-A

(Resolved on tally)

V. PROPOSED FINAL AUDIT REPORT ON MARSHA BLACKBURN FOR CONGRESS, INC. (A17-02)

Memorandum from the Chief Compliance Officer and Audit Division dated December 21, 2018

Agenda Document No. 19-03-A

(Resolved on tally)

Chair Weintraub recognized Vice Chairman Petersen who

MOVED to suspend the rules on the timely submission of agenda documents in order that the Commission may consider Agenda Document No. 19-04-A, the Draft Notice of Availability on REG 2018-05.

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

II. DRAFT NOTICE OF AVAILABILITY ON REG 2018-05 (SIZE OF LETTERS IN DISCLAIMERS)

Agenda Document No. 19-04-A
(Submitted Late)

Chair Weintraub recognized Mr. Tony Buckley of the General Counsel's Office who stated that the Draft Notice of Availability (Notification) before the Commission contained a Petition for Rulemaking (Petition) submitted by Extreme Reach, a company that manages the distribution of commercials to television broadcasters. The Petition asks the Commission to revise the regulation regarding the size of letters in certain television ad disclaimers. The Notification seeks comment on whether the Commission should commence a Rulemaking based on this Petition. The comment period will run for 60 days following publication of the Notification in the *Federal Register*. After the

comment period has concluded and the comments are considered, the Commission may decide whether to initiate a Rulemaking.

Chair Weintraub recognized Vice Chairman Petersen who

MOVED to approve the Draft Notice of Availability on REG 2018-05 (Size of Letters in Disclaimers), as set forth in Agenda Document No. 19-04-A.

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

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:27 A.M.

Signed:

Ellen L. Weintraub
Chair of the Commission

Attest:

Dayna C. Brown
Secretary and Clerk of the Commission