



AGENDA DOCUMENT NO. 09-04

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JANUARY 15, 2009**

PRESENT:

Steven T. Walther, Chairman, presiding

Matthew S. Petersen, Vice Chairman

Cynthia L. Bauerly, Commissioner

Caroline C. Hunter, Commissioner

Donald F. McGahn II, Commissioner

Ellen L. Weintraub, Commissioner

**John D. Gibson, Deputy Staff Director/ Chief
Compliance Officer, representing
Joseph F. Stoltz, Acting Staff Director**

Thomasenia P. Duncan, General Counsel

Mary W. Dove, Secretary

Chairman Steven T. Walther called the Federal Election Commission to order in an open meeting at 2:10 P.M. on Thursday, January 15, 2009, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for December 18, 2008
Agenda Document No. 09-01**

Chairman Walther recognized Vice Chairman Petersen, who

MOVED to approve the minutes for the Open Meeting of Thursday, December 18, 2008, as set forth in Agenda Document No. 09-01.

The motion carried on the vote of 6-0 with Commissioners

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

II. DRAFT ADVISORY OPINIONS

**A. Draft Advisory Opinion 2008-18
Mid-Atlantic Benefits, by Michael Dupay**

Agenda Document No. 09-02

Chairman Walther recognized Mr. Joshua Blume of the General Counsel's Office who presented the draft opinion concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to a proposed affinity program

II. DRAFT ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2008-18 (continued)

involving payments to Federal political party committees for the provision of prescription drug discount cards to their supporters or other interested persons.

During his presentation, Mr. Blume offered the following amendment:

On Page 1, Line 11, after “program” insert the following footnote:

“The Commission uses the term ‘affinity program’ in this opinion to identify a relationship between a business that offers a product or service and an organization (*e.g.* fraternal, charitable, religious, professional, or, as in this case, political) that endorses or sponsors the business’s product or service among its members, supporters, or other interested persons. This definition is consistent with the Commission’s use of the term in previous advisory opinions. *See, e.g.* Advisory Opinions 1979-17 (RNC), 1992-40 (Leading Edge Communications), 2003-16 (Providian National Bank), and 2006-34 (Working Assets).”

Following discussion, Chairman Walther recognized Vice Chairman Petersen, who

MOVED to approve draft Advisory Opinion 2008-18, as set forth in Agenda Document No. 09-02, subject to the amendment noted above.

The motion carried on the vote of 6-0.

II. DRAFT ADVISORY OPINIONS (continued)

**B. Draft Advisory Opinion 2008-19
Texans for Lamar Smith, by Pike Powers, Treasurer**

Agenda Document No. 09-03 (submitted late)

Chairman Walther recognized Vice Chairman Petersen, who

**MOVED to suspend the rules on the timely
submission of agenda documents in order
to consider Agenda Document No. 09-03.**

The motion carried on the vote of 6-0.

**The Chairman recognized Ms. Joanna Waldstreicher of the General
Counsel's Office who reviewed draft Advisory Opinion 2008-19 concerning
the application of the Federal Election Campaign Act of 1971, as amended
("the Act"), and Commission regulations to a candidate's principal
campaign committee's employment of a person who also serves as the
treasurer of a leadership PAC sponsored by the candidate.**

Chairman Walther recognized Vice Chairman Petersen, who

**MOVED to approve draft Advisory Opinion 2008-19,
as set forth in Agenda Document No. 09-03.**

The motion carried on the vote of 6-0.

III. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 2:25 P.M.**

Signed:

**Steven T. Walther
Chairman of the Commission**

Attest:

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