



FEDERAL ELECTION COMMISSION  
Washington, DC

**SENSITIVE**

AGENDA DOCUMENT NO. X24-37

AGENDA ITEM

For meeting of November 13, 2024

**MEMORANDUM**

**TO:** The Commission

**FROM:** Neven F. Stipanovic *NFS*  
Associate General Counsel for Policy

**SUBJECT:** Policy Division Quarterly Report for FY 2024 Q4 & FY24  
(7/01/2024 — 9/30/2024)

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This report provides the Commission with the status of projects in the Policy Division of the Office of the General Counsel during the fourth quarter of FY 2024 (7/01/2024 — 9/30/2024). The report assesses the Division's work on advisory opinion requests ("AORs"), rulemaking projects, compliance advice projects, and other Division matters during the fourth quarter. The tables set out in Appendices A, B, and C provide specific data regarding AORs, rulemakings, and compliance advice projects, respectively, for the fourth quarter of FY 2024, as well as for FY 2024. The chart in Appendix D contains information on consultations and reviews conducted by the Division during the fourth quarter of FY 2024.

The Commission issued 21 advisory opinions during the fiscal year 2024 and had three AORs pending at the end of the fourth quarter. The Commission issued five advisory opinions during the fourth quarter. The Commission also had 20 active pre-AORs pending during the fourth quarter and 55 pending pre-AORs during the fiscal year 2024. Please see Appendix A.

The Commission completed four rulemakings during the quarter, issuing one final rule and three notices of disposition. Overall, the Commission had 21 open rulemaking matters in Quarter 4 of FY 2024. Of those, 5 were pending rulemakings initiated by the Commission and 16 were rulemaking matters initiated by one or more petitions for rulemaking. Please see Appendix B.

The Division completed a total of 22 formal compliance advice assignments during the fourth quarter of FY 2024, completing them within an average of 58 days. Please see Appendix C.

The Division routinely and actively engaged in work on other types of matters. Please see Appendix D.

# ADVISORY OPINIONS

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The Policy Division evaluates its processing of advisory opinion requests (“AORs”) based on the following performance measures:

## Internal Performance Measures

- *Screen all advisory opinion requests for completeness within 10 days of receipt and obtain additional information as warranted*
- *Distribute internal and public drafts in a timely manner so that the Commission may issue advisory opinions within the 60-day or 20-day statutory timeframes, or within such other timeframes as may be requested by the Commission*

## Performance and Accountability Report and Budget Performance Measures

- *Issue advisory opinions within 60-day and 20-day statutory deadlines 100% of the time*
- *Issue expedited advisory opinions for time-sensitive highly significant requests within 30 days of receiving a complete request, or a shorter time when warranted, 100% of the time*

## Advisory Opinion Work in Quarter 4 & FY24

The tables that follow provide quantitative data regarding the disposition of advisory opinion requests during the most recent fiscal quarter. Table 1 provides the number and disposition of active AORs. Table 2 shows the average number of days that it took from the receipt of complete AORs to a Commission vote. Table 3 provides data on screening pre-AORs.

**Table 1 — Active Advisory Opinion Requests**

	FY19	FY20	FY21	FY22	FY23	FY24 Q1	FY24 Q2	FY24 Q3	FY24 Q4	FY24
<b>Active AORs</b>	21	9	13	26	12	7	9	4	9 <sup>1</sup>	21
<b>AOs Issued</b>	14	3	9	23	10	2	6	2	5 <sup>2</sup>	15
<b>AORs Resulting in Split Decisions<sup>3</sup></b>	2	0	2	1	1	0	1	1	1 <sup>4</sup>	3
<b>AORs Withdrawn By Requestor</b>	2	1	1	0	0	1	0	0	0	1
<b>AORs Pending at End of FY/Q</b>	3	2	1	3	1	4	3	1	3 <sup>5</sup>	3
<b>Completed Within Deadline</b>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

<sup>1</sup> AORs 2024-06 (American Target Advertising and The Conservative Caucus), 2024-07 (Team Graham), 2024-08 (Bob Good & Good for Congress), 2024-09 (Nanette Barragan & Barragan for Congress), 2024-10 (Alan Lowenthal for Congress), 2024-11 (Caroline Gleich), 2024-12 (Shaun McCutcheon), 2024-13 (DSCC, Montanans for Tester and Gallego for Arizona) & 2024-14 (DSCC and Rosen for Nevada).

