



AGENDA DOCUMENT NO. 16-24-A

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MAY 19, 2016

PRESENT: Matthew S. Petersen, Chairman, presiding

 Steven T. Walther, Vice Chairman¹

 Lee E. Goodman, Commissioner

 Caroline C. Hunter, Commissioner

 Ann M. Ravel, Commissioner

 Ellen L. Weintraub, Commissioner

 Alec Palmer, Staff Director²

 Daniel Petalas, Acting General Counsel

 Shawn Woodhead Werth, Secretary and Clerk

¹ Vice Chairman Walther participated via telephone.

² Ms. Debbie Chacona represented Staff Director Palmer.

Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 10:15 A.M. on Thursday, May 19, 2016 with a quorum present.

Chairman Petersen recognized Vice Chairman Walther who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the following late submitted documents: Agenda Document No. 16-12-A-1, Proposed Amendments to the Draft Final Rule and Explanation and Justification for Technical Amendments to 2015 CFR, and Agenda Document No. 16-13-C, Proposed Consensus Statement of Policy Regarding the Public Disclosure of Certain Documents; and

MOVED, with respect to Agenda Document No. 15-54-B, that the Commission add to the agenda consideration of REG 2014-01 Outline of Draft NPRM Implementing Party Segregated Accounts and that the Commission determine, pursuant to 11 C.F.R. § 2.7(d), that business so requires and no earlier public announcement was possible.

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

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for April 14, 2016
Agenda Document No. 16-20-A

Minutes for April 28, 2016
Agenda Document No. 16-21-A

Chairman Petersen recognized Vice Chairman Walther who

MOVED to approve the minutes for the meetings of April 14 and April 28, 2016 in Agenda Document No. 16-20-A and Agenda Document No. 16-21-A.

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 2016-04

Grand Trunk Western Railroad Co. – Illinois Central Railroad Co. Political Action Committee
by Michael J. Barron, Jr., Esq.

Agenda Document No. 16-19-A (Draft A)

Chairman Petersen recognized Mr. Barron, requestor's counsel, who was available to answer Commissioners' questions.

Chairman Petersen recognized Ms. Esther Gyory 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. The Grand Trunk Western Railroad Co. – Illinois Central Railroad Co. Political Action Committee ("PAC") is a separate segregated fund of two subsidiary corporations of the parent corporation, Canadian National Railway Company. Canadian National Railway Company and its subsidiaries collectively operate under the brand "CN". The PAC asks whether it may use "CN" in its abbreviated name.

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

Chairman Petersen recognized Commissioner Hunter who

MOVED to approve Agenda Document No. 16-19-A, Draft A.

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

III. DRAFT FINAL RULE AND EXPLANATION AND JUSTIFICATION FOR TECHNICAL AMENDMENTS TO 2015 CFR

Agenda Document No. 16-12-A (Draft A)

Memorandum from Commissioner Lee E. Goodman
dated May 18, 2016

Agenda Document No. 16-12-A-1
(Submitted Late)

Agenda Document No. 16-12-B (Draft B)

(Held over from the April 28, 2016 meeting)

Chairman Petersen recognized Mr. Eugene Lynch of the General Counsel's Office who introduced the matter and participated in the discussion that followed.

Chairman Petersen recognized Commissioner Goodman who

MOVED to approve Agenda Document No. 16-12-A as amended by Agenda Document No. 16-12-A-1 and authorize any technical and conforming edits.

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

IV. PROPOSED STATEMENT OF POLICY REGARDING THE PUBLIC DISCLOSURE OF CLOSED ENFORCEMENT FILES

Memorandum from Commissioner Lee E. Goodman
dated March 24, 2016

Agenda Document No. 16-13-A

Memorandum from Commissioner Ann M. Ravel
dated April 27, 2016

Agenda Document No. 16-13-B

Memorandum from Commissioner Ellen L. Weintraub
dated May 18, 2016

Agenda Document No. 16-13-C
(Submitted Late)

(Held over from the April 28, 2016 meeting)

Chairman Petersen stated that this matter will be held over to the next open meeting; however, Commissioner Weintraub would like to present her new document.

Chairman Petersen recognized Commissioner Weintraub who thanked Commissioners Goodman and Ravel for all of their work on their proposals to expand the number and kind of documents put on the public record.

Commissioner Weintraub stated that because there are large areas of agreement, her document attempts to synthesize their suggestions with the Commission's

interim disclosure policy and put it into a single, permanent policy. She noted that it will be useful to the public to have one document which explains what will be put on the public record, and she looks forward to her colleagues' comments.

Chairman Petersen recognized Commissioner Ravel who welcomed Commissioner Weintraub's suggestion and thinks that the Commission should take a broad, holistic approach and adopt a permanent policy.

Chairman Petersen recognized Commissioner Goodman who stated that he believes the Commission is on a constructive course and thanked Commissioners Ravel and Weintraub for working with him on this matter.

V. REG 2014-01 OUTLINE OF DRAFT NPRM IMPLEMENTING PARTY
SEGREGATED ACCOUNTS

Agenda Document No. 15-54-B

Chairman Petersen recognized Commissioner Weintraub who expressed her concern about the lack of Commission action involving these new accounts set up under "Cromnibus" at the end of 2014. She explained that although the General Counsel's Office prepared a detailed outline in October, 2015 about how to move forward with a rulemaking and the Commission discussed this matter in December, the Commission has taken no further action. She stated that the Commission needs to provide guidance to party committees, donors, and others about how to move forward using these new accounts and recommends that the

General Counsel's Office be directed to begin drafting a rulemaking incorporating any Commissioners' alternatives.

Discussion followed.

Chairman Petersen stated that he will re-review the outline prepared by the General Counsel's Office, then consult with his colleagues about any necessary modifications to the outline. He added that he was hopeful a decision on the outline could be reached shortly so that the General Counsel's Counsel can begin to draft a rulemaking.

Discussion continued.

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

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

Signed:

Matthew S. Petersen
Chairman of the Commission

Attest:

Shawn Woodhead Werth
Secretary and Clerk of the Commission