



AGENDA DOCUMENT NO. 13-54

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, NOVEMBER 14, 2013**

PRESENT:

Ellen L. Weintraub, Chair, presiding

Lee E. Goodman, Vice Chairman

Caroline C. Hunter, Commissioner

Matthew S. Petersen, Commissioner

Ann M. Ravel, Commissioner

Steven T. Walther, Commissioner

Alec Palmer, Staff Director

Lisa J. Stevenson, Deputy General Counsel - Law

Shelley E. Garr, Deputy Secretary

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:38 A.M. on Thursday, November 14, 2013 with a quorum present.

Chair Weintraub recognized Vice Chairman Goodman who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of Agenda Document Nos. 13-46, 13-46-A (Draft B), 13-46-B (Draft C), 13-45-A, and 13-43-A.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

I. DRAFT ADVISORY OPINION 2013-13

Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Meehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jon Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walorski for Congress, Inc. Joint Fundraising Committee by Dan Backer, Esq. and Paul D. Kamenar, Esq.

**Agenda Document No. 13-46
(Submitted Late)**

**Agenda Document No. 13-46-A (Draft B)
(Submitted Late)**

**Agenda Document No. 13-46-B (Draft C)
(Submitted Late)**

Chair Weintraub recognized Ms. Joanna Waldstreicher of the Office of General Counsel who presented the draft advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, and Commission regulations to the request from the Joint Fundraising Committee (the “Committee”). The Committee asks whether it may use only the name “Freshman Hold'em JFC” and the URL of the Committee’s website to identify itself in its disclaimers on emails, webpages, and printed materials. Ms. Waldstreicher summarized the distinctions among the three Drafts and requested the authority to make any necessary technical and conforming changes to any Draft approved by the Commission. Discussion followed.

Chair Weintraub recognized Vice Chairman Goodman who

MOVED to approve Agenda Document No. 13-46-B (Draft C), Draft Advisory Opinion 2013-13, with edits as described by Commissioner Petersen and authorize the Office of General Counsel to make technical and conforming edits as necessary.

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

II. DRAFT ADVISORY OPINION 2013-15

**Conservative Action Fund
by Dan Backer, Esq. and Paul D. Kamenar, Esq.**

Agenda Document No. 13-45

**Agenda Document No. 13-45-A (Drafts B and C)
(Submitted Late)**

Chair Weintraub stated that, based on the issues raised in this request, the Commission will discuss it but may not be prepared to vote on it today.

Chair Weintraub recognized requestor's counsel, Mr. Dan Backer, who was available to answer Commissioners' questions.

Chair Weintraub recognized Ms. Jessica Selinkoff of the General Counsel's Office who presented the draft advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, and Commission regulations to the request of the Conservative Action Fund, a non-connected committee, to accept contributions in Bitcoins, a privately issued digital currency. The requestor asks 24 questions which fall into 3 categories: 1) whether it may accept Bitcoins as monetary and/or in-kind contributions; 2) how it should deposit, value, and report contributions made using Bitcoins; and 3) whether it may disburse Bitcoins to pay for goods and services or to make contributions to other committees.

Ms. Selinkoff summarized the distinctions among the three Drafts and requested the authority to make technical and conforming changes to any Draft approved by the Commission.

Mr. Backer, Mr. Adav Noti of the General Counsel's Office, and Ms. Debbie Chacona of the Reports Analysis Division also participated in the discussion that followed.

It was agreed, by consensus, to hold this matter over to a future meeting.

III. PROPOSED FINAL AUDIT REPORT ON THE ARIZONA REPUBLICAN PARTY (A11-21)

Agenda Document No. 13-43

**Agenda Document No. 13-43-A
(Submitted Late)**

Chair Weintraub recognized Mr. Gary Hache of the Audit Division who introduced the matter.

Chair Weintraub recognized Commissioner Petersen who

MOVED to approve Agenda Document No. 13-43-A, the Proposed Final Audit Report on the Arizona Republican Party (No. A11-21).

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

IV. FINAL DETERMINATION ON ENTITLEMENT TO PRIMARY ELECTION PUBLIC FUNDS – GOVERNOR GARY JOHNSON, GARY JOHNSON 2012 INC. (LRA #905)

Agenda Document No. 13-44

Chair Weintraub recognized Mr. Joshua Blume of the General Counsel's Office who stated that the Commission made an initial

determination to suspend the payment of matching funds to Governor Johnson on April 24, 2013. As a result of a mandatory audit of Governor Johnson's campaign committee, the Commission concluded that the candidate and his campaign committee no longer had net outstanding campaign obligations. Under the procedures set forth in 11 C.F.R. § 9034.5(g), the committee submitted written materials contesting the initial determination. Based on its review of these materials, the General Counsel's Office recommends that the suspension of matching funds be made final.

Chair Weintraub recognized Vice Chairman Goodman who

MOVED to take the following actions:

- 1. Make a final determination that Governor Gary Johnson is not entitled to receive any further payments of matching funds pursuant to 11 C.F.R. § 9034.5(g).**
- 2. Approve the Statement of Reasons in Support of Final Determination as recommended in the General Counsel's Memorandum dated September 13, 2013.**
- 3. Approve the appropriate letter.**

The motion carried by a vote of 6-0 with Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voting affirmatively for the decision.

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 11:50 A.M.**

Signed:

**Ellen L. Weintraub
Chair of the Commission**

Attest:

**Shawn Woodhead Werth
Secretary and Clerk of the Commission**

**Shelley E. Garr
Deputy Secretary of the Commission**