



AGENDA DOCUMENT No. 10-17
APPROVED APRIL 15, 2010

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MARCH 11, 2010**

PRESENT:

Matthew S. Petersen, Chairman, presiding

Cynthia L. Bauerly, Vice Chair

Caroline C. Hunter, Commissioner

Donald F. McGahn II, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Acting Staff Director

Thomasenia P. Duncan, General Counsel

Darlene Harris, Acting Secretary

Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 10:34 A.M. on Thursday, March 11, 2010, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for February 25, 2010
Agenda Document No. 10-13**

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to approve the Minutes for the open meeting of Thursday, February 25, 2010, as set forth in Agenda Document No. 10-13.

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

II. DRAFT ADVISORY OPINION 2010-02

**West Virginia Republican Party, Inc., by its
Chairman, Douglas E. McKinney, M.D.**

**Agenda Document No. 10-14
(Alternative Drafts – A and B)**

Chairman Petersen recognized Mr. Joshua Blume of the General Counsel's Office who presented the proposed alternative drafts of Advisory Opinion 2010-02, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the use of non-Federal funds, or, a building fund account containing non-Federal funds either (1) to make payments on a lease with an option to buy an office building, or (2) to make payments on a land sale contract for that office building. Ms. Rosemary Smith of the General

II. DRAFT ADVISORY OPINION 2010-02 (continued)

Counsel's Office participated in the discussion which followed.

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to approve Draft A of Advisory Opinion 2010-02, as set forth in Agenda Document No. 10-14, subject to the following amendments:

- 1. Direct the Office of General Counsel to inform the requester that the Commission was unable to provide a response to Question One.**
- 2. Authorize the Office of General Counsel to make any necessary technical and conforming amendments.**

The motion carried on a vote of 6-0.

**III. DRAFT FINAL RULE - EMILY'S LIST V. FEC
Agenda Document No. 10-15 (Submitted late)**

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 10-15.

The motion carried on a vote of 6-0.

Chairman Petersen recognized Mr. Joshua Blume of the General Counsel's Office who presented the subject document. A discussion followed.

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to approve the Draft Final Rule - *EMILY'S List v. FEC*, as set forth in Agenda Document No. 10-15, and direct the Office of General Counsel to make any necessary technical and conforming amendments before submission to the *Federal Register* for publication.

III. DRAFT FINAL RULE – EMILY’S LIST V. FEC (continued)

The motion carried on a vote of 6-0.

**IV. PROPOSED INTERIM ENFORCEMENT POLICY
Agenda Document No. 10-16**

Chairman Petersen made opening remarks regarding the proposed policy. A discussion followed.

It was agreed, without objection, to continue consideration of this matter at a future meeting.

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

Commissioner Hunter extended best wishes, on behalf of the Commission, to Chairman Petersen for his fortieth birthday.

There being no further business to come before the Commission, the meeting adjourned at 11:02 A.M.

Signed:



**Matthew S. Petersen
Chairman of the Commission**

Attest:

Darlene Harris
**Darlene Harris
Acting Secretary of the Commission**