



AGENDA DOCUMENT NO. 10-02

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, DECEMBER 17, 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

**John Gibson, Chief Compliance Officer,
representing 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 10:55 A.M. on Thursday, December 17, 2009, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for Thursday, December 3, 2009

Agenda Document No. 09-80

Chairman Walther recognized Vice Chairman Petersen, who

MOVED to approve the minutes for the open meeting of Thursday, December 3, 2009, as set forth in Agenda Document No. 09-80.

The motion carried on the vote of 6-0 with Commissioners

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

II. CONTINUATION OF WEBSITE AND INTERNET COMMUNICATIONS IMPROVEMENT INITIATIVES

Chairman Walther recognized Ms. Patricia Young, of the Public Disclosure Division, who provided an update on the Website and Internet Communications Improvement Initiative.

III. DRAFT ADVISORY OPINION 2009-28

Democracy Engine, Inc. PAC, by its Treasurer, Jonathan Zucker, and counsel, Laurence Gold

III. DRAFT ADVISORY OPINION 2009-28 (continued)

**Democracy Engine, Inc. PAC, by its Treasurer, Jonathan Zucker,
and counsel, Laurence Gold (continued)**

Agenda Document No. 09-81

Agenda Document No. 09-81-A (submitted late)

The Chairman noted that Treasurer, Jonathan Zucker, and counsel, Lawrence Gold, were present to answer any questions the Commission may have during the discussion.

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. 09-81-A.

The motion carried on the vote of 6-0.

The Chairman recognized Ms. Joanna Waldstreicher of the General Counsel's Office who presented the Drafts A & B of the subject advisory opinion, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the Committee's plan to solicit the general public for contributions earmarked to Federal candidates and to serve as a conduit for these contributions.

Following discussion, Chairman Walther recognized Vice Chairman Petersen, who

III. DRAFT ADVISORY OPINION 2009-28 (continued)

**MOVED to approve Draft A of Advisory Opinion
2009-28, as set forth in Agenda Document
No. 09-81.**

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

**IV. FUNDS RECEIVED IN RESPONSE TO SOLICITATIONS; ALLOCATION
OF EXPENSES BY SEPARATE SEGREGATED FUNDS AND
NONCONNECTED COMMITTEES**

- A. Interim Final Rule
Agenda Document No. 09-83 (submitted late)**
- B. Draft Notice of Proposed Rulemaking –
EMILY's List v. FEC
Agenda Document No. 09-84 (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
Documents No. 09-83 and No. 09-84.**

The motion carried on the vote of 6-0.

**Chairman Walther recognized Mr. Neven Stipanovic of the General
Counsel's Office who presented the subject documents.**

A discussion was held.

IV. FUNDS RECEIVED IN RESPONSE TO SOLICITATIONS; ALLOCATION OF EXPENSES BY SEPARATE SEGREGATED FUNDS AND NONCONNECTED COMMITTEES (continued)

A. Interim Final Rule (continued)

B. Draft Notice of Proposed Rulemaking- EMILY's List v. FEC (continued)

Chairman Walther recognized Commissioner Weintraub, who

MOVED to approve the draft Interim Final Rule, as set forth in Agenda Document No. 09-83, for publication in the FEDERAL REGISTER, and to authorize the General Counsel's Office to make any necessary technical and conforming amendments; and

FURTHER MOVED to approve the draft Notice of Proposed Rulemaking, as set forth in Agenda Document No. 09-84, 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.

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The meeting recessed at 11:40 A.M. and reconvened at 12:05 P.M.

with a quorum present.

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V. GUIDEBOOK FOR COMPLIANANTS AND RESPONDENTS IN ENFORCEMENT MATTERS

Agenda Document No. 09-85 (submitted late)

Chairman Walter recognized Vice Chairman Petersen, who

**V. GUIDEBOOK FOR COMPLIANANTS AND RESPONDENTS IN
ENFORCEMENT MATTERS (continued)**

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 09-85.

The motion carried on the vote of 6-0.

Following discussion, Chairman Walther recognized Vice Chairman

Petersen, who

MOVED to approve the Guidebook for Complainants and Respondents on the FEC Enforcement Process, as set forth in Agenda Document No. 09-85.

The motion carried on the vote of 6-0.

VI. AGENCY PROCEDURES

**Directive 68 – Enforcement Procedures
Agenda Document No. 09-86 (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. 09-86.

The motion carried on the vote of 6-0.

Chairman Walther recognized Commissioner Weintraub, who

MOVED to approve the proposed draft of Directive 68 (Enforcement Procedures), as contained in Agenda Document No. 09-86.

The motion carried on the vote of 6-0.

VII. ELECTION OF OFFICERS

A. Election of Chairman

Chairman Walther recognized Commissioner Bauerly, who

**MOVED to elect Vice Chairman
Matthew S. Petersen to serve as
Chairman of the Federal Election
Commission beginning January 1,
2010.**

The motion carried unanimously. (6-0)

B. Election of Vice Chair

Chairman Walther recognized Commissioner Hunter, who

**MOVED to elect Commissioner Bauerly
to serve as Vice Chair of the Federal
Election Commission beginning
January 1, 2010.**

The motion carried unanimously. (6-0)

VIII. FUTURE MEETING DATES

Agenda Document No. 09-82 (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. 09-82; and
FURTHER MOVED to approve the future
meeting dates, as set forth in Agenda Document
No. 09-82.**

The motion carried on the vote of 6-0.

IX. MANAGEMENT AND ADMINISTRATIVE MATTERS

Chairman Walther acknowledged the retirement of Commission Secretary Mary W. Dove, who is retiring at the end of the year after 26 years of service at the Commission.

The meeting adjourned at 12.55 PM

Signed:

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

Attest:

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