



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



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AGENDA ITEM

November 6, 2015

MEMORANDUM

For Meeting of 11-10-15

TO: The Commission

FROM: Ann M. Ravel
Chair

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Ellen L. Weintraub
Commissioner

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SUBMITTED LATE

SUBJECT: Motion to Open a Rulemaking on REG 2014-09 in Response to Public Comment

At the appropriate time, we intend to support the following motion:

Whereas on November 18, 2014 Public Citizen submitted a petition requesting that the Commission clarify how its rules regarding the ban on federal contractor contributions apply to entities of the same corporate family;

Whereas the Commission received approximately 19,750 comments on the Notice of Availability published in the Federal Register on March 30, 2015;

Whereas all but two of those comments supported the petition and urged the Commission to open a rulemaking to clarify its federal contractor rules as requested by the petition;

Whereas the Connecticut State Elections Enforcement Commission and the New York City Campaign Finance Board submitted comments describing how their government contractor regulations apply to entities from the same corporate family;

Whereas the U.S. Court of Appeals for the District of Columbia Circuit, in an en banc decision, recently rejected a constitutional challenge to the federal contractor ban and held that "our national experience supports Congress' fear that political contributions by government contractors can corrupt and interfere with merit-based administration" of government, *Wagner v. FEC*, 793 F.3d 1, 21 (D.C. Cir. 2015);

I move that the Commission open a rulemaking and that the Office of General Counsel draft a Notice of Proposed Rulemaking that proposes to revise 11 C.F.R.

Part 115 and seeks public comment as to the whether the rule should be amended as recommended in the petition filed by Public Citizen or whether the Commission should adopt another method, such as the methods used by the Connecticut State Elections Enforcement Commission or the New York City Campaign Finance Board.