



AGENDA DOCUMENT NO. 11-21

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, APRIL 7, 2011**

PRESENT:

Cynthia L. Bauerly, Chair, presiding

Caroline C. Hunter, Vice Chair

Donald F. McGahn II, Commissioner

Matthew S. Petersen, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Alec Palmer, Acting Staff Director

**Patricia Carmona, Deputy Staff Director/Chief
Compliance Officer, representing Mr. Palmer
for a portion of the morning session**

Christopher Hughey, Acting General Counsel

Shawn Woodhead Werth, Secretary and Clerk

Chair Cynthia L. Bauerly called the Federal Election Commission to order in an open meeting at 10:22 A.M. on Thursday, April 7, 2011 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for March 16, 2011
Agenda Document No. 11-17**

Chair Bauerly recognized Vice Chair Hunter who

**MOVED to approve Agenda Document No. 11-17,
minutes for the Open Session held on March 16, 2011.**

The motion carried on a vote of 6-0 with Commissioners

Bauerly, Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively.

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Chair Bauerly noted that the agenda would be re-ordered to consider item II, Advisory Opinion 2011-03, at the end of the agenda.

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Chair Bauerly recognized Commissioner Hunter who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider the late submission of Agenda Document Nos. 11-14-B, 11-19, and 11-18-A.

The motion carried on a vote of 6-0 with Commissioners

Bauerly, Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively.

II. DRAFT ADVISORY OPINION 2011-04

**American Israel Public Affairs Committee by Philip
Friedman, Esq.**

**Agenda Document No. 11-19
(Submitted Late)**

**Chair Bauerly 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, and Commission regulations to AIPAC's plan
to post candidate position papers on a portion of its website
accessible only to AIPAC members.**

Chair Bauerly recognized Vice Chair Hunter who

MOVED to approve Agenda Document No. 11-19.

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

**III. PROPOSED FINAL AUDIT REPORT ON THE TENNESSEE
DEMOCRATIC PARTY (A07-07)**

**Audit Division Memorandum dated March 31, 2011
Agenda Document No. 11-18**

**Agenda Document No. 11-18-A
(Submitted Late)**

Chair Bauerly recognized Mr. Tom Nurthen of the Audit Division who introduced the subject document. Chair Bauerly provided the procedural background for this matter.

Chair Bauerly recognized Vice Chair Hunter who

MOVED to approve Agenda Document No. 11-18-A.

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

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Chair Bauerly announced that the Commission expedited its consideration of Advisory Opinion 2011-05, a request by Representative Lee Terry, because of a possible security threat to the Representative and his family. The Commission unanimously adopted the Advisory Opinion which concluded that Representative Terry could use campaign funds to offset the costs of enhanced security at his home.

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IV. DRAFT ADVISORY OPINION 2011-03

Democratic Senatorial Campaign Committee, National Republican Congressional Committee, Republican National Committee, Democratic Congressional Campaign Committee, and National Republican Senatorial Committee by Marc E. Elias, Esq., Jessica Furst, Esq., John Phillippe, Esq., Brian G. Svoboda,

Esq., and Michael E. Toner, Esq., respectively

Agenda Document No. 11-14 (Draft A)

Agenda Document No. 11-14-A (Draft B)

(Both held over from the meeting of March 16, 2011)

Agenda Document No. 11-14-B (Draft C)

(Submitted Late)

Chair Bauerly recognized Mr. David Adkins of the General Counsel's Office who summarized the draft advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended, and Commission regulations to the use of recount funds to finance non-recount-related litigation expenses.

Chair Bauerly noted that requestors' counsel were present to answer any questions the Commission may have during the discussion.

Discussion followed.

Chair Bauerly recognized Commissioner Weintraub who

MOVED to approve Agenda Document No. 11-14-B approve Agenda Document No. 11-14-B (Draft C) of Advisory Opinion 2011-03, make any necessary technical and conforming amendments, and correct the spelling of counsel's first name on page 1, line 18.

The motion carried on a vote of 4-2 with Commissioners Hunter, McGahn, Petersen, and Weintraub voting affirmatively for the decision. Commissioners Bauerly and Walther dissented.

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There being no further business to come before the
Commission, the meeting adjourned at 10:39 A.M.**

Signed:

**Cynthia L. Bauerly
Chair of the Commission**

Attest:

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