<sup>2</sup> AORs 2024-07 (Team Graham), 2024-08 (Bob Good & Good for Congress), 2024-10 (Alan Lowenthal for Congress), 2024-11 (Caroline Gleich) & 2024-12 (Shaun McCutcheon).

<sup>3</sup> As used in this report, the term “split decision” means that a closeout letter was issued instead of an AO because no AO draft was approved by a vote of four or more Commissioners.

<sup>4</sup> AOR 2024-06 (American Target Advertising and The Conservative Caucus).

<sup>5</sup> AORs 2024-09 (Nanette Barragan & Barragan for Congress), 2024-13 (DSCC, Montanans for Tester and Gallego for Arizona) & 2024-14 (DSCC and Rosen for Nevada).

**Table 2 — Average Number of Days from Receipt of Complete AOR to Commission Vote**

	FY19	FY20	FY21	FY22	FY23	FY24 Q1	FY24 Q2	FY24 Q3	FY24 Q4	FY24
<b>60-Day AORs<sup>6</sup></b>	44	n/a	49	43	45	52	58	n/a	45	52
<b>60-Day AORs (Deadline Extended)</b>	127	270	164	88	81	n/a	67	64	65 <sup>7</sup>	65
<b>20-Day AORs<sup>8</sup></b>	20	n/a	n/a	16	n/a	n/a	n/a	n/a	n/a	n/a
<b>20-Day AORs (Deadline Extended)</b>	n/a	n/a	n/a	22	27	n/a	22	22	n/a	22
<b>Expedited AORs</b>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

<sup>6</sup> This data does not include 60-day AORs. Any such AORs are noted separately.

<sup>7</sup> AOR 2024-10 (Alan Lowenthal for Congress) 65 days from receipt of a complete AOR to Commission vote.

<sup>8</sup> This data does not include 20-day AORs that received deadline extensions. Any such AORs will be noted separately.

**Table 3 — Pre-AORs**

	FY19	FY20	FY21	FY22	FY23	FY24 Q1	FY24 Q2	FY24 Q3	FY24 Q4	FY24
<b># of Pending Pre-AORs</b>	32	19	28	48	45	23	15	13	20 <sup>9</sup>	55
<b>Percentage Screened within 10-Day Deadline</b>	100%	100%	100%	100%	100%	100%	93.33%	100%	100%	98%
<b># Made into Complete AORs</b>	16	6	11	32	11	5	5	1	8 <sup>10</sup>	19

<sup>9</sup> PreAORs [REDACTED] 587 (American Target Advertising Inc. and The Conservative Caucus), 590 (Unified Libertarians of Massachusetts), [REDACTED] 592 (Nanette Barragan), [REDACTED] 595 (Senator Graham), 597 (Congressman Alan Lowenthal), 598 (Bob Good & Good for Congress), 599 (Carolyn Gleich), 600 (Shaun McCutcheon), [REDACTED] 605 (Shaun McCutcheon), [REDACTED] 607 (DSCC and Rosen for Nevada), 608 (DSCC, Montanans for Tester and Gallego for Arizona) & [REDACTED]

<sup>10</sup> AORs 2024-07 (Team Graham), 2024-08 (Bob Good & Good for Congress), 2024-09 (Nanette Barragan & Barragan for Congress), 2024-10 (Alan Lowenthal for Congress), 2024-11 (Carolyn Gleich), 2024-12 (Shaun McCutcheon), 2024-13 (DSCC, Montanans for Tester and Gallego for Arizona) & 2024-14 (DSCC and Rosen for Nevada).