



AGENDA DOCUMENT NO. 13-11

APPROVED APRIL 11, 2013

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MARCH 7, 2013**

PRESENT:

Ellen L. Weintraub, Chair, presiding

Donald F. McGahn II, Vice Chairman

Caroline C. Hunter, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

Alec Palmer, Staff Director

Anthony Herman, General Counsel

Shawn Woodhead Werth, Secretary and Clerk

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 2:05 P.M. on Thursday, March 7, 2013 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for February 14, 2013
Agenda Document No. 13-09**

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve Agenda Document No. 13-09, the minutes for the open session held on February 14, 2013.

The motion carried by a vote of 5-0 with Commissioners Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to suspend the rules on the timely submission of documents so that the Commission may consider the late submission of Agenda Document No. 13-10.

The motion carried by a vote of 5-0 with Commissioners Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

**II. PETITION FOR RULEMAKING TO UPDATE
11 C.F.R. § 104.20(c)(8) AND (c)(9) FILED BY THE
CENTER FOR INDIVIDUAL FREEDOM**

**Agenda Document No. 13-10
(Submitted Late)**

Chair Weintraub recognized Mr. Neven Stipanovic of the General Counsel's Office who presented an update on the status of the petition for rulemaking submitted by the Center for Individual Freedom. The Commission published a notice of availability in the Federal Register on October 26, 2012 seeking public comment and received three comments.

Mr. Kevin Deeley of the General Counsel's Office participated in the discussion that followed.

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to initiate a rulemaking based on the Petition for Rulemaking to Update 11 C.F.R. § 104.20(c)(8) and (c)(9) filed by the Center for Individual Freedom on October 5, 2012, and instruct the Office of the General Counsel to draft a direct final rule to strike "pursuant to 11 C.F.R. 114.15" from 11 C.F.R. § 104.20(c)(8) and 11 C.F.R. § 104.20(c)(9).

The motion failed by a vote of 3-2 with Commissioners Hunter, McGahn, and Petersen voting affirmatively for the motion. Commissioners Walther and Weintraub dissented.

Chair Weintraub recognized Commissioner Walther who

MOVED to dismiss the Petition for Rulemaking.

The motion failed by a vote of 2-3 with Commissioners Walther and Weintraub voting affirmatively for the motion. Commissioners Hunter, McGahn, and Petersen dissented.

Chair Weintraub recognized Commissioner Walther who

MOVED to direct the Office of the General Counsel to draft a notice of disposition pursuant to 11 C.F.R. § 200.4(b) and include a summary of the statements expressed by the Commissioners.

General Counsel Anthony Herman and Mr. Kevin Deeley of the General Counsel's Office participated in the discussion that followed.

The meeting recessed at 2:28 P.M. and reconvened at 2:50 P.M. with a quorum present.

General Counsel Herman and Mr. Kevin Deeley of the General Counsel's Office participated in the discussion that continued.

Chair Weintraub recognized Commissioner Walther who

MOVED to continue this discussion in executive session pursuant to 11 C.F.R. § 2.4(b)(7) and to determine, pursuant to 11 C.F.R. § 2.7(d), that business so requires and no public announcement was possible.

The motion carried by a vote of 5-0 with Commissioners Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

The open meeting recessed at 3:00 P.M. and the Commission met in executive session. The open meeting reconvened at 3:48 P.M. with a quorum present to resume discussion on the Petition for Rulemaking.

Chair Weintraub recognized Commissioner Walther who re-stated his motion

To direct the Office of the General Counsel to draft a notice of disposition pursuant to 11 C.F.R. § 200.4(b) and include a summary of the statements expressed by the Commissioners.

The motion carried by a vote of 5-0 with Commissioners Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

III. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 3:51 P.M.**

Signed:



**Ellen L. Weintraub
Chair of the Commission**

Attest:



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