



AGENDA DOCUMENT NO. 06-06

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, FEBRUARY 9, 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 11:35 A.M. on Thursday, February 9, 2006, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for January 19, 2006, and
Its Continuation on January 23, 2006
Agenda Document No. 06-04**

Chairman Toner recognized Vice Chairman Lenhard, who

MOVED to approve the minutes for the Open Meeting of Thursday, January 19, 2006, and its continuation on Monday, January 23, 2006, as submitted in Agenda Document No. 06-04.

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

II. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON THE DEFINITION OF FEDERAL ELECTION ACTIVITY (11 CFR 100.24)

Agenda Document No. 06-05

INTERIM FINAL RULE MODIFYING THE DEFINITION OF "IN CONNECTION WITH AN ELECTION IN WHICH A CANDIDATE FOR FEDERAL OFFICE APPEARS ON THE BALLOT" (11 CFR 100.24(a)(1)(iii))

Agenda Document No. 06-05-A

II. **FINAL RULES AND EXPLANATION AND JUSTIFICATION ON THE
DEFINITION OF FEDERAL ELECTION ACTIVITY (11 CFR 100.24)**

(continued)

**INTERIM FINAL RULE MODIFYING THE DEFINITION OF
"IN CONNECTION WITH AN ELECTION IN WHICH A
CANDIDATE FOR FEDERAL OFFICE APPEARS ON THE
BALLOT" (11 CFR 100.24(a)(1)(iii))**

(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 Documents
No. 06-05 and No. 06-05-A.**

The motion carried on the vote of 6-0.

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

A discussion followed.

Chairman Toner recognized Commissioner Mason, who

**MOVED to approve the Interim Final Rule,
as set forth in Agenda Document No. 06-05-A,
and to direct the Office of General Counsel to
prepare an Explanation and Justification to
be circulated to the Commission on a tally vote
basis.**

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

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

Commissioners Lenhard and Weintraub dissented.

II. **FINAL RULES AND EXPLANATION AND JUSTIFICATION ON THE
DEFINITION OF FEDERAL ELECTION ACTIVITY (11 CFR 100.24)**
(continued)

**INTERIM FINAL RULE MODIFYING THE DEFINITION OF
"IN CONNECTION WITH AN ELECTION IN WHICH A
CANDIDATE FOR FEDERAL OFFICE APPEARS ON THE
BALLOT" (11 CFR 100.24(a)(1)(iii))** (continued)

A discussion followed. It was agreed without objection to
accept the following amendments to Agenda Document No. 06-05:

1. Delete the language which begins on Page 22 at Line 4
through Page 23, Line 10, and substitute the following
in lieu thereof: "The NPRM also sought comment on
limited exceptions to the type II FEA time period in
11 CFR 100.24(a)(1). NPRM, 70 FR at 23071 and 23072.
The Commission received several comments on the
issues raised in the NPRM. The Commission is
promulgating an Interim Final Rule in a separate rule-
making to address these issues." (This amendment
is set forth in Agenda Document No. 06-05-A.)
2. Page 10, Line 5: delete the words "or the exchange
of," insert a comma after the word "speech" and insert
the words "such as responding to voter inquiries by
providing" in lieu thereof.
3. Page 12, amend the sentence which begins on Line 12
and ends on Line 13 to read: "Both examples go beyond
general statements encouraging voter registration."
4. Page 12, the sentence which begins on Line 13 and
ends on Line 14, delete the first word "However," begin
the sentence with the word "General," and move the
entire sentence to Page 13 at the end of the sentence on
Line 6.

**II. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON THE
DEFINITION OF FEDERAL ELECTION ACTIVITY (11 CFR 100.24)
(continued)**

**INTERIM FINAL RULE MODIFYING THE DEFINITION OF
"IN CONNECTION WITH AN ELECTION IN WHICH A
CANDIDATE FOR FEDERAL OFFICE APPEARS ON THE
BALLOT" (11 CFR 100.24(a)(1)(iii))
(continued)**

5. Page 11, Line 21, underscore the 8th word, "are."
6. Page 12, Line 21, underscore the word "not."

Chairman Toner recognized Commissioner Weintraub, who

**MOVED to approve the draft Final Rules and
the Explanation and Justification, as set forth
in Agenda Document No. 06-05, subject to the
amendments noted above; and, to direct the
Office of General Counsel to make any
technical and conforming amendments as
necessary.**

The motion carried on the vote of 6-0.

The meeting adjourned at 12:15 P.M.

Signed:

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

Attest:

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

