



**AGENDA DOCUMENT NO. 08-01**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
FRIDAY, DECEMBER 14, 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 1:10 P.M. on Friday, December 14, 2007, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for December 6, 2007  
Agenda Document No. 07-88**

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

**MOVED to approve the minutes of the Open Meeting for Thursday, December 6, 2007, as set forth in Agenda Document No. 07-88.**

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

**II. FUTURE MEETING DATES**

**Agenda Document No. 07-90 (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. 07-90.**

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

**II. FUTURE MEETING DATES (continued)**

**The Chairman recognized Vice Chairman Mason, who**

**MOVED to approve the future meeting dates,  
as set forth in Agenda Document No. 07-90.**

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

**III. DRAFT FINAL RULE AND EXPLANATION AND JUSTIFICATION  
ON ELECTIONEERING COMMUNICATIONS**

**Agenda Documents No. 07-92 and No. 07-92-A  
(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 Documents No. 07-92 and  
No. 07-92-A.**

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

**The Chairman recognized Ms. Margaret Perl of the General  
Counsel's Office who presented an overview of the subject document.**

**Chairman Lenhard addressed his proposed amendments, as  
submitted in Agenda Document No. 07-92-A.**

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**III. DRAFT FINAL RULE AND EXPLANATION AND JUSTIFICATION  
ON ELECTIONEERING COMMUNICATIONS**

**(continued)**

**Following discussion, the Chairman recognized Commissioner**

**Weintraub, who**

**MOVED to approve the proposed amendments, as  
set forth in Agenda Document No. 07-92-A.**

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

**The Chairman recognized Commissioner Weintraub, who**

**MOVED to approve the draft Final Rule, as  
set forth in Agenda Document No. 07-92, as  
amended by Agenda Document No. 07-92-A, for  
publication in the *Federal Register*.**

**There was discussion.**

**The motion carried on the vote of 4-1 with Commissioners**

**Lenhard, Mason, Walther, and Weintraub voting affirmatively.**

**Commissioner von Spakovsky dissented.**

**IV. FINAL RULES ON CAMPAIGN TRAVEL**

**Agenda Document No. 07-94 (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. 07-94.**

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

**IV. FINAL RULES ON CAMPAIGN TRAVEL (continued)**

**Chairman Lenhard recognized Mr. Richard Ewell of the General Counsel's Office who reviewed the draft Final Rule on campaign travel provisions.**

**A discussion followed.**

**The Chairman recognized Vice Chairman Mason, who**

**MOVED to approve the draft Final Rule implementing the new campaign travel provision of section 601 of Public Law 110-81, as submitted in Agenda Document No. 07-94.**

**The motion carried on the vote of 4-1 with Commissioners**

**Lenhard, Mason, Walther, and Weintraub voting affirmatively.**

**Commissioner von Spakovsky dissented.**

**V. ADVISORY OPINIONS**

**A. Draft Advisory Opinion 2007-34  
Representative Jesse L. Jackson, Jr.**

**Agenda Document No. 07-93 (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. 07-93.**

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

**V. ADVISORY OPINIONS (continued)**

**A. Draft Advisory Opinion 2007-34 (continued)**

**Chairman Lenhard recognized Mr. Joshua Blume of the General Counsel's Office who presented draft Advisory Opinion 2007-34, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to Representative Jackson's appearance on a billboard to endorse a non-Federal candidate for the position of State's Attorney in Cook County, Illinois.**

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

**MOVED to approve draft Advisory Opinion 2007-34, as set forth in Agenda Document No. 07-93.**

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

**B. Draft Advisory Opinion 2007-31**

**John Edwards for President by Lora Haggard, CFO**

**Agenda Document No. 07-89**

**Agenda Document No. 07-89-A (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. 07-89-A.**

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

**V. ADVISORY OPINIONS (continued)**

**B. Draft Advisory Opinion 2007-31 (continued)**

**Chairman Lenhard recognized Mr. Eric Hallstrom of the General Counsel's Office who presented draft Advisory Opinion 2007-31, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), the Presidential Primary Matching Payment Account Act (the "Matching Payment Act"), and Commission regulations to contributions processed through ActBlue.**

