



AGENDA DOCUMENT NO. 11-56

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, SEPTEMBER 1, 2011**

PRESENT:

Cynthia L. Bauerly, Chair, presiding

Caroline C. Hunter, Vice Chair

Donald F. McGahn II, Commissioner

Matthew S. Petersen, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Christopher Hughey, Acting General Counsel

Shawn Woodhead Werth, Secretary

Chair Cynthia L. Bauerly called the Federal Election Commission to order in an open meeting at 10:04 A.M. on Thursday, September 1, 2011 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for August 4, 2011
Agenda Document No. 11-51**

Chair Bauerly recognized Vice Chair Hunter who

**MOVED to approve Agenda Document No. 11-51,
minutes for the open session held on August 4, 2011.**

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

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

II. DRAFT ADVISORY OPINION 2011-15

Abdul Karim Hassan, Esq.

**Agenda Document No. 11-48 (Drafts A and B)
(Submitted Late)**

**Agenda Document No. 11-48-A (Draft C)
(Submitted Late)**

Chair Bauerly recognized Vice Chair Hunter who

MOVED to suspend the rules on the timely submission of agenda documents to consider the late submission of Agenda Document Nos. 11-48, 11-48-A, 11-50, and 11-52.

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 Ms. Joanna Waldstrelcher of the General Counsel's Office who presented the advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, the Presidential Primary Matching Payment Account Act, as amended, and Commission regulations to Mr. Hassan's campaign for President of the United States, given his status as a naturalized citizen. Ms. Waldstrelcher summarized the similarities and differences between Drafts A, B and C.

Discussion followed.

It was agreed, by consensus, that the Commission would postpone a vote on this matter as the Commission has a few days to resolve it before the 60-day window expires.

III. DRAFT ADVISORY OPINION 2011-17

Giffords for Congress

**Agenda Document No. 11-50
(Submitted Late)**

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 use of campaign funds to pay for enhanced security at Representative Gabriel Giffords's home.

Discussion followed.

Chair Bauerly recognized Vice Chair Hunter who

MOVED to approve Agenda Document No. 11-50.

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

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

IV. DRAFT INTERPRETIVE RULE ON WHEN CERTAIN INDEPENDENT EXPENDITURES ARE "PUBLICLY DISSEMINATED" FOR REPORTING PURPOSES

**Agenda Document No. 11-52
(Submitted Late)**

Chair Bauerly introduced the subject document. She noted that the document, designed to provide guidance on when certain independent expenditures are publicly disseminated for reporting purposes, is being made available today so that interested parties could share information with the Commission in advance of its consideration at the September 22, 2011 meeting.

Discussion followed.

V. PROPOSED FINAL AUDIT REPORT ON THE UNITED ASSOCIATION POLITICAL EDUCATION COMMITTEE (A09-27)

Agenda Document No. 11-42

Chair Bauerly recognized Mr. Tom Nurthen of the Audit Division who presented the subject document. He said that the Audit Division received edits from Commissioner Weintraub, which the Audit Division is willing to include in this report and the Final Audit Report.

Discussion followed.

Chair Bauerly recognized Vice Chair Hunter who

MOVED to approve Agenda Document No. 11-42 subject to the following changes pursuant to the meeting discussion:

- 1. On page 5, in the last sentence of the second paragraph under section A, change “comply more fully” to “assist in complying.”**
- 2. On page 8, substitute the last sentence that appears before Finding 3 with “The Commission intends to consider these issues with respect to independent expenditure reporting and make a public statement regarding these issues.”**

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 10:51 A.M.**

Signed:

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

Attest:

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