



AGENDA DOCUMENT NO. 16-65-A

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
THURSDAY, OCTOBER 27, 2016

PRESENT: Matthew S. Petersen, Chairman, presiding  
Steven T. Walther, Vice Chairman  
Lee E. Goodman, Commissioner  
Caroline C. Hunter, Commissioner  
Ann M. Ravel, Commissioner  
Ellen L. Weintraub, Commissioner<sup>1</sup>  
Alec Palmer, Staff Director  
Lisa Stevenson, Acting General Counsel  
Shawn Woodhead Werth, Secretary and Clerk

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<sup>1</sup> Commissioner Weintraub participated in the October 27, 2016 meeting by telephone.

Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 10:32 A.M. on Thursday, October 27, 2016 with a quorum present.

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Chairman Petersen recognized Vice Chairman Walther who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of the following documents: Agenda Document No. 16-52-B (Draft B of Advisory Opinion 2016-12, Citizen Super PAC); Agenda Document No. 16-53-B (Draft B of Advisory Opinion 2016-14, Libertarian Party of Alabama, et al.); and Agenda Document No. 16-55-A (Proposed Amendments to Directive 52).

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

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Chairman Petersen noted two agenda changes: 1) that Item IV (Proposed Amendments to Directive 52) will be held over to the next meeting; and 2) that Item V (A13-15: Audit Division Recommendation Memorandum on the Conservative Campaign Committee) was resolved prior to the meeting.

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I. DRAFT ADVISORY OPINION 2016-12

Citizen Super PAC by Chris K. Gober, Esq. and  
Troy A. McCurry, Esq.

Agenda Document No. 16-52-A (Draft A)

Agenda Document No. 16-52-B (Draft B)  
(Submitted Late)

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

Chairman Petersen recognized Ms. Jessica Selinkoff 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. Requestor, an independent expenditures-only political committee, asks questions regarding its proposed distribution of a public communication expressly advocating the election of a candidate after contacting that candidate's authorized committee to request certain support for the communication. Ms. Selinkoff summarized the differences between the two drafts.

Chairman Petersen stated that because of the confusion reflected in both drafts regarding the nature of the questions being asked, this matter will be discussed but not resolved today. Because the next open meeting is scheduled to occur after the election, he stated that this matter may be resolved on tally prior to that date.

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

Chairman Petersen recognized Ms. Selinkoff who advised that the deadline for the advisory opinion is November 14, 2016 and that an extension may be necessary should the matter be considered at the next open meeting.

II. DRAFT ADVISORY OPINION 2016-11

Plains Cotton Growers, Inc. and Plains Cotton Growers  
Political Action Committee by Kody Bessent, Vice  
President of Operations & Legislative Affairs

Agenda Document No. 16-51-A (Draft A)

Chairman Petersen recognized Mr. Mr. Kody Bessent, requestor's representative, who was available by telephone to answer Commissioners' questions.

Chairman Petersen recognized Mr. Anthony Buckley 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. Requestors propose to solicit contributions from individual Plains Cotton Growers, Inc. (PCG) members and to authorize other members to collect and transmit these contributions to Plains Cotton Growers Political Action Committee (PCGPAC).

Mr. Bessent participated in the discussion that followed.

Chairman Petersen recognized Commissioner Hunter who

MOVED to approve of Draft Advisory Opinion 2016-11

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

Discussion continued.

III. DRAFT ADVISORY OPINION 2016-14

Libertarian Party of Alabama, Libertarian Party of Arkansas, Arizona Libertarian Party, Libertarian Party of Hawaii, Libertarian Party of Idaho, Libertarian Party of Maryland, Libertarian Party of Mississippi, Missouri State Libertarian Party, Libertarian Party of New Mexico, Libertarian Party of North Dakota, and Libertarian Party of Texas by Christina Sirois, Esq.

Agenda Document No. 16-53-A (Draft A)

Agenda Document No. 16-53-B (Draft B)  
(Submitted Late)

Chairman Petersen recognized Ms. Christina Sirois, requestor's counsel who was available by telephone to answer Commissioners' questions.

Chairman Petersen recognized Mr. Joseph Wenzinger 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. Requestors ask whether they qualify as state party committees of the Libertarian National Party.

Ms. Sirois participated in the discussion that followed.

Chairman Petersen recognized Commissioner Hunter who

MOVED to Approve Agenda Document No. 16-63-B

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 AMENDMENTS TO DIRECTIVE 52

Agenda Document No. 16-55-A  
(Submitted Late)

(Held over from the September 29, 2016 meeting)

Item IV is held over to the next meeting

V. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON CONSERVATIVE CAMPAIGN COMMITTEE (CCC) (A13-15)

Memorandum from the Audit Division dated  
October 4, 2016

Agenda Document No. 16-54-A

Item V was resolved prior to the meeting.

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission,  
the meeting adjourned at 11:56 A.M.

Signed:

Matthew S. Petersen  
Chairman of the Commission

Attest:

Shawn Woodhead Werth  
Secretary and Clerk of the Commission

Shelley E. Garr  
Deputy Secretary