



AGENDA DOCUMENT NO. 10-79

**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.

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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.

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

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**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:

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

Attest:

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