



AGENDA DOCUMENT NO. 09-10
(Replaces Agenda Document No. 09-08)

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, JANUARY 29, 2009
AND ITS CONTINUATION ON
TUESDAY, FEBRUARY 3, 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
(present on February 3, 2009)

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 10:30 A.M. on Thursday, January 29, 2009, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for January 15, 2009
Agenda Document No. 09-04**

Chairman Walther recognized Vice Chairman Petersen, who

MOVED to approve the minutes for the Open Meeting of Thursday, January 15, 2009, as set forth in Agenda Document No. 09-04.

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

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

II. DRAFT ADVISORY OPINIONS

**A. Draft Advisory Opinion 2008-20
National Right to Life Committee, Inc., by
James Bopp, Esquire**

Agenda Document No. 09-05 (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. 09-05.

II. DRAFT ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2008-20 (continued)

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

Chairman Walther recognized Mr. Neven Stipanovic 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 NRLC's request to reimburse its separate segregated fund, the National Right to Life Political Action Committee.

Following discussion, Chairman Walther recognized Vice Chairman Petersen, who

MOVED to approve draft Advisory Opinion 2008-20, as set forth in Agenda Document No. 09-05.

The motion carried on the vote of 4-1 with Commissioners Bauerly, Hunter, McGahn, and Petersen voting affirmatively. Commissioner Walther dissented.

II. DRAFT ADVISORY OPINIONS (continued)

**B. Draft Advisory Opinion 2008-22
**Senator Frank Lautenberg and Lautenberg
for Senate, by Marc E. Elias, Esquire****

Agenda Document No. 09-06 (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. 09-06.**

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

**The Chairman recognized Ms. Joanna Waldstreicher 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 the Committee's repayment of
several personal loans made by Senator Lautenberg to Lautenberg for
Senate using funds raised for Senator Lautenberg's 2008 and 2014 re-
election campaigns.**

II. DRAFT ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2008-22 (continued)

Chairman Walther recognized Vice Chairman Petersen, who

**MOVED to approve draft Advisory Opinion
2008-22, as set forth in Agenda Document
No. 09-06.**

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

Hunter, McGahn, Petersen, and Walther voting affirmatively.

**III. EXPLANATION AND JUSTIFICATION FOR FINAL RULES ON
REPORTING CONTRIBUTIONS BUNDLED BY LOBBYISTS,
REGISTRANTS, AND THE PACS OF LOBBYISTS AND REGISTRANTS**

**Chairman Walther noted this matter will be considered at the
continuation of the Open Meeting on Tuesday, February 3, 2009.**

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**The meeting recessed at 10:40 A.M. on Thursday, January 29,
2009, and reconvened at 10:45 A.M. on Tuesday, February 3, 2009, with all
Commissioners present.**

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**III. EXPLANATION AND JUSTIFICATION FOR FINAL RULES ON
REPORTING CONTRIBUTIONS BUNDLED BY LOBBYISTS,
REGISTRANTS, AND THE PACS OF LOBBYISTS AND REGISTRANTS**

Agenda Document No. 09-07 (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. 09-07.**

**The motion carried on the vote of 6-0 with Commissioners Bauerly,
Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively.**

**Chairman Walther recognized Ms. Esther Heiden of the General
Counsel's Office who presented an overview of the subject document.**

**Following discussion, Chairman Walther recognized Commissioner
Weintraub, who**

**MOVED to approve the Explanation and
Justification for the Final Rule on Reporting
Contributions Bundled by Lobbyists/Registrants
and the PACs of Lobbyists/Registrants, as set
forth in Agenda Document No. 09-07, for
publication in the FEDERAL REGISTER, 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.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 11:10 A.M. on Tuesday, February 3, 2009.**

Signed:

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

Attest:

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