



**AGENDA DOCUMENT NO. 11-17**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
WEDNESDAY, MARCH 16, 2011**

**PRESENT:**

**Cynthia L. Bauerly, Chair, presiding**

**Caroline C. Hunter, Vice Chair**

**Donald F. McGahn II, Commissioner**

**Matthew S. Petersen, Commissioner**

**Steven T. Walther, Commissioner**

**Ellen L. Weintraub, Commissioner**

**Alec Palmer, Acting Staff Director**

**Christopher Hughey, Acting General Counsel**

**Shawn Woodhead Werth, Secretary and Clerk**

**Chair Cynthia L. Bauerly called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Wednesday, March 16, 2011 with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for March 3, 2011  
Agenda Document No. 11-15**

**Chair Bauerly recognized Commissioner Hunter who**

**MOVED to approve Agenda Document No. 11-15, minutes for the Open Session held on March 3, 2011.**

**The motion carried on a vote of 6-0 with Commissioners**

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

**Chair Bauerly recognized Commissioner Hunter who**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of Agenda Document Nos. 11-13-A, 11-14-A, 11-16, and 11-16-A.**

**The motion carried on a vote of 6-0 with Commissioners**

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

**II. DRAFT ADVISORY OPINION (2011-03)**

**Democratic Senatorial Campaign Committee, National  
Republican Congressional Committee, Republican  
National Committee, Democratic Congressional**

**Campaign Committee, and National Republican  
Senatorial Committee by Marc E. Elias, Esq., Jessica  
Furst, Esq., John Phillippe, Esq., Brian G. Svoboda,  
Esq., and Michael E. Toner, Esq., respectively**

**Agenda Document No. 11-14 (Draft A)**

**Agenda Document No. 11-14-A (Draft B)  
(Submitted Late)**

**Chair Bauerly noted that Mr. Marc Elias and Mr. Michael Toner  
would represent requestors' counsel and were present to answer any  
questions the Commission may have during the discussion.**

**Chair Bauerly recognized Mr. David Adkins of the General  
Counsel's Office who presented the draft advisory opinion  
concerning the application of the Federal Election Campaign Act  
of 1971, as amended, and Commission regulations to the use of  
recount funds to finance non-recount-related litigation expenses.**

**Mr. Elias, Mr. Toner and Mr. Brian Svoboda participated in the  
discussion which followed.**

**It was agreed, by consensus, to hold this matter over to the  
next meeting.**

**\* \* \* \* \***

**The meeting recessed at 11:48 A.M. and reconvened at  
12:04 P.M. with a quorum present.**

**\* \* \* \* \***

**III. PROPOSED FINAL AUDIT REPORT ON HILLARY CLINTON FOR PRESIDENT (A08-05)**

**Audit Division's Memorandum dated November 8, 2010  
Agenda Document No. 11-12**

**Agenda Document Nos. 11-10-A and 11-10-B  
(Submitted Late)**

**Chair Bauerly recognized Ms. Brenda Wheeler of the Audit**

**Division who presented the subject document.**

**Chair Bauerly recognized Vice Chair Hunter who**

**MOVED to approve Agenda Document No. 11-12.**

**The motion carried on a vote of 6-0 with Commissioners**

**Bauerly, Hunter, McGahn, Petersen, Walther and Weintraub voting**

**affirmatively for the decision.**

**IV. WITHDRAWAL AND RESUBMISSION OF PROPOSED INTERPRETIVE RULE REGARDING ELECTRONIC CONTRIBUTOR REDESIGNATIONS (LRA 820)**

**General Counsel's Memorandum dated February 17, 2011  
Agenda Document No. 11-13**

**Memorandum from Chair Bauerly and Vice Chair Hunter  
dated March 16, 2011  
Agenda Document No. 11-13-A  
(Submitted Late)**

**Chair Bauerly recognized Ms. Allison Steinle of the General  
Counsel's Office who summarized the notice of the interpretive rule**

**concerning a certain method of electronic redesignation. A discussion followed.**

**Chair Bauerly recognized Vice Chair Hunter who**

**MOVED to approve Agenda Document No. 11-13-A, and direct the Office of General Counsel to make any technical and conforming edits and publish the document.**

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

**V. DRAFT LEGISLATIVE RECOMMENDATIONS 2011**

**Memorandum from the Director and Deputy Director of the Office of Congressional, Legislative and Intergovernmental Affairs dated March 11, 2011  
Agenda Document No. 11-16  
(Submitted Late)**

**Proposed Revision from Commissioner Walther to the Commission's 2011 Legislative Recommendations dated March 11, 2011  
Agenda Document No. 11-16-A  
(Submitted Late)**

**Chair Bauerly recognized Mr. Duane Pugh, Director of the Office of Congressional, Legislative and Intergovernmental Affairs who presented the document and its four legislative recommendations. A discussion followed.**

**Chair Bauerly recognized Commissioner Walther who**

**MOVED to approve Agenda Document No. 11-16-A.**

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

**Chair Bauerly recognized Vice Chair Hunter who**

**MOVED to approve the legislative recommendations in  
Agenda Document No. 11-16 as amended by the  
previous motion.**

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

**VI. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the  
Commission, the meeting adjourned at 12:20 P.M.**

**Signed:**

**Cynthia L. Bauerly  
Chair of the Commission**

**Attest:**

**Shawn Woodhead Werth  
Secretary and Clerk of the Commission**