



AGENDA DOCUMENT NO. 08-33
APPROVED NOVEMBER 13, 2008

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, OCTOBER 23, 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

**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 Donald F. McGahn II called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Thursday, October 23, 2008, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for October 8, 2008
Agenda Document No. 08-31**

Chairman McGahn recognized Vice Chairman Walther, who

MOVED to approve the minutes for the Open Meeting of Wednesday, October 8, 2008, as set forth in Agenda Document No. 08-31.

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 2008-10
VoterVoter.com by Joseph M. Birkenstock, Esquire
(Continued from the meeting of October 8, 2008)**

Agenda Document No. 08-29

**Agenda Document No. 08-29-A (Submitted late)
Submitted by Chairman McGahn**

**Agenda Document No. 08-29-B (Submitted late)
Submitted by Commissioners Bauerly and Petersen**

II. DRAFT ADVISORY OPINIONS (Continued)

A. Draft Advisory Opinion 2008-10 (Continued)

The Chairman recognized Vice Chairman Walther, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Documents No. 08-29-A and No. 08-29-B.

The motion carried on the vote of 6-0.

Chairman McGahn recognized Mr. Jonathan Levin of the General Counsel's Office who presented the proposed drafts of Advisory Opinion 2008-10, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to advertising services provided to individuals and nonconnected political committees. WideOrbit, Inc. d/b/a VoterVoter.com (the "Corporation") asks whether a proposed plan to use the VoterVoter.com website to sell political ads is permissible under the Act.

The Chairman recognized Vice Chairman Walther, who

MOVED the General Counsel's proposed Draft B, as set forth in Agenda Document No. 08-29.

A discussion followed.

II. DRAFT ADVISORY OPINIONS (Continued)

A. Draft Advisory Opinion 2008-10 (Continued)

The motion failed on the vote of 1-5 with Commissioner Walther voting affirmatively. Commissioners Bauerly, Hunter, McGahn, Petersen, and Weintraub dissented.

Chairman McGahn recognized Commissioner Bauerly who presented an overview of proposed Draft C, which she co-authored with Commissioner Petersen.

Following discussion, Commissioner Bauerly was recognized, who

MOVED to approve Draft C of Advisory Opinion 2008-10, as submitted in Agenda Document No. 08-29-B.

The motion carried on the vote of 5-1 with Commissioners Bauerly, McGahn, Hunter, Petersen, and Weintraub voting affirmatively. Commissioner Walther dissented.

**B. Draft Advisory Opinion 2008-15
National Right to Life Committee, Inc. by James Bopp, Jr., Esquire, and Clayton J. Callen, Esquire**

**Agenda Document No. 08-32 (Submitted late)
Agenda Document No. 08-32-A (Submitted late)
Submitted by Commissioner McGahn**

The Chairman recognized Vice Chairman Walther, who

II. DRAFT ADVISORY OPINIONS (Continued)

B. Draft Advisory Opinion 2008-15 (Continued)

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Documents No. 08-32 and No. 08-32-A.

The motion carried on the vote of 6-0.

Chairman McGahn recognized Mr. David Adkins of the General Counsel's Office who presented draft Advisory Opinion 2008-15, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the NRLC's plan to use general treasury funds to finance the broadcast of two radio advertisements.

A discussion followed.

The Chairman recognized Commissioner Weintraub, who

MOVED to approve the proposed draft of AO 2008-15, as set forth in Agenda Document No. 08-32.

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

II. DRAFT ADVISORY OPINIONS (Continued)

B. Draft Advisory Opinion 2008-15 (Continued)

Chairman McGahn recognized Commissioner Petersen, who

**MOVED to approve proposed Draft B,
as contained in Agenda Document
No. 08-32-A.**

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

**It was agreed without objection to return draft Advisory
Opinion 2008-15 to the General Counsel's Office for redraft pursuant to the
meeting discussion.**

III. MANAGEMENT AND ADMINISTRATIVE MATTERS

There were no further matters to come before the Commission.

The meeting adjourned at 11:00 A.M.

Signed:



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

Attest:

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