



AGENDA DOCUMENT NO. 07-27
APPROVED APRIL 12, 2007

MINUTES OF AN OPEN MEETING

OF THE

FEDERAL ELECTION COMMISSION

THURSDAY, MARCH 22, 2007

PRESENT:

Robert D. Lenhard, Chairman, presiding

David M. Mason, Vice Chairman

Hans A. von Spakovsky, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

**Margarita Maisonet, Deputy Staff Director for
Compliance/Chief Compliance Officer, representing
Patrina M. Clark, Staff Director**

Thomasenia P. Duncan, Acting General Counsel

Mary W. Dove, Secretary

Chairman Robert D. Lenhard called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, March 22, 2007, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for March 8, 2007
Agenda Document No. 07-20**

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to approve the minutes for the Open Meeting of Thursday, March 8, 2007, as submitted in Agenda Document No. 07-20.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

II. DRAFT ADVISORY OPINION 2007-01

Senator Claire McCaskill and McCaskill for Auditor by counsel, Marc E. Elias and Caroline P. Goodson

Agenda Document No. 07-19 (Submitted late)

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 07-19.

The motion carried on the vote of 5-0.

II. DRAFT ADVISORY OPINION 2007-01 (continued)

Chairman Lenhard recognized Ms. Stacey Shin of the General Counsel's Office who presented draft Advisory Opinion 2007-01 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the soliciting, receiving, and spending of funds for the sole purpose of retiring the Committee's (McCaskill for Auditor) debt remaining from previous State campaigns.

The Chairman recognized Vice Chairman Mason, who

MOVED to approve draft Advisory Opinion 2007-01, as set forth in Agenda Document No. 07-19.

The motion carried on the vote of 5-0.

III. DRAFT NOTICE OF PROPOSED RULEMAKING FOR STANDARDS OF CONDUCT

Agenda Document No. 07-26 (Submitted late)

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 07-26.

The motion carried on the vote of 5-0.

III. DRAFT NOTICE OF PROPOSED RULEMAKING FOR STANDARDS OF CONDUCT (continued)

Chairman Lenhard recognized Mr. Robert Knop of the General Counsel's Office who presented the subject document. A discussion followed. Chairman Lenhard recognized Commissioner Weintraub, who

MOVED to approve the draft Notice of Proposed Rulemaking for Standards of Conduct, as set forth in Agenda Document No. 07-26.

The motion carried on the vote of 5-0.

**IV. DRAFT FINAL RULE AND EXPLANATION AND JUSTIFICATION FOR BEST EFFORTS IN ADMINISTRATIVE FINE CHALLENGES
Agenda Document No. 07-24 (Submitted late)**

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 07-24.

The motion carried on the vote of 5-0.

The Chairman recognized Ms. Margaret Perl of the General Counsel's Office who presented the subject document.

Following discussion, Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to approve the draft Final Rule and Explanation and Justification, as set forth in Agenda Document No. 07-24.

The motion carried on the vote of 5-0.

**V. POLICY REGARDING SELF-REPORTING OF CAMPAIGN
FINANCE VIOLATIONS (*Sua Sponte* Submissions)**

Agenda Document No. 07-25 (Submitted late)

Chairman Lenhard recognized Vice Chairman Mason, who

**MOVED to suspend the rules on the timely
submission of agenda documents in order to
consider Agenda Document No. 07-25.**

The motion carried on the vote of 5-0.

**The Chairman recognized Ms. April Sands of the General
Counsel's Office who reviewed the proposed policy regarding self-
reporting of campaign finance violations.**

A discussion followed.

Chairman Lenhard recognized Vice Chairman Mason, who

**MOVED to approve the policy statement, as
set forth in Agenda Document No. 07-25.**

The motion carried on the vote of 5-0.

**VI. COMMISSION POLICY STATEMENT REGARDING INTERNAL
CONTROLS**

Agenda Document No. 07-21

**The Chairman recognized Mr. Joseph Stoltz of the Staff Director's
Office (Audit) who reviewed the Safe Harbor policy and the advisory**

VI. COMMISSION POLICY STATEMENT REGARDING INTERNAL CONTROLS (continued)

document regarding internal control procedures for political committees.

A discussion followed.

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to approve Agenda Document No. 07-21, subject to the following amendments:

1. SAFE HARBOR FOR MISREPORTING DUE TO EMBEZZLEMENT

A. Internal Controls, third paragraph, delete the phrase "or .5% of anticipated annual disbursements."

2. Include the normal disclaimer statement, as recommended by the General Counsel's Office.

3. INTERNAL CONTROLS AND POLITICAL COMMITTEES, on Page 1, second paragraph, delete the second sentence, and substitute the following in lieu thereof: "To that end, the Commission has prepared the following best practices recommendations. These are not mandatory requirements but are intended to assist committees in protecting their assets and complying with the requirements of the FECA."

4. Authorize the General Counsel's Office to make any necessary technical and conforming amendments.

The motion carried on the vote of 5-0.

VII. REPORT OF THE AUDIT DIVISION ON CLARK FOR PRESIDENT, INC.

Agenda Document No. 07-23

Chairman Lenhard recognized Mr. Leroy Clay of the Staff

Director's Office (Audit) who presented the subject audit.

The Chairman recognized Vice Chairman Mason, who

**MOVED to approve the report of the Audit
Division on Clark for President, Inc., as set
forth in Agenda Document No. 07-23.**

The motion carried on the vote of 5-0.

VIII. FINAL AUDIT REPORT - BUSH-CHENEY '04, INC. (GENERAL COMMITTEE) AND THE BUSH-CHENEY '04 COMPLIANCE COMMITTEE, INC.

Agenda Document No. 07-22

The Chairman recognized Mr. Alex Boniewicz of the Staff

Director's Office (Audit) who reviewed the above-captioned report.

A discussion followed.

Chairman Lenhard recognized Vice Chairman Mason, who

**MOVED to approve the final audit report of
Bush-Cheney '04, Inc. (General Committee)
and the Bush-Cheney '04 Compliance Committee,
Inc., as contained in Agenda Document No. 07-22.**

VIII. FINAL AUDIT REPORT - BUSH-CHENEY '04, INC. (GENERAL COMMITTEE) AND THE BUSH-CHENEY '04 COMPLIANCE COMMITTEE, INC. (continued)

The motion carried on the vote of 4-1 with Commissioners Lenhard, Mason, von Spakovsky, and Walther voting affirmatively. Commissioner Weintraub dissented.

IX. MANAGEMENT AND ADMINISTRATIVE MATTERS

The Chairman recognized Ms. Margarita Maisonet of the Staff Director's Office who announced there would be two training sessions on April 11, 2007, for the new searchable Advisory Opinion system.

The meeting adjourned at 11:20 A.M.

Signed:



**Robert D. Lenhard
Chairman of the Commission**

Attest:



**Mary W. Dove
Secretary of the Commission**