



AGENDA DOCUMENT NO. 07-56

MINUTES OF AN OPEN MEETING

OF THE

FEDERAL ELECTION COMMISSION

WEDNESDAY, AUGUST 1, 2007

PRESENT:

Robert D. Lenhard, Chairman, presiding

David M. Mason, Vice Chairman

Hans A. von Spakovsky, Commissioner

**** Steven T. Walther, Commissioner**

Patrina M. Clark, Staff Director

Thomasenia P. Duncan, General Counsel

Mary W. Dove, Secretary

**** Commissioner Walther participated in this meeting telephonically. He took part in the discussions and voted through the telephonic connection set up to the speakers in the meeting room.**

Chairman Robert D. Lenhard called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Wednesday, August 1, 2007, with a quorum present.

I. DRAFT ADVISORY OPINIONS

A. Draft Advisory Opinion 2007-10

The Reyes Committee, Inc., by Ronald E. Pate, Treasurer

Agenda Documents No. 07-54 and No. 07-54-A

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Documents No. 07-54 and No. 07-54-A.

The motion carried on the vote of 4-0 with Commissioners

Lenhard, Mason, von Spakovsky, and Walther voting affirmatively.

Chairman Lenhard recognized Ms. Stacey Shin of the General Counsel's Office who presented draft Advisory Opinion 2007-10 regarding the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to a proposed golf-tournament fundraiser on October 6, 2007.

I. DRAFT ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2007-10 (continued)

The Chairman presented an overview of Agenda Document No. 07-54, which he had submitted for consideration. He then recognized Vice Chairman Mason who reviewed his proposed alternative draft in Agenda Document No. 07-54-A.

A discussion followed.

Chairman Lenhard recognized Commissioner von Spakovsky, who

MOVED to approve the alternative draft of Advisory Opinion 2007-10, as contained in Agenda Document No. 07-54.

The motion failed by a vote of 2-2 with Commissioners Lenhard and von Spakovsky voting affirmatively. Commissioners Mason and Walther dissented.

The Chairman recognized Vice Chairman Mason, who

MOVED to instruct the General Counsel's Office to prepare a revised draft of Agenda Document No. 07-54-A, pursuant to the meeting discussion, to be circulated on a tally vote basis.

The motion carried on the vote of 4-0 with Commissioners Lenhard, Mason, von Spakovsky, and Walther voting affirmatively.

I. DRAFT ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2007-11

**California Republican Party and California Democratic
Party by counsel, Charles H. Bell, Jr. and Lance H. Olson**

Agenda Document No. 07-53

Chairman Lenhard recognized Ms. Margaret Perl of the General Counsel's Office who presented draft Advisory Opinion 2007-11 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to three types of proposed communications preceding State party fundraising events that include Federal candidates or officeholders as featured speakers or honored guests.

A discussion followed.

The Chairman recognized Vice Chairman Mason, who

MOVED to return draft Advisory Opinion 2007-11, as set forth in Agenda Document No. 07-53, to the General Counsel's Office for redrafting to indicate that Proposed Communication 3 is acceptable, as outlined in the draft, but that the Commission could not come to agreement or render an opinion as to Proposed Communications 1 and 2; and, that the revised draft be circulated to the Commission on a tally vote basis.

I. DRAFT ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2007-11 (continued)

The motion carried on the vote of 4-0 with Commissioners

Lenhard, Mason, von Spakovsky, and Walther voting affirmatively.

II. REPORT OF THE AUDIT DIVISION ON TED POE FOR CONGRESS

**Agenda Document Nos. 07-48 and 07-48-A
(Continued from the meeting of July 26, 2007)**

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

Chairman Lenhard recognized Mr. Martin Favin of the Staff

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

A discussion followed.

The Chairman recognized Vice Chairman Mason, who

**MOVED to approve the final audit report on
Ted Poe for Congress, as set forth in Agenda
Document No. 07-48, as amended by Agenda
Document No. 07-48-A, as amended by deleting
the last sentence in the second paragraph in
the summary of Finding 3; further, to receive
Finding 3, without any determination on the
merits of the analysis, or the facts, or
interpretation of the law contained therein.**

**The motion carried on the vote of 4-0 with Commissioners
Lenhard, Mason, von Spakovsky, and Walther voting affirmatively.**

III. MANAGEMENT AND ADMINISTRATIVE MATTERS

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

The meeting adjourned at 11:07 A.M.

Signed:

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

Attest:

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