



AGENDA DOCUMENT NO. 09-63

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, SEPTEMBER 24, 2009**

PRESENT:

Steven T. Walther, Chairman, presiding

Matthew S. Petersen, Vice Chairman

Caroline C. Hunter, Commissioner

Donald F. McGahn II, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, 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 10:40 A.M. on Thursday, September 24, 2009, with a quorum present.

Chairman Walther presented an opening statement with reference to the September 18, 2009, decision of the Court of Appeals for the District of Columbia Circuit in the EMILY'S List v. FEC case. He noted the Commission has 45 days to file an appeal, and the regulated community will be notified as soon as a Commission decision has been reached.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for Thursday, August 27, 2009

Agenda Document No. 09-62

Chairman Walther recognized Vice Chairman Petersen, who

MOVED to approve the minutes for the Open Meeting of Thursday, August 27, 2009, as set forth in Agenda Document No. 09-62.

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

Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively.

**II. PROPOSAL TO POST SUBSTANTIVE LITIGATION DOCUMENTS
FROM ALL PARTIES AND AMICI ON THE FEC WEBSITE**

Agenda Document No. 09-61

Held over from the meeting of August 27, 2009.

Agenda Document No. 09-61-A (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. 09-61-A.**

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

Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively.

**Chairman Walther addressed his proposed revisions for posting
documents related to Commission litigation on the FEC website, which
were set forth in Agenda Document No. 09-61-A. Mr. David Kolker of the
General Counsel's Office participated in the discussion which followed.**

The Chairman recognized Vice Chairman Petersen, who

**MOVED to approve the revised policy for posting
documents related to Commission litigation on the
FEC website, as set forth in Agenda Document
No. 09-61-A, and to direct staff to implement the
policy accordingly.**

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

McGahn, Petersen, Walther, and Weintraub voting affirmatively.

III. MODIFICATION OF AGENCY PROCEDURE FOR PROBABLE CAUSE HEARINGS

Agenda Document No. 09-48

Held over from the meeting of July 16, 2009.

There was a discussion of the Chairman's proposal to modify its procedures during probable cause hearings.

Chairman Walther recognized Vice Chairman Petersen, who

MOVED to approve the proposed modification of agency procedure for probable cause hearings, as set forth in Agenda Document No. 09-48, for publication in the *Federal Register*.

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

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 11:10 A.M.

Signed:

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

Attest:

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