



AGENDA DOCUMENT NO. 12-18

APPROVED MARCH 22, 2012

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MARCH 1, 2012**

PRESENT:

Caroline C. Hunter, Chair, presiding

Ellen L. Weintraub, Vice Chair

Cynthia L. Bauerly, Commissioner

Donald F. McGahn II, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

Alec Palmer, Staff Director

Anthony Herman, General Counsel

Shawn Woodhead Werth, Secretary and Clerk

Chair Caroline C. Hunter called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, March 1, 2012 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for February 16, 2012
Agenda Document No. 12-14**

Chair Hunter recognized Vice Chair Weintraub who

MOVED to approve the minutes for the meeting of February 16, 2012 as set forth in Agenda Document No. 12-14.

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 2012-04

Justice Party of Mississippi by James C. Farrar, Jr.

Agenda Document No. 12-10

(Held over from the meeting of February 16, 2012)

Chair Hunter noted that Mr. Farrar, the requestor's representative, was available via telephone to answer Commissioners' questions.

Chair Hunter noted that the Commission discussed this Advisory Opinion at the February 16, 2012 meeting and thanked Mr. Farrar for submitting additional information. She explained that further research conducted by the Office of General Counsel did not find anything in the legislative history that changes the conclusion reached regarding the Draft Advisory Opinion discussed by the Commission at that meeting.

Mr. Farrar participated in the discussion which followed.

Chair Hunter recognized Vice Chair Weintraub who

**MOVED to approve Agenda Document No. 12-10,
Draft Advisory Opinion 2012-04.**

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

Chair Hunter recognized Vice Chair Weintraub who

MOVED to waive the rules on the timely submission of agenda documents so that the Commission may consider Agenda Document No. 12-16.

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

III. DRAFT ADVISORY OPINION 2012-03

ActRight by Barry A. Bostrom, Esq.

**Agenda Document No. 12-16
(Submitted Late)**

Chair Hunter noted that Mr. Bostrom, the requestor's counsel, was available via telephone to answer Commissioners' questions.

Chair Hunter recognized Mr. Neven Stipanovic 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 ActRight's proposed plan. The request asks whether ActRight may solicit and forward unlimited contributions earmarked for nonconnected political committees that make only independent expenditures or earmarked for a nonconnected political committee's non-contribution account used to finance independent expenditures.

Mr. Bostrom participated in the discussion which followed.

Chair Hunter recognized Vice Chair Weintraub who

MOVED to approve Agenda Document No. 12-16, the response to Advisory Opinion 2012-03.

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 ADVISORY OPINION 2012-01

**Stop This Insanity, Inc. Employee Leadership Fund by
Dan Backer, Esq.**

Agenda Document No. 12-13 – Draft A

Agenda Document No. 12-13-A – Draft B

Chair Hunter noted that Mr. Backer, the requestor's counsel, was present and available to answer Commissioners' questions.

Chair Hunter 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 activities of the Employee Leadership Fund (ELF), the connected committee of Stop This Insanity, Inc. (STI). The request asks whether ELF may establish a non-contribution account into which it would solicit unlimited contributions from all STI employees and the general public for the purpose of financing independent expenditures. It also asks how ELF would report payments received from STI for the establishment, administration and solicitation costs associated with the non-contribution account.

Mr. Backer and Mr. Kevin Deeley of the General Counsel's Office participated in the discussion which followed.

Chair Hunter recognized Commissioner Petersen who

**MOVED to approve Agenda Document No. 12-13,
Draft A of Advisory Opinion 2012-01.**

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 Hunter recognized Vice Chair 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.**

**V. AUDIT DIVISION RECOMMENDATION MEMORANDUM ON CHRIS
DODD FOR PRESIDENT, INC. (CDFP)**

**Memorandum from the Audit Division dated
November 29, 2011**

Agenda Document No. 12-15

**Chair Hunter recognized Mr. Kendrick Smith of the Audit Division who
introduced the Audit Division's memorandum. Mr. Alex Boniewicz and Mr.
Tom Hintermister of the Audit Division, and Mr. Lawrence Calvert and Ms.
Delanie Painter of the General Counsel's Office also participated in the
discussion which followed.**

Chair Hunter recognized Commissioner Petersen who

**MOVED to approve Agenda Document No. 12-15
and instruct the Audit Division to write the proposed
final audit report with the necessary changes and
amended findings pursuant to the meeting discussion.**

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

**Chair Hunter welcomed Mr. Dan Petalas, the new Associate General
Counsel for Enforcement. She also thanked Ms. Kathleen Guith for doing a
fantastic job while she served as Acting Associate General Counsel for
Enforcement.**

**Chair Hunter recognized Vice Chair Weintraub who thanked Ms. Claire
Rajan for her service to the Commission, both in the Litigation Division and
currently as her counsel. She noted that Ms. Rajan, who is a passionate
and skilled advocate and a great writer, will be a great asset to her next
employer.**

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 12:04 P.M.

Signed:



Caroline C. Hunter

Chair of the Commission

Attest:



Shawn Woodhead Werth

Secretary and Clerk of the Commission