



**AGENDA DOCUMENT NO. 09-10**

(Replaces Agenda Document No. 09-08)

**APPROVED FEBRUARY 12, 2009**

**MINUTES OF AN OPEN MEETING**

**OF THE**

**FEDERAL ELECTION COMMISSION**

**THURSDAY, JANUARY 29, 2009**

**AND ITS CONTINUATION ON**

**TUESDAY, FEBRUARY 3, 2009**

**PRESENT:**

**Steven T. Walther, Chairman, presiding**

**Matthew S. Petersen, Vice Chairman**

**Cynthia L. Bauerly, Commissioner**

**Caroline C. Hunter, Commissioner**

**Donald F. McGahn II, Commissioner**

**Ellen L. Weintraub, Commissioner  
(present on February 3, 2009)**

**Joseph F. Stoltz, Acting Staff Director**

**Thomasenia P. Duncan, General Counsel**

**Mary W. Dove, Secretary**

**Chairman Steven T. Walther called the Federal Election Commission to order in an open meeting at 10:30 A.M. on Thursday, January 29, 2009, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for January 15, 2009  
Agenda Document No. 09-04**

**Chairman Walther recognized Vice Chairman Petersen, who**

**MOVED to approve the minutes for the Open Meeting of Thursday, January 15, 2009, as set forth in Agenda Document No. 09-04.**

**The motion carried on the vote of 5-0 with Commissioners**

**Bauerly, Hunter, McGahn, Petersen, and Walther voting affirmatively.**

**II. DRAFT ADVISORY OPINIONS**

**A. Draft Advisory Opinion 2008-20  
National Right to Life Committee, Inc., by  
James Bopp, Esquire**

**Agenda Document No. 09-05 (Submitted late)**

**Chairman Walther recognized Vice Chairman Petersen, who**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 09-05.**

**II. DRAFT ADVISORY OPINIONS (continued)**

**A. Draft Advisory Opinion 2008-20 (continued)**

**The motion carried on the vote of 5-0 with Commissioners Bauerly, Hunter, McGahn, Petersen, and Walther voting affirmatively.**

**Chairman Walther recognized Mr. Neven Stipanovic of the General Counsel's Office who presented the draft opinion concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to NRLC's request to reimburse its separate segregated fund, the National Right to Life Political Action Committee.**

**Following discussion, Chairman Walther recognized Vice Chairman Petersen, who**

**MOVED to approve draft Advisory Opinion  
2008-20, as set forth in Agenda Document  
No. 09-05.**

**The motion carried on the vote of 4-1 with Commissioners Bauerly, Hunter, McGahn, and Petersen voting affirmatively. Commissioner Walther dissented.**

**II. DRAFT ADVISORY OPINIONS (continued)**

**B. Draft Advisory Opinion 2008-22  
Senator Frank Lautenberg and Lautenberg  
for Senate, by Marc E. Elias, Esquire**

**Agenda Document No. 09-06 (Submitted late)**

**Chairman Walther recognized Vice Chairman Petersen, who**

**MOVED to suspend the rules on the timely  
submission of agenda documents in order  
to consider Agenda Document No. 09-06.**

**The motion carried on the vote of 5-0 with Commissioners Bauerly,  
Hunter, McGahn, Petersen, and Walther voting affirmatively.**

**The Chairman recognized Ms. Joanna Waldstreicher of the General  
Counsel's Office who presented the draft opinion concerning the  
application of the Federal Election Campaign Act of 1971, as amended  
(the "Act"), and Commission regulations to the Committee's repayment of  
several personal loans made by Senator Lautenberg to Lautenberg for  
Senate using funds raised for Senator Lautenberg's 2008 and 2014 re-  
election campaigns.**

**II. DRAFT ADVISORY OPINIONS (continued)**

**B. Draft Advisory Opinion 2008-22 (continued)**

**Chairman Walther recognized Vice Chairman Petersen, who**

**MOVED to approve draft Advisory Opinion  
2008-22, as set forth in Agenda Document  
No. 09-06.**

**The motion carried on the vote of 5-0 with Commissioners Bauerly,  
Hunter, McGahn, Petersen, and Walther voting affirmatively.**

**III. EXPLANATION AND JUSTIFICATION FOR FINAL RULES ON  
REPORTING CONTRIBUTIONS BUNDLED BY LOBBYISTS,  
REGISTRANTS, AND THE PACS OF LOBBYISTS AND REGISTRANTS**

**Chairman Walther noted this matter will be considered at the  
continuation of the Open Meeting on Tuesday, February 3, 2009.**

**\* \* \* \* \***

**The meeting recessed at 10:40 A.M. on Thursday, January 29,  
2009, and reconvened at 10:45 A.M. on Tuesday, February 3, 2009, with all  
Commissioners present.**

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**III. EXPLANATION AND JUSTIFICATION FOR FINAL RULES ON REPORTING CONTRIBUTIONS BUNDLED BY LOBBYISTS, REGISTRANTS, AND THE PACS OF LOBBYISTS AND REGISTRANTS**

**Agenda Document No. 09-07 (submitted late)**

**Chairman Walther recognized Vice Chairman Petersen, who**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 09-07.**

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

**Chairman Walther recognized Ms. Esther Heiden of the General Counsel's Office who presented an overview of the subject document.**

**Following discussion, Chairman Walther recognized Commissioner Weintraub, who**

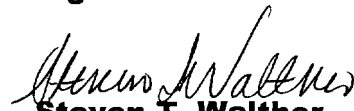
**MOVED to approve the Explanation and Justification for the Final Rule on Reporting Contributions Bundled by Lobbyists/Registrants and the PACs of Lobbyists/Registrants, as set forth in Agenda Document No. 09-07, for publication in the FEDERAL REGISTER, and to authorize the General Counsel's Office to make any necessary technical and conforming amendments.**

**The motion carried on the vote of 6-0.**

**IV. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission,  
the meeting adjourned at 11:10 A.M. on Tuesday, February 3, 2009.**

**Signed:**



**Steven T. Walther  
Chairman of the Commission**

**Attest:**



**Mary W. Dove  
Secretary of the Commission**