



AGENDA DOCUMENT NO. 08-06

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JANUARY 24, 2008**

PRESENT:

David M. Mason, Chairman, presiding

Ellen L. Weintraub, Vice Chair

Patrina M. Clark, Staff Director

Thomasenia P. Duncan, General Counsel

Mary W. Dove, Secretary

Chairman David M. Mason called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, January 24, 2008, with an established quorum of two Commissioners under the revised Directive 10. He noted the revised directive sets forth the Commission's procedures for meetings and other procedures in the absence of four Commissioners. There are certain actions under the Act which require the vote of four Commissioners; however, there are other actions the Commission can take and this revised internal directive allows the Commission to continue to meet and conduct business with only two Commissioners present. The revised Directive 10 will be published in the *Federal Register* in the near future, and it is available now to anyone who is interested.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for December 14, 2007
Agenda Document No. 08-01

Chairman Mason recognized Commissioner Weintraub, who

**MOVED to approve the minutes of the
Open Meeting for December 14, 2007,
as set forth in Agenda Document No. 08-01.**

The motion carried on the vote of 2-0 with Commissioners

Mason and Weintraub voting affirmatively.

II. ELECTION OF VICE CHAIR

**Chairman Mason moved to elect Commissioner Weintraub as
Vice Chair of the Commission.**

**The motion carried on the vote of 2-0 with Commissioners Mason
and Weintraub voting affirmatively.**

III. ADVISORY OPINIONS

- A. Draft Advisory Opinion 2007-32
SpeechNow.org by counsel, Bradley A. Smith,
Stephen M. Hoersting, William H. "Chip" Mellor,
Steven Simpson, and Paul M. Sherman**

Agenda Document No. 08-04 (submitted late)

Chairman Mason recognized Vice Chair Weintraub, who

**MOVED to suspend the rules on the timely
submission of agenda documents in order
to consider Agenda Document No. 08-04.**

The motion carried on the vote of 2-0.

**Chairman Mason recognized Ms. Esa Sferra of the General
Counsel's Office who presented draft Advisory Opinion 2007-32
concerning the application of the Federal Election Campaign Act of
1971, as amended (the "Act" or "FECA"), and Commission regulations to**

III. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2007-32 (continued)

SpeechNow's status as a political committee and funds received by SpeechNow.

A discussion was held, and prior to making a motion, the Vice Chair noted that although they could not issue formal advisory opinions, it was decided that motions would be made in order to reflect their positions.

Vice Chair Weintraub moved to approve draft Advisory Opinion 2007-32, as set forth in Agenda Document No. 08-04.

The motion failed by a vote of 1-1 with Vice Chair Weintraub voting affirmatively and Chairman Mason dissenting.

The Chairman stated a letter would be prepared by the General Counsel's Office to be sent to the requester, stating the Commission was unable to render an opinion and that the revised draft, containing technical amendments, would be posted on the FEC Web site.

**B. Draft Advisory Opinion 2007-35
FreeCause, Inc. by counsel, Joseph E. Sandler,
Neil P. Reiff, and Jonathan Zucker**

Agenda Document No. 08-05 (submitted late)

III. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2007-35 (continued)

Chairman Mason recognized Vice Chair Weintraub, who

**MOVED to suspend the rules on the timely
submission of agenda documents in order
to consider Agenda Document No. 08-05.**

The motion carried on the vote of 2-0.

**The Chairman recognized Mr. Eric Hallstrom of the General
Counsel's Office who presented draft Advisory Opinion 2007-35
concerning the application of the Federal Election Campaign Act of
1971, as amended (the "Act"), and Commission regulations to a
proposed affinity program involving Internet browser toolbars.**

The Chairman recognized Vice Chair Weintraub, who

**MOVED to approve draft Advisory Opinion
2007-35, as set forth in Agenda Document
No. 08-05.**

The motion carried on the vote of 2-0.

**The Chairman noted the General Counsel's Office would send an
appropriate letter to the requester, and the draft Advisory Opinion would
be posted on the FEC Web site.**

III. ADVISORY OPINIONS (continued)

**C. Draft Advisory Opinion 2007-36
People for Pete Domenici by counsel,
Donald F. McGahn II**

Agenda Document No. 08-02

This request was withdrawn by the requester.

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**As there was no further business to come before the
Commission, the meeting adjourned at 10:30 A.M.**

Signed:

**David M. Mason
Chairman of the Commission**

Attest:

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