



AGENDA DOCUMENT NO. 09-50  
APPROVED JULY 28, 2009

**MINUTES OF AN OPEN MEETING**  
**OF THE**  
**FEDERAL ELECTION COMMISSION**  
**THURSDAY, JULY 16, 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**

**Robert A. Hickey, 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 10:13 A.M. on Thursday, July 16, 2009, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

- A. Minutes for Thursday, June 18, 2009  
Agenda Document No. 09-40**
- B. Minutes for Thursday, June 25, 2009  
Agenda Document No. 09-41**

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

**MOVED to approve the minutes for the Open Meetings of Thursday, June 18, 2009, and Thursday, June 25 2009, as set forth in Agenda Documents No. 09-40 and No. 09-41, respectively.**

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

**II. DRAFT ADVISORY OPINION 2009-13**

**The Black Rock Group  
by William J. McGinley, Esq.**

**Agenda Document No. 09-42 (Drafts A & B)  
Agenda Document No. 09-42-A (Revised Draft A)  
(submitted late)**

**(Commissioner Weintraub recused)**

**II. DRAFT ADVISORY OPINION 2009-13 (continued)**

**The Chairman recognized Vice Chairman Petersen, who**

**MOVED to suspend the rules on the  
timely submission of agenda documents  
in order to consider Agenda Document  
No. 09-42-A.**

**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 alternative drafts of the subject  
advisory opinion, concerning the application of the Federal Election  
Campaign Act of 1971, as amended (the "Act"), and Commission  
regulations to activities of BRG, a newly formed consulting company of  
The Black Rock Group.**

**A discussion followed, and Mr. William McGinley, on behalf of The  
Black Rock Group, responded to questions by the Commissioners.**

**It was agreed without objection, to hold this matter over to the  
next open meeting.**

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

**There was a recess at 11:15 A.M., and the meeting reconvened at  
11:25 A.M. with a quorum present.**

**III. REPORT OF THE AUDIT DIVISION ON EDWARDS FOR PRESIDENT  
(2004)**

**Agenda Document No. 09-43**

**The Chairman recognized Mr. Martin Favin of the Audit Division who presented the subject audit and offered the following amendments in Finding 4. (Transfer of Funds from Edwards for Senate):**

**On Page 5, the last sentence of Finding 4. to read: "As a result, there were not 4 votes to approve the recommendations of the Audit staff, and the Commission voted 6-0 to have the audit report reflect the discussion held at the Open Meeting."**

**On Page 23, the last paragraph of Finding 4. preceding the last sentence, and after the word "problematic." insert a new sentence, "Other Commissioners were of the view that the transfer process should be considered as a whole."**

**On Page 23, the last sentence of Finding 4. to read: "As a result, there were not 4 votes to approve the recommendations of the Audit staff, and the Commission voted 6-0 to have the audit report reflect the discussion held at the Open Meeting."**

**Chairman Walther recognized Commissioner Bauerly, who**

**MOVED to approve the Report of the Audit Division, as set forth in Agenda Document No. 09-43, subject to the amendments noted above.**

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

**IV. DRAFT FINAL RULE ON REORGANIZATION OF NATIONAL VOTER REGISTRATION ACT REGULATIONS**

**Agenda Document No. 09-44 (submitted late)**

**The Chairman recognized Vice Chairman Petersen, who**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 09-44.**

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

**Chairman Walther recognized Mr. Joshua Blume of the General Counsel's Office who presented the draft Final Rule that would transfer responsibility for administering the National Voter Registration Act regulations from the Federal Election Commission to the Election Assistance Commission.**

**Chairman Walther recognized Commissioner Hunter, who**

**MOVED to approve the draft Final Rule and Explanation and Justification on Reorganization of National Voter Registration Act Regulations, as set forth in Agenda Document No. 09-44, 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.**

**V. NOTICE OF DISPOSITION OF PETITIONS FOR RULEMAKING –  
ALTERNATIVES A & B**

**Agenda Document No. 09-45 (submitted late)**

**The Chairman recognized Vice Chairman Petersen, who**

**MOVED to suspend the rules on the  
timely submission of agenda documents  
in order to consider Agenda Document  
No. 09-45.**

