



AGENDA DOCUMENT NO. 11-11

APPROVED MARCH 3, 2011

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, FEBRUARY 17, 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 10:19 A.M. on Thursday, February 17, 2011 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for February 3, 2011
Agenda Document No. 11-08**

Chair Bauerly recognized Vice Chair Hunter who

MOVED to approve Agenda Document No. 11-08, the minutes for the Open Session held on February 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 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. 11-07, 11-08, 11-09, 11-09-A, 11-04, 11-04-A, 11-04-B, 11-04-C, and 11-05-A.

Without objection, the motion carried.

II. DRAFT ADVISORY OPINION 2011-01

Robin Carnahan for Senate by Mark E. Elias, Esq., Jonathan S. Berkon, Esq., and Ezra W. Reese, Esq.

**Agenda Document No. 11-07
(Submitted Late)**

Chair Bauerly noted that counsel, Mr. Marc Elias, was present to answer any questions the Commission may have during the discussion.

Chair Bauerly recognized Ms. Joanna Waldstreicher of the General Counsel's Office who presented the subject document. A discussion followed.

Chair Bauerly recognized Commissioner Weintraub who

MOVED to take the following actions in Draft Advisory Opinion 2011-01:

- 1. Revise the sentence starting on Line 10 of page 2 to read: "None of the individuals involved in establishing, administering or operating the Fund would be Federal candidates or Federal officeholders."**
- 2. Delete footnote 3.**
- 3. Make any technical and conforming amendments.**

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

**III. DRAFT ADVISORY OPINION 2011-02
Senator Scott Brown and Scott Brown For U.S. Senate Committee by Daniel Winslow, Esq.**

**Agenda Document No. 11-09 (Drafts A and B)
(Submitted Late)**

**Agenda Document No. 11-09-A (Draft C)
(Submitted Late)**

Chair Bauerly recognized Ms. Jessica Selinkoff of the General Counsel's Office who presented the subject documents.

Chair Bauerly noted that counsel, Mr. Daniel Winslow, was present to answer any questions the Commission may have during the discussion.

A discussion followed.

Chair Bauerly recognized Commissioner McGahn who

MOVED to approve Draft A.

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

Chair Bauerly recognized Commissioner Weintraub who

MOVED to approve Draft B.

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

Chair Bauerly recognized Commissioner McGahn who

MOVED to approve Draft C and authorize the Office of General Counsel to make technical and conforming amendments.

The motion passed on a vote of 4-2 with Commissioners

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

**IV. KUCINICH FOR PRESIDENT, INC. - STATEMENT OF REASONS –
REPAYMENT DETERMINATION UPON ADMINISTRATIVE REVIEW
(LRA #640)**

**Agenda Document No. 11-04
(Held over from the meeting of February 3, 2011)**

**Agenda Document No. 11-04-A
(Submitted Late)**

**Agenda Document No. 11-04-B
(Submitted Late)**

**Agenda Document No. 11-04-C
(Submitted Late)**

Chair Bauerly noted that this matter was before the Commission at its prior open meeting and provided a brief explanation about two of the documents before the Commission today. A discussion followed.

Chair Bauerly recognized Commissioner Petersen who

MOVED to approve Agenda Document No. 11-04-C.

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

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

**V. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON THE
KANSAS REPUBLICAN PARTY (A08-02)**

**Agenda Document No. 11-05
(Held over from the meeting of February 3, 2011)**

**Agenda Document No. 11-05-A
(Submitted Late)**

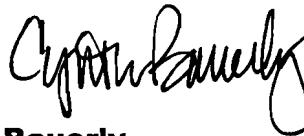
Chair Bauerly noted that Item V would be held over for the next meeting.

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

Chair Bauerly recognized Mr. Tony Buckley of the General Counsel's Office who previewed the Commission's new searchable electronic rulemaking system. Mr. Buckley described the system's three components: 1) a database of publicly available documents generated in connection with Commission rulemakings; 2) a web form that anyone can use to submit comments online for any rulemaking in which the Commission is seeking public comments; and 3) a complete collection of Volume 11 of the Code of Federal Regulations containing Commission regulations dating back to 1977. Chair Bauerly recognized and thanked those staff who helped to develop this system.

**There being no further business to come before the
Commission, the meeting adjourned at 11:04 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**