**The Chairman recognized Commissioner Weintraub who reviewed her alternative draft, as contained in Agenda Document No. 07-89-A.**

**A discussion followed.**

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

**MOVED to approve draft Advisory Opinion 2007-31, as set forth in Agenda Document No. 07-89.**

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

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**V. ADVISORY OPINIONS (continued)**

**C. Draft Advisory Opinion 2007-27 (Alternative drafts)  
ActBlue by Jonathan Zucker, Esq.**

**Agenda Document No. 07-87**

**Chairman Lenhard recognized Ms. Esa Sferra of the General Counsel's Office who presented the two alternative proposed drafts of Advisory Opinion 2007-27, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to ActBlue's proposal to solicit, receive, and forward contributions designated for specific separate segregated funds ("SSFs"), under two proposed fundraising programs.**

**There was discussion.**

**The Chairman recognized Vice Chairman Mason, who**

**MOVED to approve Draft A of draft Advisory Opinion 2007-27, as set forth in Agenda Document No. 07-87.**

**The motion failed by a vote of 1-3 with Commissioner Mason voting affirmatively. Commissioners Lenhard, Walther, and Weintraub dissented. Commissioner von Spakovsky abstained.**



**V. ADVISORY OPINIONS (continued)**

**C. Draft Advisory Opinion 2007-27 (Alternative drafts)  
(continued)**

**Chairman Lenhard recognized Commissioner Weintraub, who**

**MOVED to approve Draft B of draft Advisory Opinion  
2007-27, as set forth in Agenda Document No. 07-87.**

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

**D. Draft Advisory Opinion 2007-28 (Alternative drafts)  
Representatives Kevin McCarthy and Devin Nunes by  
Charles Bell, Jr., Esq. and Ashlee Titus, Esq.**

**Agenda Document No. 07-91 (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. 07-91.**

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

**The Chairman recognized Mr. Adam Schwartz of the General  
Counsel's Office who presented the alternative drafts of Advisory  
Opinion 2007-28, concerning the application of the Federal Election  
Campaign Act of 1971, as amended (the "Act"), and Commission  
regulations to whether Representatives McCarthy and Nunes may freely  
raise funds for one or more independently run ballot measure  
committees in connection with the qualification and passage of a**

**V. ADVISORY OPINIONS (continued)**

**D. Draft Advisory Opinion 2007-28 (Alternative drafts)  
(continued)**

**redistricting ballot initiative for the June 3, 2008 California statewide primary election or the November 4, 2008 California statewide general election.**

**Following discussion of the two alternatives, Chairman Lenhard recognized Vice Chairman Mason, who**

**MOVED to instruct the General Counsel's staff to write an opinion pursuant to the meeting discussion.**

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

**E. Draft Advisory Opinion 2007-25 (Alternative drafts)  
Holland & Knight LLP by Christopher DeLacy, Esq.**

**Agenda Document No. 07-82  
(Continued from the meeting of December 6, 2007)**

**Chairman Lenhard recognized Mr. Albert Kiss of the General Counsel's Office who reviewed the alternative drafts of Advisory Opinion 2007-25, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to Holland & Knight's status as a corporation or a partnership.**

**A discussion followed.**

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**V. ADVISORY OPINIONS (continued)**

**E. Draft Advisory Opinion 2007-25 (Alternative drafts)  
(continued)**

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

**MOVED to instruct the General Counsel's Office to inform the requester that the Commission was unable to approve either draft and it has concluded its consideration of Advisory Opinion 2007-25.**

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

**VI. ELECTION OF OFFICERS**

**A. Election of Chairman**

**Chairman Lenhard recognized Commissioner Weintraub, who**

**MOVED to elect Vice Chairman David M. Mason to serve as Chairman of the Federal Election Commission beginning January 1, 2008.**

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

**Lenhard, von Spakovsky, Walther, and Weintraub voting affirmatively.**

**B. Election of Vice Chairman**

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

**MOVED to elect Commissioner Steven T. Walther to serve as Vice Chairman of the Federal Election Commission beginning January 1, 2008.**

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

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

**VII. MANAGEMENT AND ADMINISTRATIVE MATTERS**

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

**The meeting adjourned at 3:05 P.M.**

**Signed:**

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

**Attest:**

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