



**AGENDA DOCUMENT No. 10-17**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
THURSDAY, MARCH 11, 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 10:34 A.M. on Thursday, March 11, 2010, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for February 25, 2010  
Agenda Document No. 10-13**

**Chairman Petersen recognized Vice Chair Bauerly, who**

**MOVED to approve the Minutes for the open meeting of Thursday, February 25, 2010, as set forth in Agenda Document No. 10-13.**

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

**II. DRAFT ADVISORY OPINION 2010-02**

**West Virginia Republican Party, Inc., by its  
Chairman, Douglas E. McKinney, M.D.**

**Agenda Document No. 10-14  
(Alternative Drafts – A and B)**

**Chairman Petersen recognized Mr. Joshua Blume of the General Counsel's Office who presented the proposed alternative drafts of Advisory Opinion 2010-02, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the use of non-Federal funds, or, a building fund account containing non-Federal funds either (1) to make payments on a lease with an option to buy an office building, or (2) to make payments on a land sale contract for that office building. Ms. Rosemary Smith of the General**

**II. DRAFT ADVISORY OPINION 2010-02 (continued)**

**Counsel's Office participated in the discussion which followed.**

**Chairman Petersen recognized Vice Chair Bauerly, who**

**MOVED to approve Draft A of Advisory Opinion 2010-02, as set forth in Agenda Document No. 10-14, subject to the following amendments:**

- 1. Direct the Office of General Counsel to inform the requester that the Commission was unable to provide a response to Question One.**
- 2. Authorize the Office of General Counsel to make any necessary technical and conforming amendments.**

**The motion carried on a vote of 6-0.**

**III. DRAFT FINAL RULE – EMILY'S LIST V. FEC  
Agenda Document No. 10-15 (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. 10-15.**

**The motion carried on a vote of 6-0.**

**Chairman Petersen recognized Mr. Joshua Blume of the General Counsel's Office who presented the subject document. A discussion followed.**

**Chairman Petersen recognized Vice Chair Bauerly, who**

**MOVED to approve the Draft Final Rule - *EMILY'S List v. FEC*, as set forth in Agenda Document No. 10-15, and direct the Office of General Counsel to make any necessary technical and conforming amendments before submission to the *Federal Register* for publication.**

**III. DRAFT FINAL RULE – EMILY’S LIST V. FEC (continued)**

**The motion carried on a vote of 6-0.**

**IV. PROPOSED INTERIM ENFORCEMENT POLICY  
Agenda Document No. 10-16**

**Chairman Petersen made opening remarks regarding the proposed policy. A discussion followed.**

**It was agreed, without objection, to continue consideration of this matter at a future meeting.**

**V. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**Commissioner Hunter extended best wishes, on behalf of the Commission, to Chairman Petersen for his fortieth birthday.**

**There being no further business to come before the Commission, the meeting adjourned at 11:02 A.M.**

**Signed:**

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

**Attest:**

**Darlene Harris  
Acting Secretary of the Commission**