



AGENDA DOCUMENT No. 10-33

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MAY 27, 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 10:36 A.M. on Thursday, May 27, 2010, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for April 29, 2010
Agenda Document No. 10-26**

Chairman Petersen recognized Vice Chair Bauerly, who

MOVED to approve the Minutes for the open meeting of Thursday, April 29, 2010, as set forth in Agenda Document No. 10-26.

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

II. DRAFT ADVISORY OPINION 2010-05

**Starchannel Communications, Inc.,
by Stephen L. Crain, Esq.
Agenda Document No. 10-27**

Chairman Petersen recognized Mr. Joshua Blume 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 sale of advertising time on a foreign-owned television station to Federal candidates and their committees.

II. DRAFT ADVISORY OPINION 2010-05 (continued)

**Chairman Petersen recognized Vice Chair Bauerly, who
MOVED to approve draft Advisory Opinion 2010-05,
as set forth in Agenda Document No. 10-27.**

The motion carried on a vote of 6-0.

III. DRAFT ADVISORY OPINION 2010-06

**Famos LLC, by Christopher A. Shining,
Senior Vice President**

**Agenda Documents No. 10-28 and
No. 10-28-A (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. 10-28-A.**

The motion carried on a vote of 6-0.

**Chairman Petersen recognized Mr. Neven Stipanovic 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 a proposed affinity program
between Famos LLC and political committees to provide a web-based
technology platform.**

**Commissioner Weintraub presented Agenda Document No. 10-28-A
and highlighted proposed amendments to OGC's draft.**

III. DRAFT ADVISORY OPINION 2010-06 (continued)

Chairman Petersen recognized Commissioner Weintraub, who

MOVED to approve draft Advisory Opinion 2010-06, as set forth in Agenda Document No. 10-28, subject to the changes identified in Agenda Document No. 10-28-A, and authorize the Office of General Counsel to make any necessary technical and conforming amendments.

The motion carried on a vote of 6-0.

IV. DRAFT ADVISORY OPINION 2010-07

Yes on FAIR, by Brian G. Svoboda, Esq., Kate S. Keane, Esq., Frederic D. Woocher, Esq., and Aimee Dudovitz, Esq.

Agenda Document No. 10-29 (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. 10-29.

The motion carried on a vote of 6-0.

The Chairman noted Mr. Brian Svoboda and Ms. Kate S. Keane were present to answer any questions the Commission may have during the discussion.

Chairman Petersen recognized Ms. Cheryl Hemsley of the General Counsel's Office who presented alternative drafts of the advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the solicitation of funds by Members of Congress on behalf of Yes on FAIR.

IV. DRAFT ADVISORY OPINION 2010-07 (continued)

A discussion followed.

Chairman Petersen recognized Commissioner Hunter, who

**MOVED to adopt Draft A of Advisory
Opinion 2010-07, as set forth in
Agenda Document No. 10-29.**

**The motion failed on a vote of 3-3 with Commissioners Hunter,
McGahn and Petersen voting affirmatively. Commissioners Bauerly,
Walther and Weintraub dissented.**

Chairman Petersen recognized Commissioner Weintraub, who

**MOVED to adopt Draft B of Advisory
Opinion 2010-07, as set forth in
Agenda Document No. 10-29.**

**The motion failed on a vote of 3-3 with Commissioners Bauerly,
Walther and Weintraub voting affirmatively. Commissioners Hunter,
McGahn and Petersen dissented.**

**Discussion resumed and it was agreed, without objection, to
direct the Office of General Counsel to draft an answer and circulate
the matter for Commission approval on a tally vote basis.**

The following matters were held over to a future meeting:

V. DISCUSSION OF AUDIT POLICIES AND PROCEDURES

VI. REPORT OF THE AUDIT DIVISION ON THE AFL-CIO COPE PCC

VII. REPORT OF THE AUDIT DIVISION ON CWA-COPE

VIII. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 11:57 A.M.**

Signed:

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

Attest:

**Darlene Harris
Acting Secretary of the Commission**
