



AGENDA DOCUMENT NO. 09-69

**MINUTES OF AN OPEN MEETING**  
**OF THE**  
**FEDERAL ELECTION COMMISSION**  
**THURSDAY, OCTOBER 8, 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**

**Art Forster, Chief Communications 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 2:30 P.M. on Thursday, October 8, 2009, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for Thursday, September 24, 2009  
Agenda Document No. 09-63**

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

**MOVED to approve the minutes for the Open Meeting of Thursday, September 24, 2009, as set forth in Agenda Document No. 09-63.**

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

**II. DRAFT ADVISORY OPINIONS**

**A. Draft Advisory Opinion 2009-22  
Democratic Senatorial Campaign Committee by  
Marc Elias, Esq.**

**Agenda Document No. 09-65**

**(Commissioner Weintraub recused)**

**Chairman Walther recognized Ms. Cheryl Hemsley 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 (the "Act"), and Commission regulations to the Committee's plan to report,**

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

**A. Draft Advisory Opinion 2009-22 (continued)**

**on a quarterly basis rather than monthly, information about  
lobbyists/registrants and lobbyist/registrant PACS that bundle  
contributions.**

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

**MOVED to approve draft Advisory Opinion  
2009-22, as set forth in Agenda Document  
No. 09-65.**

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

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

**Commissioner Weintraub recused herself with respect to this matter and  
she did not vote.**

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

**The agenda was reordered and Item C. (Draft AO 2009-24) was  
considered next.**

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

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

- C. Draft Advisory Opinion 2009-24  
Illinois Green Party by John Ailey, Treasurer  
  
Agenda Document No. 09-64**

**The Chairman recognized Ms. Cheryl Hemsley, of the General Counsel's Office who presented the subject draft advisory opinion, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations regarding the status of the Illinois Green Party as a State party committee of a political party.**

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

**MOVED to approve Draft Advisory Opinion 2009-24, as set forth in Agenda Document No. 09-64.**

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

- B. Draft Advisory Opinion 2009-23  
Virginia Chapter of the Sierra Club, by B. Holly Schadler  
and Michael B. Trister, Esqs.**

**Agenda Document No. 09-66 (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. 09-66.**

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

**II. DRAFT ADVISORY OPINIONS (continued)  
B. Draft Advisory Opinion 2009-23 (continued)**

**The Chairman recognized Mr. Joshua Blume of the General Counsel's Office who presented draft Advisory Opinion 2009-23, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to certain activities in which the state political action committee of VA Chapter ("State PAC") wishes to engage, and for which the Sierra Club Voter Education Fund ("SC-VEF") wishes to provide funds, in connection with upcoming Virginia elections.**

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

**MOVED to approve draft Advisory Opinion 2009-23,  
as set forth in Agenda Document No. 09-66.**

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

**III. NOTICES OF PROPOSED RULEMAKING IMPLEMENTING  
D.C. COURT OF APPEALS OPINION IN SHAYS v. FEC**

**A. Draft Notice of Proposed Rulemaking on Federal  
Election Activity  
Agenda Document No. 09-67 (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. 09-67.**

**III. NOTICES OF PROPOSED RULEMAKING IMPLEMENTING  
D.C. COURT OF APPEALS OPINION IN SHAYS v. FEC  
(continued)**

**A. Draft Notice of Proposed Rulemaking on Federal  
Election Activity (continued)**

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

**Chairman Walther recognized Mr. David Adkins of the General Counsel's Office to present the subject document.**

**The draft Notice of Proposed Rulemaking on Federal Election Activity was discussed, and it was noted that the Commission is seeking comments on the proposed changes regarding the definitions of "voter registration activity" and "get-out-the vote activity" under the Federal Election Campaign Act of 1971, as amended.**

**Chairman Walther recognized Commissioner Weintraub, who**

**MOVED to approve the draft Notice of Proposed Rulemaking on Federal Election Activity, as set forth in Agenda Document No. 09-67, to authorize the General Counsel's Office to make any necessary technical and conforming amendments, and to publish the notice in the *Federal Register*.**

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

**The Commission has scheduled a Hearing on these proposed rules on Wednesday, December 16, 2009, at 9:30 A.M.**

**III. NOTICES OF PROPOSED RULEMAKING IMPLEMENTING  
D.C. COURT OF APPEALS OPINION IN SHAYS v. FEC  
(continued)**

**B. Draft Notice of Proposed Rulemaking on Coordinated  
Communications**

**Agenda Document No. 09-68 (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. 09-68.**

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

**The Chairman recognized Ms. Jessica Selinkoff of the General  
Counsel's Office who reviewed the subject document.**

**During the discussion which followed, it was noted that the  
comment period would end on January 19, 2010, and a hearing would be  
held thereafter.**

**Chairman Walther recognized Commissioner Hunter, who**

**MOVED to approve the draft Notice of Proposed  
Rulemaking on Coordinated Communications, as  
set forth in Agenda Document No. 09-68, to  
authorize the General Counsel's Office to make  
any necessary technical and conforming amend-  
ments, and to publish the notice in the *Federal  
Register*.**

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