



AGENDA DOCUMENT NO. 13-23

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JUNE 13, 2013**

PRESENT:

Ellen L. Weintraub, Chair, presiding

Donald F. McGahn II, Vice Chairman

Caroline C. Hunter, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

Alec Palmer, Staff Director

Anthony Herman, General Counsel

Shawn Woodhead Werth, Secretary and Clerk

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:24 A.M. on Thursday, June 13, 2013 with a quorum present.

She stated that Items III (Draft Interpretive Rule on Reporting Ultimate Payees of Political Committee Disbursements) and V (OGC Enforcement Manual) will be held over to the next meeting. She also explained that the Commission will take a short recess before consideration of Item IV (Proposed Final Audit Report on the California Republican Party/V8) to determine whether this matter can be resolved at today's meeting.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for May 9, 2013
Agenda Document No. 13-18**

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve the minutes for the open session of Thursday, May 9, 2013 as set forth in Agenda Document No. 13-18.

The motion carried by a vote of 5-0 with Commissioners Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively for the decision.

Chair Weintraub recognized Vice Chairman McGahn who

**MOVED to suspend the rules on the timely submission
of agenda documents in order that the Commission may
consider Agenda Document Nos. 13-21 and 13-21-A.**

**Vice Chairman McGahn clarified, for the public, that these documents
(one from the General Counsel's Office and one from him and
Commissioners Hunter and Petersen) are not entirely consistent because
the General Counsel's document was edited after he and Commissioners
Hunter and Petersen had begun editing their document.**

**The motion carried by a vote of 4-0 with Commissioners Hunter,
McGahn, Petersen, and Weintraub voting affirmatively for the decision.**

**Chair Weintraub noted that Commissioner Walther had left the
meeting, as he is recused from the next Item on the agenda and will not
participate in its discussion.**

II. DRAFT ADVISORY OPINION 2013-03

Agenda Document No. 13-20

**Chair Weintraub recognized Ms. Esther Heiden 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 request from Ms. Erin Bilbray-Kohn. Ms. Bilbray-Kohn is the former Executive Director and a former member of the Board of Directors of Emerge Nevada, a non-profit corporation holding tax-exempt status as a 527 organization. In its efforts to help elect candidates to state and local office, Emerge Nevada raises and spends non-federal funds and trains candidates in a number of subjects, including campaign fundraising. Ms. Bilbray-Kohn is considering running for the U.S. House of Representatives in 2014 and asks whether she may serve as a paid consultant, specifically providing training to candidates, to Emerge Nevada after she becomes a candidate.

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve Agenda Document No. 13-20 and authorize the Office of the General Counsel to make any technical and conforming amendments.

The motion carried by a vote of 4-0 with Commissioners Hunter, McGahn, Petersen, and Weintraub voting affirmatively for the decision. Commissioner Walther was recused from this matter and did not vote.

The meeting recessed at 10:33 A.M. and reconvened at 11:26 A.M. with a quorum present.

**III. DRAFT INTERPRETIVE RULE ON REPORTING ULTIMATE
PAYEES OF POLITICAL COMMITTEE DISBURSEMENTS**

This matter was held over to the next meeting.

**IV. PROPOSED FINAL AUDIT REPORT ON THE CALIFORNIA
REPUBLICAN PARTY/V8 (A09-15)**

**Memorandum from the Audit Division dated
May 15, 2013
Agenda Document No. 13-19**

**Agenda Document No. 13-19-A
(Submitted Late)**

Chair Weintraub recognized Vice Chairman McGahn who

**MOVED to suspend the rules on the timely submission
of agenda documents in order that the Commission may
consider Agenda Document No. 13-19-A.**

**The motion carried by a vote of 5-0 with Commissioners Hunter,
McGahn, Petersen, Walther, and Weintraub voting affirmatively for the
decision.**

**Chair Weintraub noted that this was the last audit from the 2008
election cycle.**

Chair Weintraub recognized Vice Chairman McGahn who

MOVED to approve Agenda Document No. 13-19-A.

**The motion carried by a vote of 5-0 with Commissioners Hunter,
McGahn, Petersen, Walther, and Weintraub voting affirmatively for the
decision.**

V. OGC ENFORCEMENT MANUAL

**Memorandum from the General Counsel
dated June 12, 2013**

**Agenda Document No. 13-21
(Submitted Late)**

**Memorandum from Vice Chairman Donald F. McGahn,
Commissioner Caroline C. Hunter, and Commissioner
Matthew S. Petersen dated June 12, 2013**

**Agenda Document No. 13-21-A
(Submitted Late)**

This matter was held over to the next meeting.

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the Commission,
the meeting adjourned at 11:28 A.M.**

Signed:

**Ellen L. Weintraub
Chair of the Commission**

Attest:

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