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

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

**Following discussion, the Chairman recognized Commissioner  
McGahn, who**

**MOVED to take the following actions in the above-captioned  
matter:**

**1. Decline to open a rulemaking in response to the Petition  
for Rulemaking filed on May 25, 1999, by Mary Clare  
Wohlford, William T. Wohlford, and Martin T. Mortimer.**

**2. Decline to open a rulemaking in response to the Petition  
for Rulemaking filed on April 10, 2002, by counsel for CBS  
Broadcasting, Inc.; American Broadcasting Companies, Inc.;  
Cox Enterprises, Inc.; Gannett Co., Inc.; Belo Corp; National  
Broadcasting Co., Inc.; News America Incorporated; The  
New York Times Company; Post-Newsweek Stations, Inc.;  
National Association of Broadcasters; Radio and Television**

**V. NOTICE OF DISPOSITION OF PETITIONS FOR RULEMAKING –  
ALTERNATIVES A & B (continued)**

**News Directors Association; Society of Professional Journalists; and Tribune Company.**

**3. Approve Alternative B of the Notices of Disposition, as set forth in Agenda Document No. 09-45, for publication in the *Federal Register*.**

**4. Approve the appropriate letters to the petitioners: Mr. and Mrs. Wohlford, Mr. Mortimer, and counsel for CBS Broadcasting, Inc.; American Broadcasting Companies, Inc.; Cox Enterprises, Inc.; Gannett Co., Inc.; Belo Corp.; National Broadcasting Co., Inc.; News America Incorporated; The New York Times Company; Post-Newsweek Stations, Inc.; National Association of Broadcasters; Radio and Television News Directors Association; Society of Professional Journalists; and Tribune Company.**

**The motion carried on the vote of 4-2 with Commissioners Hunter,**

**McGahn, Petersen, and Walther voting affirmatively. Commissioners**

**Bauerly and Weintraub dissented.**

**VI. PROPOSED AGENCY PROCEDURE: NOTICE TO RESPONDENTS  
IN NON-COMPLAINT GENERATED MATTERS**

**Agenda Document No. 09-38  
(Held over from the meeting of June 25, 2009)**

**Agenda Document No. 09-49 (submitted late)**

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

**VI. PROPOSED AGENCY PROCEDURE: NOTICE TO RESPONDENTS  
IN NON-COMPLAINT GENERATED MATTERS**

**MOVED to suspend the rules on the  
timely submission of agenda documents  
in order to consider Agenda Document  
No. 09-49.**

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

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

**Petersen, who**

**MOVED to approve the Proposed Agency Procedure:  
Notice to Respondents in Non-Complaint Generated  
Matters, as set forth in Agenda Document No. 09-49,  
for publication in the *Federal Register*, and to instruct  
the General Counsel's Office to make any necessary  
technical and conforming amendments.**

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

**The following items were held over to the next open meeting on**

**July 30, 2009:**

**VII. AGENCY PROCEDURE FOR NOTICE TO NAMED RESPONDENTS OF  
ADDITIONAL MATERIAL FACTS OR ADDITIONAL POTENTIAL  
VIOLATIONS**

**Agenda Document No. 09-46**

**VIII. AGENCY PROCEDURE FOR NOTICE TO POTENTIAL RESPONDENTS  
IN ENFORCEMENT MATTERS**

**Agenda Document No. 09-47**

**IX. MODIFICATION OF AGENCY PROCEDURE FOR PROBABLE CAUSE  
HEARINGS**

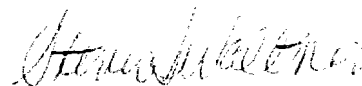
**Agenda Document No. 09-48**



**X. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission,  
the meeting adjourned at 12:00 P.M.**

**Signed:**



**Steven T. Walther**

**Chairman of the Commission**

**Attest:**



**Mary W. Dove**

**Secretary of the Commission**