



AGENDA DOCUMENT NO. 13-08-A
(Replacement Pages 2 and 6)

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JANUARY 31, 2013**

PRESENT:

Ellen L. Weintraub, Chair, presiding

Donald F. McGahn II, Vice Chairman

Cynthia L. Bauerly, Commissioner

Caroline C. Hunter, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

**Patricia Orrock, Chief Compliance Officer, for 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 10:09 A.M. on Thursday, January 31, 2013 with a quorum present.

Chair Weintraub highlighted some of the Commission's accomplishments in 2012 and its challenges and opportunities for 2013. She noted that preliminary estimates indicate that approximately \$7 billion was raised and spent for the 2012 election cycle. Because this amount is slightly higher than amounts previously reported in the press, she provided examples of the types of receipts and disbursements included in the \$7 billion figure and said that more information is included in a statement to be released today. The Commission also processed 11 million pages of documents with the vast majority filed electronically. She expressed her gratitude to staff for their efforts to review most of these documents and quickly post them on the website.

For 2013, Chair Weintraub explained that the Commission has 360 pending compliance and enforcement matters. She said that she is working with her colleagues on effectively and expeditiously clearing this workload and is hopeful that the Commission will move forward on various rulemakings, particularly with respect to technological issues such as text messaging donations.

Chair Weintraub recognized Vice Chairman McGahn who concurred with much of the Chair's statements. He noted his appreciation for what the Commission has accomplished so far in 2013 and agreed that the aforementioned technological issues are best handled through rulemaking.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for December 20, 2012
Agenda Document No. 13-01**

Chair Weintraub recognized Vice Chairman McGahn who

**MOVED to approve Agenda Document No. 13-01,
the minutes for the open session held on
December 20, 2012.**

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

II. DRAFT ADVISORY OPINION 2012-39

**Green Party of Virginia
by Audrey Clement, Ph.D., Co-Chair**

Agenda Document No. 13-02

Chair Weintraub recognized Ms. Cheryl Hemsley 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 Green Party of Virginia as a State committee of a political party.

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve Agenda Document No. 13-02.

The motion carried on a vote of 6-0 with Commissioners Bauerly, 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 agenda documents so that the Commission may consider the late submission of Agenda Document No. 13-03.

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 INTERPRETIVE RULE ON REPORTING ULTIMATE PAYEES OF POLITICAL COMMITTEE DISBURSEMENTS

Memorandum from Chair Ellen L. Weintraub and Vice Chairman Donald F. McGahn, II dated January 31, 2013

**Agenda Document No. 13-03
(Submitted Late)**

Chair Weintraub recognized Ms. Joanna Waldstreicher of the General Counsel's Office who stated that the Commission first addressed the subject of the reporting of ultimate payees of political committee disbursements at its December 20, 2012 open meeting in response to a request for guidance from the Commission pursuant to Directive 69. As directed by the Commission at that meeting, the Office of General Counsel prepared the Draft Interpretive Rule to post on the Commission's website; public comments are due by March 4, 2013.

General Counsel Anthony Herman participated in the discussion that followed.

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve Agenda Document No. 13-03 and authorize the Office of General Counsel to make any technical changes.

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

Chair Weintraub stated that the Commission is bidding farewell to Commissioner Bauerly today and expressed her appreciation for her diligence, commitment, energy, thoughtfulness, and insight during her 4 ½ years as Commissioner. She noted that her colleagues and Commission

staff will miss her dedication and hard work, and she wished her god speed and good luck.

Commissioner Walther said that Commissioner Bauerly's departure will be a loss for everyone and expressed his greatest admiration for her intellect, character, and professionalism during their tenure together. He also noted that she made every effort to meet and know everyone.

Commissioner Petersen said he always appreciated Commissioner Bauerly's professionalism, diligence, hard work, and her friendship. He thanked her for her service as a Commissioner and wished her the best of luck on her return to Minnesota.

Commissioner Hunter thanked Commissioner Bauerly for her guidance prior to their Senate confirmation hearing, and for the efficient manner in which she operated. She said that Commissioner Bauerly was always professional, and wished her the best of luck and a happy birthday.

Vice Chairman McGahn noted that it was a tribute to Commissioner Bauerly that she made an effort to know the staff and listen to them. He said that she tried to be bipartisan without risking her reputation and he enjoyed sparring with her on substantive issues.

Commissioner Bauerly thanked her colleagues for their kind words and said that it has been an honor and privilege to serve on the Commission. She recognized General Counsel Herman, Staff Director Alec

Palmer, and Chief Compliance Officer Patricia Orrock for their leadership and the important work handled each day by dedicated and hard-working Commission staff. She thanked each of her colleagues individually, and her current and former staff for their counsel, guidance and dedication: Kate Belinski, Eric Hallstrom, Sarah Rozensky, Jennifer Daehn, Brad Lipton, and Alex Tausanovitch.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:43 A.M.

Signed:

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

Attest:

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