



**AGENDA DOCUMENT No. 10-46**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
THURSDAY, JULY 22, 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, Deputy Secretary**

**Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 1:55 P.M. on Thursday, July 22, 2010, with a quorum present.**

**I. DRAFT ADVISORY OPINION 2010-09**

**Club for Growth, by Carol A. Laham, Esq., and  
D. Mark Renaud, Esq.**

**Agenda Document No. 10-40 (Submitted late)  
(Alternative Drafts A and B)**

**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. 10-40.**

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

**The Chairman noted that counsel, Ms. Carol Laham and Mr. D. Mark Renaud, were present to answer any questions the Commission may have during the discussion.**

**Chairman Petersen recognized Mr. David Adkins 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 Club for Growth, Inc.'s plans to establish, administer, and pay the solicitation costs of a new independent expenditure-only political committee.**

**I. DRAFT ADVISORY OPINION 2010-09 (continued)**

**Chairman Petersen recognized Commissioner Walther who provided an overview of Draft B of the subject advisory opinion.**

**A discussion followed.**

**Chairman Petersen recognized Commissioner Walther, who  
MOVED to adopt Draft B of Advisory Opinion 2010-09,  
as set forth in Agenda Document No. 10-40.**

**The motion failed on a vote of 1-5 with Commissioner Walther voting affirmatively.**

**Commissioners Bauerly, Hunter, McGahn, Petersen and Weintraub dissented.**

**Chairman Petersen recognized Commissioner McGahn, who  
MOVED to adopt Draft A of Advisory Opinion 2010-09,  
as set forth in Agenda Document No. 10-40, subject  
to the following revision on Page 7, Line 20:  
Insert the phrase “which exclusively makes  
independent expenditures” after the word  
“Committee” and before the phrase “as  
contributions.”**

**The motion carried on a vote of 5-1 with Commissioners Bauerly, Hunter, McGahn, Petersen and Weintraub voting affirmatively.**

**Commissioner Walther dissented.**

**II. DRAFT ADVISORY OPINION 2010-11**

**Commonsense Ten, by Marc E. Elias, Esq., and  
Ezra Reese, Esq.**

**Agenda Document No. 10-42 (Submitted late)**

**II. DRAFT ADVISORY OPINION 2010-11 (continued)**

**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. 10-42.**

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

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

**Chairman Petersen recognized Mr. Neven Stipanovic 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 Commonsense Ten's proposed plan  
to solicit and accept unlimited contributions from individuals, political  
committees, corporations and labor organizations to fund its independent  
expenditures. A discussion followed.**

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

**MOVED to adopt Draft Advisory Opinion 2010-11, as  
set forth in Agenda Document No. 10-42.**

**The motion carried on a vote of 5-1 with Commissioners Bauerly,**

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

**Commissioner Walther dissented.**

**III. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission,  
the meeting adjourned at 2:30 P.M.**

**Signed:**

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

**Attest:**

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

**Darlene Harris  
Deputy Secretary of the Commission**