



AGENDA DOCUMENT NO. 09-40

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

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 10:09 A.M. on Thursday, June 18, 2009, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

- A. Minutes for Thursday, May 7, 2009
Agenda Document No. 09-30**
- B. Minutes for Thursday, May 14, 2009
Agenda Document No. 09-31**

Chairman Walther recognized Vice Chairman Petersen, who

MOVED to approve the minutes for the Open Meetings of Thursday, May 7, 2009, and Thursday, May 14, 2009, as set forth in Agenda Documents No. 09-30 and No. 09-31, respectively.

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

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

II. DRAFT ADVISORY OPINION 2009-11 (Alternative Drafts)

**Senator John Kerry and the John Kerry
for Senate Committee
Agenda Documents No. 09-32 and No. 09-32-A
(submitted late)**

(Commissioner Weintraub recused)

The Chairman recognized Vice Chairman Petersen, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Documents No. 09-32 and No. 09-32-A.

**II. DRAFT ADVISORY OPINION 2009-11 (Alternative Drafts)
(continued)**

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

Chairman Walther recognized Mr. Joshua Blume of the General Counsel's Office who presented the alternative drafts of the subject advisory opinion, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the John Kerry for Senate Committee's proposed provision of campaign funds to the White Mountain Films company to help it produce a documentary film, for which Senator Kerry will serve as an uncompensated executive producer.

A discussion followed.

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There was a recess at 10:30 A.M., and the meeting reconvened at 10:40 A.M. with a quorum present.

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**II. DRAFT ADVISORY OPINION 2009-11 (Alternative Drafts)
(continued)**

The discussion resumed.

Chairman Walther recognized Commissioner Bauerly, who

**MOVED to table draft Advisory Opinion 2009-11
until the next open meeting on June 25, 2009.**

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

Hunter, McGahn, Petersen, and Walther voting affirmatively.

Commissioner Weintraub recused herself with respect to this matter.

**III. REPORT OF THE AUDIT DIVISION ON THE CIRO D. RODRIGUEZ
FOR CONGRESS COMMITTEE**

Agenda Document No. 09-27

(Commissioner Weintraub recused)

Chairman Walther recognized Mr. Tom Hintermister of the Audit

Division who presented the subject document.

During the ensuing discussion, Mr. Joseph Stoltz and Mr.

Hintermister of the Audit Division, Ms. Allison Steinle and Mr. Lawrence

Calvert of the General Counsel's Office responded to questions and

comments.

There was a recess at 11:10 A.M., and the meeting reconvened at 11:15 A.M. with a quorum present.

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III. REPORT OF THE AUDIT DIVISION ON THE CIRO D. RODRIGUEZ FOR CONGRESS COMMITTEE (continued)

Chairman Walther recognized Commissioner McGahn, who

MOVED to approve Findings 1, 2, and 3 of the Audit Division's Report on the Ciro D. Rodriguez for Congress Committee, as set forth in Agenda Document No. 09-27.

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

Commissioner Weintraub recused herself with respect to this matter.

The Chairman recognized Commissioner McGahn, who

MOVED to modify Finding 4 of the Audit Division's Report on the Ciro D. Rodriguez for Congress Committee, as set forth in Agenda Document No. 09-27, consistent with the discussion at the table, and to circulate the revised audit to the Commission on a 48-hour no objection basis.

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

Commissioner Weintraub recused herself with respect to this matter.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

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

Signed:

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

Attest:

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