



AGENDA DOCUMENT NO. 11-01

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, DECEMBER 16, 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 10:36 A.M. on Thursday, December 16, 2010, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for November 18, 2010
Agenda Document No. 10-79**

**Minutes for December 2, 2010
Agenda Document No. 10-80**

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to approve Agenda Documents No. 10-79 and 10-80, the minutes for the meetings of November 18 and December 2, 2010.

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

II. DRAFT ADVISORY OPINION 2010-29

Working Families Party of Oregon by Cathy Hight, Esq.

**Agenda Document No. 10-77
**Circulated December 10, 2010
(Submitted Late)****

Chairman Petersen recognized Vice Chair Bauerly who

MOVED to suspend the rules on the timely submission of documents so that the Commission may consider Agenda Documents No. 10-77, 10-78, 10-78-A and 10-81.

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

Chairman Petersen recognized Ms. Jessica Selinkoff 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 status of the Working Families Party of Oregon as a State committee of a political party.

Chairman Petersen recognized Vice Chair Bauerly who

MOVED approval of Agenda Document No. 10-77, the draft of Advisory Opinion 2010-29, and authorize the General Counsel's Office to make technical and conforming changes.

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

III. DRAFT ADVISORY OPINION 2010-30

Citizens United by Michael Boos, Esq.

**Agenda Document No. 10-78 (Draft A)
Circulated December 10, 2010
(Submitted Late)**

**Agenda Document No. 10-78-A (Draft B)
Circulated December 10, 2010
(Submitted Late)**

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

Chairman Petersen recognized Ms. Esther Heiden 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 rental of email lists to Federal candidates, political party committees, and political committees. A discussion followed.

**Chairman Petersen recognized Commissioner Hunter who
MOVED to approve Agenda Document No. 10-78, known as Draft 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 to approve Agenda Document No. 10-78-A, Draft B in Advisory Opinion 2010-30.**

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's Office to issue the appropriate letter to the requestor that the Commission was able to reach consensus on responses to the questions concerning coordinated expenditures and coordinated communications but was not able to approve a response concerning corporate facilitation by the required four affirmative votes.

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Chairman Petersen recognized Commissioner Weintraub who noted that three audit reports were not on the agenda and hoped that any differences could be resolved so the Commission could move forward on these matters.

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IV. ELECTION OF OFFICERS

A. Election of Chair

**Chairman Petersen recognized Commissioner Hunter who
MOVED to elect Vice Chair Cynthia L. Bauerly
to serve as Chair of the Federal Election
Commission for 2011.**

**Chairman Petersen recognized Commissioner Walther who
seconded the nomination.**

**The motion carried on a vote of 5-0 with Commissioners Hunter,
McGahn, Petersen, Walther and Weintraub voting affirmatively for the
decision. Commissioner Bauerly did not vote.**

B. Election of Vice Chair

**Chairman Petersen recognized Commissioner Weintraub who
MOVED to elect Commissioner Caroline C.
Hunter to serve as Vice Chair of the Federal
Election Commission for the year 2011.**

The motion carried on a vote of 5-0 with Commissioners Bauerly, McGahn, Petersen, Walther and Weintraub voting affirmatively for the decision. Commissioner Hunter did not vote.

V. 2011 MEETING DATES

Chairman Petersen recognized Vice Chair Bauerly who

MOVED to approve Agenda Document No. 10-81.

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 11:40 A.M.

Signed:

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

Attest:

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