



**AGENDA DOCUMENT NO. 07-51**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
THURSDAY, JULY 12, 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**

**Patrina M. Clark, Staff Director**

**Thomasenia P. Duncan, General Counsel**

**Mary W. Dove, Secretary**

**Chairman Robert D. Lenhard called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Thursday, July 12, 2007, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for June 28, 2007  
Agenda Document No. 07-46**

**Chairman Lenhard recognized Vice Chairman Mason, who**

**MOVED to approve the minutes for the Open Meeting of Thursday, June 28, 2007, as set forth in Agenda Document No. 07-46.**

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

**II. DRAFT ADVISORY OPINION 2007-08**

**Michael King by counsel, Marc Elias and Caroline Goodson**

**Agenda Document No. 07-50 (Submitted late)**

**The Chairman recognized Vice Chairman Mason, who**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 07-50.**

**The motion carried on the vote of 5-0.**

**II. DRAFT ADVISORY OPINION 2007-08 (continued)**

**Chairman Lenhard recognized Mr. Richard Ewell of the General Counsel's Office who presented draft Advisory Opinion 2007-08 regarding whether, under the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations, Mr. King may donate funds to certain charitable organizations to encourage or commemorate performances by professional entertainers at Federal election campaign events; also, whether Mr. King may establish a foundation under section 501(c)(3) of the Internal Revenue Code to collect and donate funds for the same purpose.**

**Chairman Lenhard recognized Commissioner Weintraub, who**

**MOVED to approve draft Advisory Opinion 2007-08,  
as set forth in Agenda Document No. 07-50.**

**A discussion followed.**

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

**Commissioner Walther dissented.**

**III. DRAFT NOTICE OF PROPOSED RULEMAKING ON THE USE OF CAMPAIGN FUNDS FOR DONATIONS TO NON-FEDERAL CANDIDATES AND ANY OTHER LAWFUL PURPOSE**

**Agenda Document No. 07-47 (Submitted late)**

**The Chairman recognized Vice Chairman Mason, who**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 07-47.**

**The motion carried on the vote of 5-0.**

**Chairman Lenhard recognized Ms. Stacey Shin of the General Counsel's office who presented an overview of the subject document.**

**The Chairman recognized Commissioner Weintraub, who**

**MOVED to approve the draft Notice of Proposed Rulemaking, as set forth in Agenda Document No. 07-47, for publication in the *Federal Register*.**

**The motion carried on the vote of 5-0.**

**IV. REPORT OF THE AUDIT DIVISION ON DEMINT FOR SENATE COMMITTEE, INC.**

**Agenda Document No. 07-49**

**(Placed on the agenda pursuant to the filing of objections by Commissioners Mason and von Spakovsky following circulation on a 72-hour tally vote.)**

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**IV. REPORT OF THE AUDIT DIVISION ON DEMINT FOR SENATE  
COMMITTEE, INC (continued)**

**The audit findings were reviewed by Mr. Alex Boniewicz of the Staff Director's Office (Audit Division). Mr. Boniewicz and Mr. Joseph Stoltz of the Audit Division participated in the discussion which followed.**

**Chairman Lenhard recognized Vice Chairman Mason, who**

**MOVED to approve the Report of the Audit Division on DeMint for Senate Committee, Inc., as set forth in Agenda Document No. 07-49, except that Finding 2 (Failure to File 48-Hour Notices) be revised to conclude that the campaign was not obligated to file 48-hour notices prior to the point at which a run-off election was established as required; therefore, contributions totaling \$59,500 would be removed from the finding.**

**The motion carried on the vote of 5-0.**

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**The meeting recessed at 10:35 A.M. and reconvened at 10:40 A.M. with a quorum present.**

**V. REPORT OF THE AUDIT DIVISION ON TED POE FOR CONGRESS**

**Agenda Document No. 07-48  
Agenda Document No. 07-48-A (Submitted late)**

**(Placed on the agenda pursuant to the filing of an objection by Commissioner von Spakovsky following circulation on a 72-hour tally vote.)**

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**V. REPORT OF THE AUDIT DIVISION ON TED POE FOR CONGRESS  
(continued)**

**The Chairman recognized Vice Chairman Mason, who**

**MOVED to suspend the rules on the timely  
submission of agenda documents in order  
to consider Agenda Document No. 07-48-A.**

**The motion carried on the vote of 5-0.**

**Chairman Lenhard recognized Mr. Martin Favin of the Staff**

**Director's Office (Audit Division) who reviewed the subject audit.**

**Following discussion, it was agreed without objection to  
continue this matter to the next open meeting.**

**VI. MANAGEMENT AND ADMINISTRATIVE MATTERS**

**There were no additional matters to come before the  
Commission.**

**The meeting adjourned at 11:25 A.M.**

**Signed:**

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

**Attest:**

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