



AGENDA DOCUMENT No. 10-44
APPROVED JULY 29, 2010

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JULY 15, 2010**

PRESENT:

Matthew S. Petersen, Chairman, presiding

Cynthia L. Bauerly, Vice Chair

Caroline C. Hunter, Commissioner

Donald F. McGahn II, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Acting Staff Director

Thomasenia P. Duncan, General Counsel

Darlene Harris, Deputy Secretary

Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 10:09 A.M. on Thursday, July 15, 2010, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for July 1, 2010
Agenda Document No. 10-39**

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to approve the Minutes for the open meeting of Thursday, July 1, 2010, as set forth in Agenda Document No. 10-39.

The motion carried on a vote of 5-0 with Commissioners Bauerly, Hunter, McGahn, Petersen and Weintraub voting affirmatively.

II. DRAFT ADVISORY OPINION 2010-10

**National Right to Life Political Action Committee,
by Barry A. Bostrom, Esq., James Bopp, Jr., Esq.,
and Zachary S. Kester, Esq.**

**Agenda Document No. 10-41
(Submitted late)**

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 10-41.

The motion carried on a vote of 5-0 with Commissioners Bauerly, Hunter, McGahn, Petersen and Weintraub voting affirmatively.

II. DRAFT ADVISORY OPINION 2010-10 (continued)

Chairman Petersen recognized Ms. Heather Abraham 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 (the "Act"), and Commission regulations to the attribution of independent expenditures for reporting purposes to candidates identified in several different advertisements. A discussion followed.

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to approve draft Advisory Opinion 2010-10, as set forth in Agenda Document No. 10-41, and authorize the Office of General Counsel to make any necessary technical and conforming amendments.

The motion carried on a vote of 5-0 with Commissioners Bauerly, Hunter, McGahn, Petersen and Weintraub voting affirmatively.

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The Commission held a brief discussion regarding the following matters that were held over:

- Draft Advisory Opinion 2010-09 (Club for Growth)**
- Draft Advisory Opinion 2010-11 (Commonsense Ten)**

Chairman Petersen noted the matters would be considered by the Commission next week.

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III. REPORT OF THE AUDIT DIVISION ON BIDEN FOR PRESIDENT, INC.
Agenda Document No. 10-43

Chairman Petersen recognized Ms. Paula Nurthen of the Audit Division who presented the subject document. Mr. Alex Boniewicz and Mr. Joseph Stoltz of the Audit Division participated in the discussion which followed.

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The meeting recessed at 11:09 A.M. and reconvened at 11:14 A.M. with a quorum present.

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III. REPORT OF THE AUDIT DIVISION ON BIDEN FOR PRESIDENT, INC.
(continued)

Discussion resumed and Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to adopt the findings in the Report of the Audit Division on Biden for President, Inc., instruct the Audit Division to prepare the Commission's audit report pursuant to the meeting discussion, particularly with respect to Finding 2 and its modified title of "Receipt of Contributions that Exceed Limits and Related Recordkeeping Requirements", and include the following considerations in the revised discussion of Finding 2:

- 1. Summarize the discussions of these two issues in separate sections.**
- 2. Identify the manner in which evidence was provided by the committee.**
- 3. Explain the extenuating circumstances that existed for the committee.**

**III. REPORT OF THE AUDIT DIVISION ON BIDEN FOR PRESIDENT, INC.
(continued)**

**The motion carried on a vote of 5-0 with Commissioners Bauerly,
Hunter, McGahn, Petersen and Weintraub voting affirmatively.**

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 11:17 A.M.**

Signed:



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

Attest:



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

**Darlene Harris
Deputy Secretary of the Commission**