



AGENDA DOCUMENT NO. 09-21
APPROVED APRIL 23, 2009

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, APRIL 16, 2009
AND ITS CONTINUATION ON
TUESDAY, APRIL 21, 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
(absent on April 16, 2009, and present
on April 21, 2009)

Robert A. Hickey, 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 10:07 A.M. on Thursday, April 16, 2009, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for Thursday, March 19, 2009
Agenda Document No. 09-16**

Chairman Walther recognized Vice Chairman Petersen, who

MOVED to approve the minutes for the Open Meeting of Thursday, March 19, 2009, as set forth in Agenda Document No. 09-16.

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 2009-02
The True Patriot Network, LLC, (“TPN”) by Judith Corley,
Esq.**

Agenda Document No. 09-17

Chairman Walther recognized Mr. David Adkins 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 TPN's plan to make independent expenditures.

II. DRAFT ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2009-02 (continued)

Chairman Walther recognized Vice Chairman Petersen, who

**MOVED to approve Draft Advisory Opinion
2009-02, as set forth in Agenda Document
No. 09-17.**

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

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

**B. Draft Advisory Opinion 2009-03
Intercontinental Exchange, Inc. ("ICE, Inc.") by
Andrew J. Surdykowski, Esquire**

Agenda Document No. 09-18

**Chairman Walther announced Draft Advisory Opinion 2009-03
would be considered at the continuation of the open meeting on Tuesday,
April 21, 2009, at 10:00 A.M.**

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**The meeting recessed at 10:10 A.M. on Thursday, April 16, 2009,
and reconvened at 10:07 A.M. on Tuesday, April 21, 2009, with all
Commissioners present.**

II. DRAFT ADVISORY OPINIONS (continued)

**B. Draft Advisory Opinion 2009-03
IntercontinentalExchange, Inc. (“ICE, Inc.”) by
Andrew J. Surdykowski, Esquire**

Agenda Document No. 09-18

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 change to ICE, Inc.’s current policy of matching voluntary contributions to ICE, Inc.’s separate segregated fund (“SSF”), ICE-PAC, with charitable donations (the “charity-match program”).

Following discussion, Chairman Walther recognized Vice Chairman Petersen, who

**MOVED to approve Draft Advisory Opinion 2009-03,
as submitted in Agenda Document No. 09-18.**

The motion failed by a vote of 3-3 with Commissioners Hunter, McGahn, and Petersen voting affirmatively. Commissioners Bauerly, Walther, and Weintraub dissented.

III. MANAGEMENT AND ADMINISTRATIVE MATTERS


**There being no further business to come before the Commission,
the meeting adjourned at 10:35 A.M. on Tuesday, April 21, 2009.**

Signed:



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

Attest:



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

