



AGENDA DOCUMENT NO. 09-01

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, DECEMBER 18, 2008**

PRESENT:

Donald F. McGahn II, Chairman, presiding

Steven T. Walther, Vice Chairman

Cynthia L. Bauerly, Commissioner

Caroline C. Hunter, 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 10:20 A.M. on Thursday, December 18, 2008, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for December 4, 2008
Agenda Document No. 08-47

Chairman McGahn recognized Vice Chairman Walther, who

MOVED to approve the minutes for the Open Meeting of Thursday, December 4, 2008, as set forth in Agenda Document No. 08-47.

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

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

II. REPORT OF THE AUDIT DIVISION ON KAREN CARTER FOR CONGRESS

Agenda Document No. 08-50

Chairman McGahn recognized Mr. Kendrick Smith of the Audit Division who reviewed the findings of the subject report, and presented the following amendment:

Change the heading of Finding 1 to read, "Receipt of Contributions from LLPs, LLCs and Corporations."

II. REPORT OF THE AUDIT DIVISION ON KAREN CARTER FOR CONGRESS (continued)

The Chairman recognized Commissioner Petersen, who

MOVED to approve the Report of the Audit Division on Karen Carter for Congress, as set forth in Agenda Document No. 08-50, subject to the amendment noted above.

The motion carried on the vote of 6-0.

III. REPORT OF THE AUDIT DIVISION ON TEXANS FOR HENRY CUELLAR CONGRESSIONAL CAMPAIGN

Agenda Document No. 08-51

Chairman McGahn recognized Mr. Alex Boniewicz of the Audit Division who presented the subject report. During his presentation, he noted the following amendment:

Insert the following wording to the report as necessary,

“Subsequent to the final audit report’s submission to the Commission, THC submitted copies of negotiated refund checks and bank statements to document that requested refunds had been made.”

The Chairman recognized Commissioner Petersen, who

MOVED to approve the Report of the Audit Division on Texans for Henry Cuellar Congressional Campaign, as submitted in Agenda Document No. 08-51, as amended above.

The motion carried on the vote of 6-0.

**IV. DRAFT ADVISORY OPINION 2008-17
Missourians for Kit Bond and KITPAC by Kathryn Biber Chen,
Esquire**

(Held over from the meeting of December 4, 2008)

Agenda Document No. 08-43

Agenda Document No. 08-43-A (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. 08-43-A.**

The motion carried on the vote of 6-0.

**The Chairman recognized Mr. Tony Buckley of the General
Counsel's Office who presented the three draft opinions concerning the
application of the Federal Election Campaign Act of 1971, as amended
(the "Act"), and Commission regulations, to the committees' proposed
payment of expenses incurred by Senator Kit Bond's co-author on a book
the two are writing.**

Chairman McGahn recognized Vice Chairman Walther, who

**MOVED to approve Draft A of Draft AO 2008-17, as
set forth in Agenda Document No. 08-43.**

A discussion followed.

IV. DRAFT ADVISORY OPINION 2008-17 (continued)

The motion failed by a vote of 2-4 with Commissioners Walther and Weintraub voting affirmatively. Commissioners Bauerly, Hunter, McGahn, and Petersen dissented.

The Chairman recognized Commissioner Petersen, who

**MOVED to approve Draft C of Draft AO 2008-17,
as set forth in Agenda Document No. 08-43-A.**

The motion carried on the vote of 4-2 with Commissioners Bauerly, Hunter, McGahn, and Petersen voting affirmatively. Commissioners Walther and Weintraub dissented.

V. DRAFT FINAL RULES – REPEAL OF MILLIONAIRES’ AMENDMENT REGULATIONS

Agenda Document No. 08-49

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. 08-49.**

The motion carried on the vote of 6-0.

The Chairman recognized Mr. Neven Stipanovic of the General Counsel’s Office who reviewed the draft Final Rules in the above-captioned matter.

V. DRAFT FINAL RULES – REPEAL OF MILLIONAIRES’ AMENDMENT REGULATIONS (continued)

Chairman McGahn recognized Commissioner Weintraub, who

MOVED to approve the draft Final Rules and Explanation and Justification regarding the repeal of the Millionaires’ Amendment Regulations, as set forth in Agenda Document No. 08-49.

The motion carried on the vote of 6-0.

VI. DRAFT FINAL RULES – REPORTING CONTRIBUTIONS BUNDLED BY LOBBYISTS, REGISTRANTS AND THE PACS OF LOBBYISTS AND REGISTRANTS

Agenda Document No. 08-48

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. 08-48.

The motion carried on the vote of 6-0.

The Chairman recognized Ms. Cheryl Hemsley of the General Counsel’s Office who presented the subject document.

A discussion followed.

Chairman McGahn recognized Commissioner Weintraub, who

VI. DRAFT FINAL RULES – REPORTING CONTRIBUTIONS BUNDLED BY LOBBYISTS, REGISTRANTS AND THE PACS OF LOBBYISTS AND REGISTRANTS

(continued)

MOVED to approve the draft Final Rule implementing section 204 of Public Law 110.81, regarding the disclosure of contributions bundled by lobbyist/registrants and lobbyist/registrant PACs, as set forth in Agenda Document No. 08-48, and to authorize the General Counsel's Office to make any necessary technical and conforming amendments.

The motion carried on the vote of 6-0.

VII. FUTURE MEETING DATES

Agenda Document No. 08-52

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. 08-52.

The motion carried on the vote of 6-0.

The Chairman recognized Vice Chairman Walther, who

MOVED to approve the 2009 Meeting Dates, as set forth in Agenda Document No. 08-52.

The motion carried on the vote of 6-0.

VIII. ELECTION OF OFFICERS

A. Election of Chairman

Chairman McGahn recognized Commissioner Petersen, who

**MOVED to elect Vice Chairman Walther to
serve as Chairman of the Federal Election
Commission beginning January 1, 2009.**

The motion carried on the vote of 6-0.

B. Election of Vice Chairman

Chairman McGahn recognized Commissioner Bauerly, who

**MOVED to elect Commissioner Petersen to
serve as Vice Chairman of the Federal Election
Commission beginning January 1, 2009.**

The motion carried on the vote of 6-0.

IX. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further matters to come before the Commission,
the meeting adjourned at 11:35 A.M.**

Signed:

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

Attest:

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