



AGENDA DOCUMENT NO. 12-08

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JANUARY 19, 2012**

PRESENT:

Caroline C. Hunter, Chair, presiding

Ellen L. Weintraub, Vice Chair

Cynthia L. Bauerly, Commissioner

Donald F. McGahn II, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

Alec Palmer, Staff Director

Anthony Herman, General Counsel

Shawn Woodhead Werth, Secretary and Clerk

Chair Caroline C. Hunter called the Federal Election Commission to order in an open meeting at 10:06 A.M. on Thursday, January 19, 2012 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for January 12, 2012
Agenda Document No. 12-07-A**

Chair Hunter recognized Vice Chair Weintraub who

**MOVED to approve Agenda Document No. 12-07-A
which replaces Agenda Document No. 12-07.**

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

Chair Hunter recognized Vice Chair Weintraub who

**MOVED to suspend the rules on the timely
submission of agenda documents in order to
consider the late submission of Agenda
Document Nos. 12-03, 12-04, 12-05 (Drafts A
and B), 12-06 (Drafts A and B), and 12-06-A
(replacement version of Draft A).**

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

II. DRAFT ADVISORY OPINION 2011-24

**Louder Solutions, LLC, d/b/a StandLouder.com
by James A. Kahl, Esq.**

Agenda Document No. 12-01 – Drafts A and B

Agenda Document No. 12-01-A – Draft C

(Held over from the meeting of January 12, 2012)

Chair Hunter stated that the Commissioners did not have any questions today for Mr. Kahl, the requestor's counsel, or Mr. Victor Hannak, the requestor; thanked the requestor for granting an extension until February 3, 2012; and noted that the Commission was working on a draft response.

III. DRAFT ADVISORY OPINION 2011-25

**Atlas Air Worldwide Holdings, Inc. by Stephen
P. Roberts, Esq.**

**Agenda Document No. 12-03
(Submitted Late)**

Chair Hunter noted that Mr. Roberts, the requestor's counsel, and Mr. Russell Pommer, the requestor's Associate General Counsel, were present and available to answer Commissioners' questions.

Chair Hunter 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, and

Commission regulations to the status of certain management employees at Atlas Air Worldwide Holdings, Inc.'s two subsidiary corporations. These employees are inactive members of the union that represents pilots at the subsidiaries. By virtue of their managerial roles, however, their participatory rights in and obligations to the union are significantly restricted. The requestor asks if these employees qualify as executive or administrative personnel such that the requestor may solicit contributions from them to its separate segregated fund.

Chair Hunter recognized Vice Chair Weintraub who

**MOVED to approve the draft response set forth
in Agenda Document No. 12-03, Advisory
Opinion 2011-25.**

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

IV. DRAFT ADVISORY OPINION 2011-26

Martin H. Freeman

**Agenda Document No. 12-04
(Submitted Late)**

Chair Hunter recognized Ms. Joanna Waldstreicher 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, and

Commission regulations to the requestor's proposal to raise and spend funds to identify individuals who do not possess photographic identification in states that require such identification to register to vote or to vote, and to help them obtain photographic identification. The requestor asks if these activities are governed by any provisions of the Act or Commission regulations.

Chair Hunter recognized Vice Chair Weintraub who

**MOVED to approve Agenda Document No. 12-04,
Advisory Opinion 2011-26.**

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

V. DRAFT ADVISORY OPINION 2011-27

**New Mexico Voices for Children by Sara
Berger, Counsel**

**Agenda Document No. 12-05 – Drafts A and B
(Submitted Late)**

Chair Hunter stated that the requestor's representative, Mr. Troy D. Martinez, would be available via telephone to answer Commissioners' questions, and the Commission would take a short recess while the Commission Secretary contacts the requestor.

The meeting recessed at 10:14 A.M. and reconvened at 10:18 A.M. with a quorum present.

Chair Hunter stated the Secretary was unable to contact the requestor and noted that, because the 60-day deadline for this Advisory Opinion is February 6, 2012, the Commission can consider this matter at its next open meeting. The Commission may also send questions via email to the requestor, which would then be posted on the Commission's website.

VI. DRAFT ADVISORY OPINION 2011-28

Western Representation PAC by Dan Backer, Esq.

**Agenda Document No. 12-06 – Drafts A and B
(Submitted Late)**

**Agenda Document No. 12-06-A – Withdrawal and Resubmission of Draft A
(Submitted Late)**

Chair Hunter noted that Mr. Backer, the requestor's counsel, was present and available to answer Commissioners' questions.

Chair Hunter recognized Mr. Tony Buckley 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, and Commission regulations to Western Representation PAC's reporting

obligations for independent expenditures to be made by advertisements placed on Facebook during the 2012 Presidential primary elections. The requestor asks whether it may 1) exclude the cost of each advertisement from its aggregation of costs for independent expenditures made with respect to given elections; and 2) report the costs of its Facebook advertisements on its monthly reports without having to attribute these costs to individual states' Presidential primary elections.

Mr. Backer and General Counsel Anthony Herman participated in the discussion which followed.

Chair Hunter stated that, because the 60-day response deadline for this Advisory Opinion is February 13, 2012, the Commission will continue to work on a draft response.

VII. MANAGEMENT AND ADMINISTRATIVE MATTERS

There being no further business to come before the Commission, the meeting adjourned at 10:51 A.M.

Signed:

**Caroline C. Hunter
Chair of the Commission**

Attest:

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