



**AGENDA DOCUMENT NO. 13-53**

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

**PRESENT:**

**Ellen L. Weintraub, Chair, presiding**

**Lee E. Goodman, Vice Chairman**

**Caroline C. Hunter, Commissioner**

**Matthew S. Petersen, Commissioner**

**Ann M. Ravel, Commissioner**

**Steven T. Walther, Commissioner**

**Alec Palmer, Staff Director**

**Lisa J. Stevenson, Deputy General Counsel - Law**

**Shawn Woodhead Werth, Secretary and Clerk**

**Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:17 A.M. on Thursday, October 31, 2013 with a quorum present.**

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**Chair Weintraub thanked staff for the dedication, energy, and enthusiasm they brought with them on their return to work following the government shutdown.**

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**On behalf of her colleagues, Chair Weintraub welcomed Commissioners Goodman and Ravel to the Commission. She expressed her delight that President Obama selected two such experienced individuals and noted that Commission staff is looking forward to working with them.**

**Chair Weintraub recognized Commissioner Ravel who said she is honored to serve with such great Commissioners and looks forward to achieving consensus with her colleagues. Commissioner Ravel noted that she met with many of the staff and found them to be dedicated public servants who care about the Commission's mission.**

**Chair Weintraub recognized Commissioner Goodman who said it is an honor to serve with such a distinguished group of Commissioners. He noted that the task ahead is complicated but with open engageries and exchanges they may find some consensus. He looks forward to working**

**with his colleagues on both sides of the aisle to accomplish that. He has become acquainted with many very committed, competent, and dedicated staff and thanked them for making him feel welcome.**

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**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for September 12, 2013  
Agenda Document No. 13-42**

**Chair Weintraub recognized Commissioner Petersen who**

**MOVED to approve the minutes for the open session held on September 12, 2013 as set forth in Agenda Document No. 13-42.**

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

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**II. ELECTION OF OFFICER**

**Chair Weintraub stated that the position of Vice Chairman is vacant as a result of Commissioner McGahn's departure. She thanked Commissioner Petersen for stepping in to serve as Acting Vice Chairman.**

**Chair Weintraub recognized Commissioner Ravel who**

**MOVED to nominate Commissioner Lee E. Goodman to serve as Vice Chairman of the Federal Election Commission for the remainder of 2013.**

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

**III. DRAFT ADVISORY OPINION 2013-11**

**Citizens for Joe Miller by William J. Olson, Esq.**

**Agenda Document No. 13-41  
(Submitted Late)**

**Chair Weintraub recognized Commissioner Petersen who**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 13-41, Draft Advisory Opinion 2013-11.**

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

**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 request. Citizens for Joe Miller asks whether it may use campaign funds to post a cash deposit in lieu of a supersedeas bond on appeal from an Alaska court judgment against former Senate candidate Joseph Miller and/or to pay the final judgment should Mr.**

**Miller be unsuccessful on his appeal. She also asked for authority to make any technical and conforming amendments if necessary.**

**Chair Weintraub recognized requestor's counsel, Mr. William Olson, who was available to answer Commissioners' questions.**

**Mr. Olson and Mr. Adav Noti of the General Counsel's Office participated in the discussion that followed.**

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**The meeting recessed at 11:07 A.M. and reconvened at 11:24 A.M. with a quorum present.**

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**Chair Weintraub recognized Vice Chairman Goodman who stated that during the recess he had an ex parte discussion with Mr. Olson, the requestor's counsel, about the pending Advisory Opinion.**

**Mr. Noti of the General Counsel's Office participated in the discussion that resumed.**

**Chair Weintraub recognized Vice Chairman Goodman who**

**MOVED to approve Agenda Document No. 13-41, Advisory Opinion 2013-11 (Citizens for Joe Miller), with the edits as described at the table by the staff from the General Counsel's Office and authorize staff to make technical and conforming edits as may be deemed necessary.**

**The motion carried by a vote of 5-1 with Commissioners Goodman, Hunter, Petersen, Ravel, and Weintraub voting affirmatively for the decision. Commissioner Walther dissented.**

**IV. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There being no further business to come before the Commission,  
the meeting adjourned at 11:28 A.M.**

**Signed:**

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

**Attest:**

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