



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: THE COMMISSION
ACTING STAFF DIRECTOR
ACTING GENERAL COUNSEL
FEC PRESS OFFICE
FEC PUBLIC DISCLOSURE

FROM: COMMISSION SECRETARY AND CLERK 

DATE: OCTOBER 8, 2010

SUBJECT: *Ex Parte* Communications Regarding
Advisory Opinion 2010-19 (Google)

Transmitted herewith is an *ex parte* communication from
Commissioner Steven T. Walther regarding the above-captioned matter that
was on the Open Meeting agendas for September 23 and October 7, 2010.

Attachment

Steven T Walther/FEC/US
10/08/2010 02:21 PM

To Commission Secretary Office
cc
bcc
Subject Advisory Opinion 2010-19 (Goggle, Inc.) - ex parte
communications

TO: Commission Secretary
FROM: Steven T. Walther
DATE: October 8, 2010
RE: *Ex Parto* Communications - Advisory Opinion 2010-19 (Google, Inc.)

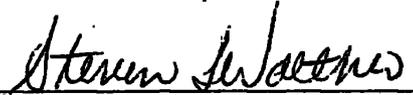
This is to confirm the following *ex parte* communications I had with respect to the above matter, supplementing the public oral disclosures which I gave of each of those communications within 24 hours after each of them occurred, specifically, at the Open Sessions of the Commission on Thursday, September 23, 2010 and Thursday, October 7, 2010, respectively:

On Wednesday, September 22, 2010, the day before the first open Open Session regarding this matter, I had a telephone communication with Marc E. Elias, of the law firm of Perkins & Cole, counsel for Google, Inc., the requestor of the above Advisory Opinion. During that conversation, Mr. Elias reiterated the essential points made in his previous written communications to the Commission, and pointed out why the answer to Question No. 1 should be affirmatively granted. I reported that communication during the Open Session the following day.

On the same day, Wednesday, September, 22, 2010, I also had a telephone communication with Michael Toner, of the law firm of Bryan Cave, counsel for Facebook, Inc., a commenter in the proceedings regarding the above matter. Mr. Toner wanted to make sure I had received his written comment to the Commission and emphasized his concern that the URLs, if the Commission were to give an affirmative answer to the questions posed by the requestor, should not be misleading. His remark were completely in accord with the contents of his letter to the Commission regarding the above matter and did not cover any other points. I reported that communication during the Open Session the following day.

On Wednesday, October 6, 2010, the day before the second Open Session regarding this matter, I had a face to face discussion with Mr. Elias, at a public book signing event. The event was not related in any way to the issues involved in the above matter. He reiterated some of the comments made during the first Open Session, as well as those in his follow-up written comment to the Commission, which emphasized the matter should be resolved by following the logic and philosophy of a previous Advisory Opinion involving a related matter, and that the precedent set in that Advisory Opinion should have controlling weight in making a decision on the issues raised in the above matter. I reported that communication during the Open Session the following day.

On Thursday, October 7, 2010, I had another face to face discussion with Mr. Elias during a break taken during Open Session on the above matter. During that discussion the principal topic was an explanation by Mr. Elias of the difference in impact the use of a hyperlink, as opposed to a URL, would make, and suggested a hyperlink was preferable. I reported that communication during the open hearing as soon as the Open Session was reconvened.


Steven T. Walther, Commissioner
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463