



**AGENDA DOCUMENT NO. 06-17**  
**APPROVED MARCH 16, 2006**

**MINUTES OF AN OPEN MEETING**  
**OF THE**  
**FEDERAL ELECTION COMMISSION**

**THURSDAY, MARCH 9, 2006,**  
**AND ITS CONTINUATION ON**  
**MONDAY, MARCH 13, 2006**

**PRESENT:**

**Michael E. Toner, Chairman, presiding**

**Robert D. Lenhard, Vice Chairman**

**David M. Mason, Commissioner**

**Hans A. von Spakovsky, Commissioner**

**Steven T. Walther, Commissioner**

**Ellen L. Weintraub, Commissioner**

**Robert J. Costa, Acting Staff Director**

**Lawrence H. Norton, General Counsel**

**Mary W. Dove, Secretary**

**Chairman Michael E. Toner called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Thursday, March 9, 2006, with a quorum present.**

**The Chairman announced this meeting would be continued on Monday, March 13, at 2:00 P.M. at which time the Final Rules and Explanation and Justification for the Definitions of "To Solicit" and "To Direct" (11 CFR 300.2(m) and (n)) would be considered.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for February 23, 2006  
Agenda Document No. 06-09**

**Chairman Toner recognized Commissioner Lenhard, who**

**MOVED to approve the minutes for the Open Meeting of Thursday, February 23, 2006, as submitted in Agenda Document No. 06-09.**

**The motion carried on the vote of 6-0 with Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voting affirmatively.**

**II. NOTICE OF AVAILABILITY RULEMAKING PETITION RE. EXCEPTION FOR CERTAIN "GRASSROOTS LOBBYING" COMMUNICATIONS FROM THE DEFINITION OF "ELECTIONEERING COMMUNICATIONS"**

**Agenda Document No. 06-13 (Submitted late)**

**II. NOTICE OF AVAILABILITY RULEMAKING PETITION RE.  
EXCEPTION FOR CERTAIN "GRASSROOTS LOBBYING"  
COMMUNICATIONS FROM THE DEFINITION OF  
"ELECTIONEERING COMMUNICATIONS"**

**(continued)**

**Chairman Toner recognized Vice Chairman Lenhard, who**

**MOVED to suspend the rules on the timely  
submission of agenda documents in order  
to consider Agenda Document No. 06-13.**

**The motion carried on the vote of 6-0.**

**The Chairman recognized Ms. Cheryl Hemsley of the General  
Counsel's Office who presented the subject document.**

**Chairman Toner recognized Commissioner von Spakovsky, who**

**MOVED to approve the Notice of Availability  
to seek comment on whether the Commission  
should initiate a rulemaking on the exception  
proposed in the Petition, as set forth in Agenda  
Document No. 06-13.**

**A discussion followed.**

**The motion carried on the vote of 4-2 with Commissioners**

**Mason, von Spakovsky, Toner, and Weintraub voting affirmatively.**

**Commissioners Lenhard and Walther dissented.**

**III. FINAL RULES AND EXPLANATION AND JUSTIFICATION FOR  
THE DEFINITIONS OF "TO SOLICIT" AND "TO DIRECT"  
(11 CFR 300.2(m) and (n))**

**(Held over to Monday, March 13, 2006, at 2:00 P.M.)**

**IV. ADVISORY OPINIONS**

**A. Advisory Opinion 2006-01  
Pac for a Change by Douglas Boxer, Committee Director**

**Agenda Document No. 06-10**

**Chairman Toner recognized Mr. Anthony Buckley of the General Counsel's Office who presented draft Advisory Opinion 2006-01 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the Committee's purchase of books written by a Federal officeholder at a discounted rate from the publisher, and the Committee's use of those books as a gift for persons who raise at least \$100 for the Committee.**

**The Chairman recognized Commissioner Weintraub, who**

**MOVED to approve draft Advisory Opinion  
2006-01, as set forth in Agenda Document  
No. 06-10.**

**The motion carried on the vote of 6-0.**

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IV. **ADVISORY OPINIONS** (continued)

- B. **Advisory Opinion 2006-02**  
Robert Titley by counsel, Robert F. Bauer  
and Judith L. Corley

**Agenda Document No. 06-11**

Chairman Toner recognized Mr. Jonathan Levin of the General Counsel's Office who presented draft Advisory Opinion 2006-02 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the establishment of a limited liability company that will express views on candidates and issues, and to the establishment by the company of a separate segregated fund ("SSF") that will solicit contributions from individuals who will pay dues to the company in order to become members.

A discussion followed.

