



AGENDA DOCUMENT NO. 11-69

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, NOVEMBER 17, 2011**

PRESENT:

Cynthia L. Bauerly, Chair, presiding

Donald F. McGahn II, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Staff Director

Anthony Herman, General Counsel

Shawn Woodhead Werth, Secretary and Clerk

Chair Cynthia L. Bauerly called the Federal Election Commission to order in an open meeting at 10:03 A.M. on Thursday, November 17, 2011 with a quorum present.

Chair Bauerly stated that Item III (Agency Procedure for Notice to Named Respondents in Enforcement Matters of Additional Material Facts and/or Additional Potential Violations) will be held over to the next meeting.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for October 20, 2011
Agenda Document No. 11-64**

Chair Bauerly recognized Commissioner Weintraub who

**MOVED to approve the minutes for October 20, 2011
as set forth in Agenda Document No. 11-64.**

The motion carried on a vote of 5-0 with Commissioners Bauerly, McGahn, Petersen, Walther and Weintraub voting affirmatively for the decision. Commissioner Hunter was not present and did not vote.

II. DRAFT ADVISORY OPINION 2011-19

**Social Financial, Inc., d/b/a GivingSphere by
Robert Lenhard, Esq., Andrew Byrnes, Esq.,
and Derek Lawlor, Esq.**

**Agenda Document No. 11-66
(Submitted Late)**

**Agenda Document No. 11-66-A
(Submitted Late)**

Chair Bauerly recognized Commissioner Weintraub who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of Agenda Document Nos. 11-66 and 11-66-A.

The motion carried on a vote of 5-0 with Commissioners Bauerly, McGahn, Petersen, Walther and Weintraub voting affirmatively for the decision. Commissioner Hunter was not present and did not vote.

Chair Bauerly recognized Ms. Jessica Selinkoff 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 proposals of Social Financial, Inc. d/b/a GivingSphere. GivingSphere asks whether it may transmit its customers' rebates to political committees; may provide its customers with a searchable database of political committees; may provide its customers with additional information on political committees; may sell advertising space to political committees on its website; may permit political committees to post a GivingSphere "badge" on their websites; and must file reports with the Commission.

Discussion followed.

Chair Bauerly recognized Commissioner Weintraub who

**MOVED to approve Agenda Document No. 11-66
with the amendments specified in Agenda
Document No. 11-66-A and authorize Counsel to make
any technical and conforming amendments.**

**The motion carried on a vote of 5-0 with Commissioners Bauerly,
McGahn, Petersen, Walther and Weintraub voting affirmatively for the
decision. Commissioner Hunter was not present and did not vote.**

**III. AGENCY PROCEDURE FOR NOTICE TO NAMED RESPONDENTS
IN ENFORCEMENT MATTERS OF ADDITIONAL MATERIAL FACTS
AND/OR ADDITIONAL POTENTIAL VIOLATIONS**

**Memorandum from Commissioner Steven T. Walther
dated November 10, 2011
Agenda Document No. 11-65**

**Chair Bauerly previously noted that this Item will be held over to the
next meeting.**

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 10:07 A.M.**

Signed:

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

Attest:

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