



**AGENDA DOCUMENT NO. 07-64**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
MONDAY, SEPTEMBER 24, 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 Monday, September 24, 2007, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for September 11, 2007  
Agenda Document No. 07-59**

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

**MOVED to approve the minutes for the Open Meeting of Tuesday, September 11, 2007, as set forth in Agenda Document No. 07-59.**

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

**II. DRAFT ADVISORY OPINIONS**

**A. Draft Advisory Opinion 2007-13  
United American Nurses, AFL-CIO by counsel,  
Laurence Gold**

**Agenda Document No. 07-60 (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. 07-60.**

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

**II. DRAFT ADVISORY OPINIONS (continued)**

**A. Draft Advisory Opinion 2007-13 (continued)**

**Chairman Lenhard recognized Ms. Cheryl Hemsley of the General Counsel's Office who presented draft Advisory Opinion 2007-13, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the disaffiliation of the United American Nurses, AFL-CIO (the "Union") and the American Nurses Association (the "Association"). During her presentation, Ms. Hemsley noted the following amendments:**

**Page 7, Line 21, delete the word "represents" and substitute the word "has" in lieu thereof; further, insert the word "member" after "97,000."**

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

**MOVED to approve draft Advisory Opinion 2007-13, as set forth in Agenda Document No. 07-60, subject to the amendments noted above.**

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

**II. DRAFT ADVISORY OPINIONS (continued)**

**B. Draft Advisory Opinion 2007-14 (Alternative Drafts)**

**Associated Builders and Contractors, the National Federation of Independent Business, and the National Restaurant Association by counsel, Jan Witold Baran and Carol A. Laham**

**Agenda Document No. 07-61 (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. 07-61.**

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

**The Chairman recognized Ms. Esa Sferra of the General Counsel's Office who presented the proposed alternative drafts of Advisory Opinion 2007-14, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations regarding a series of jointly sponsored live telephone conferences featuring presidential candidates, which would be made available simultaneously to the three Trade Associations' restricted classes. During her presentation, Ms. Sferra noted that the approved Advisory Opinion letter would include Carol A. Laham in the address line and in the salutation.**

**II. DRAFT ADVISORY OPINIONS (continued)**

**B. Draft Advisory Opinion 2007-14 (Alternative Drafts)  
(continued)**

**A discussion followed.**

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

**MOVED to approve Draft B of Draft Advisory  
Opinion 2007-14, as set forth in Agenda Document  
No. 07-61, with the amendment noted above.**

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

**Commissioner Walther dissented.**

**C. Draft Advisory Opinion 2007-15 (Alternative Drafts)**

**GMAC LLC by counsel, Jan Witold Baran and  
Caleb P. Burns**

**Agenda Document No. 07-62 (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. 07-62.**

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

**The Chairman recognized Mr. Richard Ewell of the General  
Counsel's Office who presented the proposed alternative drafts of  
Advisory Opinion 2007-15, regarding whether, under the Federal Election**

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**II. DRAFT ADVISORY OPINIONS (continued)**

**C. Draft Advisory Opinion 2007-15 (Alternative Drafts)  
(continued)**

**Campaign Act of 1971, as amended (the "Act"), and Commission regulations, GMAC may pay for the administrative and solicitation costs of a separate segregated fund ("SSF") to be established by a GMAC subsidiary corporation, and whether the SSF may be named "GMAC LLC PAC."**

**A discussion followed.**

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**The meeting recessed at 10:55 A.M. and reconvened at 11:07 A.M. with a quorum present.**

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**II. DRAFT ADVISORY OPINIONS (continued)**

**C. Draft Advisory Opinion 2007-15 (Alternative Drafts)  
(continued)**

**Chairman Lenhard recognized Ms. Rosemary Smith of the General Counsel's Office who stated that the counsel for the requestor had agreed to an extension of time.**

**It was agreed without objection to hold this matter over to the next open meeting on Thursday, October 11, 2007.**

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

**Agenda Document No. 07-63 (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. 07-63.**

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

**Chairman Lenhard recognized Ms. Stacey Shin of the General Counsel's Office who presented the subject draft.**

**The Chairman recognized Commissioner Weintraub, who**

**MOVED to approve the draft Final Rules on the use of campaign funds for donations to non-Federal candidates and any other lawful purpose other than personal use, as contained in Agenda Document No. 07-63, for publication in the *Federal Register* and for transmittal to Congress.**

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

**IV. MANAGEMENT AND ADMINISTRATIVE MATTERS**

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

**The meeting adjourned at 11:15 A.M.**

**Signed:**

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

**Attest:**

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