



AGENDA DOCUMENT NO. 08-42
APPROVED DECEMBER 4, 2008

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, NOVEMBER 20, 2008

PRESENT:

Donald F. McGahn II, Chairman, presiding

Steven T. Walther, Vice Chairman

Cynthia L. Bauerly, Commissioner

Matthew S. Petersen, Commissioner

Ellen L. Weintraub, Commissioner

Joseph F. Stoltz, Acting Staff Director

Thomasenia P. Duncan, General Counsel

Mary W. Dove, Secretary

Chairman Donald F. McGahn II called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Thursday, November 20, 2008, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for November 13, 2008
Agenda Document No. 08-41**

Chairman McGahn recognized Vice Chairman Walther, who

MOVED to approve the minutes for the Open Meeting of Thursday, November 13, 2008, as set forth in Agenda Document No. 08-41.

The motion carried on the vote of 5-0 with Commissioners

Bauerly, McGahn, Petersen, Walther, and Weintraub voting affirmatively.

**II. DRAFT ADVISORY OPINION 2008-16
Libertarian Party of Colorado by Leah Kelley, Treasurer**

Agenda Document No. 08-40 (Submitted late)

Chairman McGahn recognized Vice Chairman Walther, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 08-40.

The motion carried on the vote of 5-0 with Commissioners

Bauerly, McGahn, Petersen, Walther, and Weintraub voting affirmatively.

II. DRAFT ADVISORY OPINION 2008-16 (continued)

The Chairman recognized Ms. Esther Heiden of the General Counsel's Office who presented the draft of Advisory Opinion 2008-16, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations regarding the status of the Libertarian Party of Colorado.

Chairman McGahn recognized Vice Chairman Walther, who

**MOVED to approve draft Advisory Opinion
2008-16, as set forth in Agenda Document
No. 08-40.**

The motion carried on the vote of 5-0 with Commissioners Bauerly, McGahn, Petersen, Walther, and Weintraub voting affirmatively.

III. REPORT OF THE AUDIT DIVISION ON THE MISSOURI DEMOCRATIC STATE COMMITTEE

Agenda Document No. 08-36

(Placed on the agenda pursuant to the filing of objections by Commissioners Hunter, McGahn, and Petersen following circulation on a tally vote basis.)

The Chairman recognized Mr. Leroy Clay of the Audit Division who presented the subject document. During his presentation, Mr. Clay noted the following change to the report:

**III. REPORT OF THE AUDIT DIVISION ON THE MISSOURI DEMOCRATIC
STATE COMMITTEE**

(continued)

In Finding 2, the amount that would be transferred to the non-federal account was reduced from \$2,541,689 to \$1,931,979.

There was a discussion of Finding 2. (Payment of Federal Activity with Non-Federal Funds). Responding to comments and questions were Mr. Joseph Stoltz, Acting Staff Director, Mr. Alex Boniewicz, and Mr. Leroy Clay of the Audit Division, and Mr. Albert Veldhuyzen and Mr. Lawrence Calvert of the General Counsel's Office.

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The meeting recessed at 11:30 A.M. and reconvened at 11:35 A.M. with a quorum present.

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**III. REPORT OF THE AUDIT DIVISION ON THE MISSOURI DEMOCRATIC
STATE COMMITTEE**

(continued)

It was agreed without objection, that the above-captioned matter be returned to the Audit Division for revisions, pursuant to the meeting discussion, and to recirculate the revised report to the Commission on a tally vote basis.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 11:43 A.M.**

Signed:



**Donald F. McGahn II
Chairman of the Commission**

Attest:



**Mary W. Dove
Secretary of the Commission**