The Chairman recognized Vice Chairman Lenhard, who

**MOVED to approve draft Advisory Opinion 2006-02, as set forth in Agenda Document No. 06-11.**

**The motion carried on the vote of 5-1 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively. Commissioner Toner dissented.**

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**IV. ADVISORY OPINIONS (continued)**

**C. Advisory Opinion 2006-06  
Francine Busby for Congress by  
Brandon Hall, Campaign Manager**

**Agenda Documents No. 06-14  
and No. 06-14-A (Submitted late)**

**Chairman Toner recognized Vice Chairman Lenhard, who**

**MOVED to suspend the rules on  
the timely submission of agenda  
documents in order to consider  
Agenda Documents No. 06-14  
and No. 06-14-A.**

**The motion carried on the vote of 6-0.**

**The Chairman recognized Mr. Robert Knop of the General  
Counsel's Office who presented Agenda Document No. 06-14, the  
General Counsel's draft of Advisory Opinion 2006-06, concerning the  
application of the Federal Election Campaign Act of 1971, as amended  
("the Act"), and Commission regulations to the upcoming special general  
election in California's 50<sup>th</sup> Congressional District.**

**Chairman Toner recognized Vice Chairman Lenhard who  
introduced Agenda Document No. 06-14-A which he and Commissioner  
von Spakovsky were submitting for consideration. During his  
presentation, the Vice Chairman offered a friendly amendment to wit:**

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**IV. ADVISORY OPINIONS (continued)**

**C. Advisory Opinion 2006-06 (continued)**

**Page 12, Line 19, delete the word "Those"  
and the remainder of the sentence at Page 13,  
Lines 1 through 4.**

**A discussion followed.**

**\* \* \* \* \***

**The meeting recessed at 11:05 A.M. and reconvened at  
11:20 A.M. with a quorum present.**

**\* \* \* \* \***

**IV. ADVISORY OPINIONS (continued)**

**C. Advisory Opinion 2006-06 (continued)**

**Chairman Toner recognized Vice Chairman Lenhard, who**

**MOVED to approve draft Advisory Opinion  
2006-06, as set forth in Agenda Document  
No. 06-14-A, subject to the amendment  
noted above, and to include any technical  
and conforming amendments as necessary.**

**There was further discussion.**

**The motion carried on the vote of 4-2 with Commissioners  
Lenhard, von Spakovsky, Walther, and Weintraub voting affirmatively.  
Commissioners Mason and Toner dissented.**

**V. ROUTINE ADMINISTRATIVE MATTERS**

**Future Meeting Dates**

**Agenda Document No. 06-12 (Submitted late)**

**Chairman Toner recognized Vice Chairman Lenhard, who**

**MOVED to suspend the rules on the  
timely submission of agenda documents  
in order to consider Agenda Document  
No. 06-12.**

**The motion carried on the vote of 6-0.**

**The Chairman recognized Vice Chairman Lenhard, who**

**MOVED to approve the future meeting  
dates, as set forth in Agenda Document  
No. 06-12.**

**The motion carried on the vote of 6-0.**

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**The meeting recessed at 11:25 A.M. on Thursday, March 9, 2006,  
and reconvened at 2:00 P.M. on Monday, March 13, 2006, with a quorum  
present.**



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**III. REVISED FINAL RULES AND EXPLANATION AND JUSTIFICATION  
FOR THE DEFINITIONS OF "TO SOLICIT" AND "TO DIRECT"  
(11 CFR 300.2(m) and (n))**

**Agenda Document No. 06-15 (Submitted late)**

**Chairman Toner recognized Vice Chairman Lenhard who,**

**MOVED to suspend the rules on the timely  
submission of agenda documents in order  
to consider Agenda Document No. 06-15.**

**The motion carried on the vote of 6-0.**

**Chairman Toner recognized Mr. Ron Katwan of the General  
Counsel's Office who presented the subject draft.**

**The Chairman recognized Commissioner Mason, who**

**MOVED to approve the draft Revised Final  
Rules and Explanation and Justification for  
the definitions of "to solicit" and "to direct"  
(11 CFR 300.2(m) and (n)), as set forth in  
Agenda Document No. 06-15, and to authorize  
the General Counsel's Office to make any  
necessary technical and conforming amendments  
prior to publication in the *Federal Register*.**

**The motion carried on the vote of 4-2 with Commissioners**

**Mason, von Spakovsky, Toner, and Walther voting affirmatively.**

**Commissioners Lenhard and Weintraub dissented.**

**V. ROUTINE ADMINISTRATIVE MATTERS**

**There were no routine administrative matters before the  
Commission on March 13, 2006.**

**The meeting adjourned at 2:10 P.M.**

**Signed:**



**Michael E. Toner  
Chairman of the Commission**

**Attest:**



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