



AGENDA DOCUMENT NO. 15-56-A

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, OCTOBER 1, 2015

PRESENT:

Ann M. Ravel, Chair, presiding

Matthew S. Petersen, Vice Chairman

Lee E. Goodman, Commissioner

Caroline C. Hunter, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Patricia Orrock, Chief Compliance Officer,
for Alec Palmer, Staff Director

Daniel Petalas, Acting General Counsel

Shawn Woodhead Werth, Secretary and Clerk

Chair Ann M. Ravel called the Federal Election Commission to order in an open meeting at 10:16 A.M. on Thursday, October 1, 2015 with a quorum present.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to waive the rules on the late submission of agenda documents in order to consider the following:
Agenda Document Nos. 15-51-A, 15-51-B, 15-50-A, 15-50-B, and 15-52-A.

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

Chair Ravel stated that, without objection, the agenda would be re-ordered to consider Item II first.

II. DRAFT ADVISORY OPINION 2015-08

Repledge by Eric M. Zolt

Agenda Document No. 15-51-A (Draft A)
(Submitted Late)

Agenda Document No. 15-51-B (Draft B)
(Submitted Late)

Chair Ravel recognized Mr. Zolt, the requestor's representative, who was available via telephone to answer Commissioners' questions.

Chair Ravel recognized Mr. Theodore Lutz 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 the Commission regulations to Repledge's request. Repledge is a for-profit corporation and proposes to establish a web-based platform through which an individual can pledge funds to a federal candidate and designate a charity to receive the funds if the pledge is matched by pledges made by supporters of the opposing candidate. Mr. Lutz noted the distinctions between the drafts.

Mr. Zolt and Mr. Adav Noti of the General Counsel's Office also participated in the discussion that followed.

Chair Ravel recognized Mr. Zolt who stated that he was willing to grant an extension and Mr. Noti who stated that he will coordinate with Mr. Zolt on an extension date to fall after the next open meeting scheduled for October 29, 2015.

I. DRAFT ADVISORY OPINION 2015-07

Hillary for America by Marc E. Elias, Esq.

Agenda Document No. 15-52-A (Draft A)
(Submitted Late)

Chair Ravel recognized Ms. Joanna Waldstreicher 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 the Commission regulations to the request of Hillary for America ("Committee"). The Committee is

the authorized campaign committee for presidential candidate Hillary Clinton and asks whether attendees at some of its campaign events may pay for their own food, beverages, and valet parking without making in-kind contributions to the Committee. Ms. Waldstreicher asked for authority to make any technical and conforming changes should the Commission approve the Draft.

Discussion followed.

Chair Ravel recognized Vice Chairman Petersen who

MOVED to approve Agenda Document No. 15-52-A and authorize the Office of the General Counsel to make any technical and conforming edits that may be necessary.

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

III. STATE AND LOCAL BALLOT MEASURES AND THE BAN ON FOREIGN NATIONAL CONTRIBUTIONS

Memorandum from Chair Ann M. Ravel dated
September 22, 2015

Agenda Document No. 15-49-A

Chair Ravel expressed her concern that the involvement of foreign money in state and local elections that are ballot initiative campaigns is a serious problem which threatens the overall integrity of elections. For that reason, she asked the Commission to direct the General Counsel's Office to draft a notice of proposed rulemaking to define the term "election" for the purposes of the ban on foreign national contributions and expenditures to include state and local ballot

measures. She explained that Congress had acted to include ballot measures in its expanded and strengthened ban on foreign political contributions in BCRA in 2002 and that this ban, which previously only applied to select candidates for political office, was changed to prohibit foreign money in federal, state, or local elections. Recently, the Commission failed to proceed with an enforcement investigation when the facts indicated that a foreign national contributed funds to a Los Angeles ballot measure. Therefore, she asked the Commission to revise its regulations to protect ballot measures, because they are a means for citizens to directly participate in democracy and to speak on issues that impact them; foreign governments, businesses, and oligarchs should have no say in these issues.

Chair Ravel asked if, without objection, Mr. Tom Myers, General Counsel for the AIDS Healthcare Foundation, could address the Commission as the Foundation was involved in the California ballot initiative. There being no objection, Chair Ravel asked Mr. Myers to address the Commission.

Mr. Myers addressed the Commission. Discussion followed.

Chair Ravel recognized Commissioner Weintraub who

MOVED to open a rulemaking and direct the Office of General Counsel to draft a Notice of Proposed Rulemaking, proposing to amend 11 C.F.R. § 111.20, to clarify whether the prohibition on disbursements and donations by foreign nationals in connection with state and local elections applies to state and local ballot initiatives and referenda.

The motion failed by a vote of 3-3 with Commissioners Ravel, Walther, and Weintraub voting affirmatively for the motion. Commissioners Goodman, Hunter, and Petersen dissented.

IV. NOTICE OF PROPOSED RULEMAKING ON REPORTING MULTISTATE INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS IN PRESIDENTIAL PRIMARY ELECTIONS

Agenda Document No. 15-50-A
(Submitted Late)

Agenda Document No. 15-50-B
(Submitted Late)

Chair Ravel recognized Ms. Joanna Waldstreicher of the General Counsel's Office who presented the Notice of Proposed Rulemaking and the Draft Interpretive Rule which address the reporting of independent expenditures that are made in connection with a presidential primary election but do not reference or target a specific state's primary. Ms. Waldstreicher asked for the authority to make any technical and conforming changes that are necessary if either Draft is approved.

Discussion followed concerning how best to provide reporting guidance for the 2016 and future presidential primary elections.

This matter was held over to a future meeting.

V. COMMISSION DOCUMENTS / PUBLIC DISCLOSURE POLICIES

Memorandum from Commissioner Lee E. Goodman
dated May 14, 2015

Agenda Document No. 15-27-A

Memorandum from the Deputy General Counsel, Law
and Special Counsel to the General Counsel dated
August 5, 2015

Agenda Document No. 15-27-B

(Held over from the July 16, August 11, and September
17, 2015 meetings)

Chair Ravel stated that Commissioner Goodman requested that discussion of these documents be held over to the next meeting. Since she has not had an opportunity to review the memorandum received yesterday from the General Counsel's Office concerning her request of additional documents which could be made public, she will hold this over to the next meeting as well.

Discussion followed.

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission,
the meeting adjourned at 11:45 A.M.

Signed:

Ann M. Ravel
Chair of the Commission

Attest:

Shawn Woodhead Werth
Secretary and Clerk of the Commission