



AGENDA DOCUMENT No. 10-13

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, FEBRUARY 25, 2010**

PRESENT:

Matthew S. Petersen, Chairman, presiding

Cynthia L. Bauerly, Vice Chair

Caroline C. Hunter, Commissioner

Donald F. McGahn II, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Acting Staff Director

Thomasenia P. Duncan, General Counsel

Darlene Harris, Acting Secretary

Chairman Matthew S. Petersen called the Federal Election Commission to order in an open meeting at 10:19 A.M. on Thursday, February 25, 2010, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for January 29, 2010
Agenda Document No. 10-09**

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to approve the Minutes for the open meeting of Friday, January 29, 2010, as set forth in Agenda Document No. 10-09.

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

II. DRAFT ADVISORY OPINION 2010-01

**Nevada State Democratic Party by Marc E. Elias, Esq. and Graham M. Wilson, Esq.
Agenda Documents No. 10-11 and No. 10-11-A
(Submitted late)**

Commissioner Walther recused himself with respect to this matter and was not present during the discussion.

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Documents No. 10-11 and No. 10-11-A.

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

II. DRAFT ADVISORY OPINION 2010-01 (continued)

The Chairman noted that counsel, Marc Elias, was present to answer any questions the Commission may have during the discussion.

Chairman Petersen recognized Mr. David Adkins 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 disbursements by the Nevada State Democratic Party for campaign materials to be used in connection with volunteer activities on behalf of candidates for Federal office before the 2010 Nevada primary election. A discussion followed.

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The meeting recessed at 11:49 A.M. and reconvened at 11:54 A.M. with a quorum present.

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II. DRAFT ADVISORY OPINION 2010-01 (continued)

Discussion resumed and Chairman Petersen recognized Commissioner Weintraub, who proposed the following amendment:

On Page 5, Lines 11-16, delete the sentence which begins with the phrase "By contrast," and ends with the word "election" and replace it with the following language:

"By contrast, payments made by the State Party, for materials that are used in connection with volunteer activities on behalf of candidates, will not qualify for the volunteer materials exemption if those activities take place before March 12, 2010."

II. DRAFT ADVISORY OPINION 2010-01 (continued)

Chairman Petersen recognized Commissioner Weintraub, who

MOVED to approve draft Advisory Opinion 2010-01, as set forth in Agenda Document No. 10-11, subject to the amendment noted above, and to 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.

III. DRAFT NOTICE OF PROPOSED RULEMAKING FOR STANDARDS OF CONDUCT

Agenda Document No. 10-10

Chairman Petersen recognized Mr. Anthony Buckley of the

General Counsel's Office who presented the subject document. A

discussion followed.

Chairman Petersen recognized Commissioner Weintraub, who

MOVED to approve the Draft Notice of Proposed Rulemaking for Standards of Conduct, as set forth in Agenda Document No. 10-10, and direct the Office of General Counsel to take the following actions:

- 1. Make any necessary technical and conforming amendments, if required.**
- 2. Secure the appropriate signatures on the notice.**
- 3. Publish the notice in the Federal Register.**

The motion carried on a vote of 6-0.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

Chairman Petersen and Commissioner Weintraub made announcements regarding the following FEC staff members:

- 1. Mr. Ethan Carrier has been selected for a detail to the White House Counsel's Office.**
- 2. Mr. Jon Hatfield, Deputy Inspector General, has accepted a new assignment to serve as the Inspector General at another agency.**

There being no further business to come before the Commission, the meeting adjourned at 12:03 P.M.

Signed:

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

Attest:

**Darlene Harris
Acting Secretary of the Commission**