



AGENDA DOCUMENT NO. 11-47

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JULY 21, 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

Shelley E. Garr, Deputy Secretary

Chair Cynthia L. Bauerly called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, July 21, 2011 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for June 30, 2011
Agenda Document No. 11-44**

Chair Bauerly recognized Vice Chair Hunter who

**MOVED to approve Agenda Document No. 11-44,
minutes for the Open Session held on June 30, 2011.**

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

Bauerly, Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

II. DRAFT ADVISORY OPINION 2011-13

**Democratic Senatorial Campaign Committee by Marc Elias,
Esq. and Jonathan S. Berkon, Esq.**

Agenda Document No. 11-43

Chair Bauerly recognized Ms. Jessica Selinkoff of the General Counsel's Office who presented the advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, and Commission regulations to the Democratic Senatorial Campaign Committee's proposal to revise the disclaimers on its standard and mobile fundraising solicitation webpages. Discussion followed.

Chair Bauerly recognized Vice Chair Hunter who

MOVED to approve Agenda Document No. 11-43.

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

Bauerly, Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

III. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON JOHN EDWARDS FOR PRESIDENT (JEFP)

Memorandum from the Chief Compliance Officer and the Audit Division dated June 23, 2011

Agenda Document No. 11-41

Chair Bauerly recognized Ms. Mary Moss, Mr. Tom Nurthen and Mr. Tom Hintermister of the Audit Division. Mr. Nurthern noted that the Committee declined an opportunity for an audit hearing but did respond to Finding 1 of the Draft Final Audit Report. He presented the subject document which included findings on the repayment of \$2.1 million in matching funds; misstatement of ending cash-on-hand; failure to itemize loan repayments; and stale-dated checks and repayment. On page 5 of the Recommendation Memorandum, Mr. Nurthen pointed out that the correct total of stale-dated checks should be \$141,808. Mr. Lawrence Calvert of the General Counsel's Office also participated in the discussion which followed.

Chair Bauerly recognized Vice Chair Hunter who

MOVED to approve Agenda Document No. 11-41.

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

Bauerly, Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

IV. PROPOSED FINAL AUDIT REPORT ON THE GEORGIA FEDERAL ELECTIONS COMMITTEE (A07-14)

Memorandum from the Chief Compliance Officer and the Audit Division dated June 29, 2011

Agenda Document No. 11-40

Chair Bauerly recognized Mr. Terrence O'Brien of the Audit Division who introduced the subject document. Discussion followed.

Chair Bauerly recognized Vice Chair Hunter who

MOVED to approve Agenda Document No. 11-40.

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

Bauerly, Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

V. PROPOSED POLICY STATEMENT EXTENDING A PILOT PROGRAM FOR REQUESTING CONSIDERATION OF LEGAL QUESTIONS BY THE COMMISSION

Memorandum from Chair Bauerly and Commissioner Weintraub dated July 20, 2011

**Agenda Document No. 11-45
(Submitted Late)**

**Memorandum from Commissioner Walther dated
July 21, 2011**

**Agenda Document No. 11-45-A
(Submitted Late)**

Chair Bauerly recognized Vice Chair 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. 11-45 and
11-45-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 explained that this program was begun last year as a
one-year pilot program to provide an opportunity for committees being
audited or in the RAD review process to present legal questions to the
Commission. At the conclusion of the one-year pilot, the Commission
would schedule another vote for its continuation. She thanked staff for
their input and recommendations on the policy. Chair Bauerly discussed
the similarities and differences between the policy statement that she
and Commissioner Weintraub proposed and Commissioner Walther's policy
statement.**

Chair Bauerly recognized Commissioner Walther who

MOVED to approve Agenda Document No. 11-45-A.

Discussion followed.

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 10:49 A.M.

Signed:

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

Attest:

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

**Shelley E. Garr
Deputy Secretary of the Commission**