



**AGENDA DOCUMENT NO. 10-79**  
**APPROVED DECEMBER 16, 2010**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
THURSDAY, NOVEMBER 18, 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**

**Christopher Hughey, Acting General Counsel**

**Shawn Woodhead Werth, Secretary and Clerk**

**Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 10:42 A.M. on Thursday, November 18, 2010, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for November 4, 2010  
Agenda Document No. 10-72**

**Chairman Petersen recognized Vice Chair Bauerly, who**

**MOVED to approve Agenda Document No. 10-72, the minutes for the meeting of November 4, 2010.**

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

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**The Chairman noted that the agenda would be re-ordered as follows: item V, item IV, item III and item II.**

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

**II. DRAFT ADVISORY OPINION 2010-27**

**Obama for America by Judith L. Corley, Esq.,  
and Rebecca H. Gordon, Esq., and Biden for  
President by William J. Farah, Esq.**

**Agenda Document No. 10-70  
Circulated November 10, 2010**

**The Chairman noted that counsel, Ms. Judith Corley and Jonathan Berkon for Obama for America, were present to answer any questions the Commission may have during the discussion.**

**Chairman Petersen recognized Ms. Alison Steinle 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, and Commission regulations to the transfer of funds by Obama for America to Biden for President to cover Biden for President's net debts, or, in the alternative, Obama for America's direct payment of Biden for President's debts. Ms. Steinle noted a technical correction in footnote 3 on page 6 (change "no" to "net"). A discussion followed.**

**Chairman Petersen recognized Vice Chair Bauerly who  
MOVED approval of the draft in Advisory Opinion 2010-27.**

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

### **III. DRAFT ADVISORY OPINION 2010-26**

**The Honorable Brian Baird**

**Agenda Document No. 10-69**

**Circulated November 10, 2010**

**Chairman Petersen recognized Mr. Joshua Blume 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, and Commission regulations to the use of campaign funds from Representative Baird's campaign committee ("Baird for Congress") to pay temporary storage costs associated with his planned move back to his home State following his retirement from Congress at the end of the current term.**

**Chairman Petersen recognized Vice Chair Bauerly who**

**MOVED approval of the draft in Advisory Opinion 2010-26.**

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

**IV. DRAFT ADVISORY OPINION 2010-24**

**Republican Party of San Diego County by C.  
April Boling, CPA, Treasurer**

**Agenda Document No. 10-71  
Circulated November 10, 2010**

**The Chairman noted that the Treasurer, Ms. C. April Boling, was participating by telephone to answer any questions the Commission may have during the discussion.**

**Chairman Petersen recognized Mr. Joshua Blume 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, and Commission regulations to the activities of the Committee's Voter Registration Coordinator and Executive Director. A discussion followed.**

**Chairman Petersen recognized Vice Chair Bauerly who**

**MOVED approval of Draft B in Advisory Opinion 2010-24.**

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

**Chairman Petersen instructed the General Counsel to prepare a draft for the Advisory Opinion Request that reflects an answer for question #1, no answer for question #2 and an answer for question #4, and circulate the draft on a 24 hour tally vote basis.**

**V. DRAFT ADVISORY OPINION 2010-23**

**CTIA – The Wireless Association by Jan  
Witold Baran, Esq., and Caleb P. Burns, Esq.**

**Agenda Document No. 10-67  
Circulated October 28, 2010  
(Held over from the meeting of November 4, 2010)**

**Agenda Document No. 10-67-A  
Circulated November 17, 2010**

**Agenda Document No. 10-67-B  
Circulated November 17, 2010**

**Agenda Document No. 10-67-C  
Circulated November 18, 2010**

**(Agenda Documents No. 10-67-A, 10-67-B and 10-67-C  
Submitted Late)**

**The Chairman noted that counsel, Mr. Caleb Burns, was present to answer any questions the Commission may have during the discussion.**

**Chairman Petersen recognized Vice Chair Bauerly who**

**MOVED that the Commission suspend the  
rules on the timely submission of documents  
so that the Commission may consider  
Agenda Documents No. 10-67-A, 10-67-B and  
10-67-C.**

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

**Chairman Petersen recognized Mr. Theodore Lutz 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, and Commission regulations to the pledging of contributions to Federal candidates, political parties, and other political committees by sending text messages to Common Short Codes over wireless networks. A discussion followed.**

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

**The meeting recessed at 11:47 A.M. and reconvened at 12:06 P.M. with a quorum present.**

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

**Chairman Petersen recognized Commissioner McGahn who  
MOVED approval of Agenda Document No. 10-67-A.**

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

**Chairman Petersen recognized Vice Chair Bauerly who  
MOVED approval of Agenda Document No.  
10-67-C, the draft in Advisory Opinion 2010-  
23, and authorize the Office of General  
Counsel to make any technical and  
conforming changes.**

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

**VI. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission,  
the meeting adjourned at 12:08 P.M.**

**Signed:**

A handwritten signature in black ink, appearing to read "Matthew S. Petersen", written over the printed name.

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

**Attest:**

A handwritten signature in black ink, appearing to read "Shawn Woodhead Werth", written over the printed name.

**Shawn Woodhead Werth  
Secretary and Clerk of the Commission**