



AGENDA DOCUMENT NO. 08-16
APPROVED AUGUST 21, 2008

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
MONDAY, JULY 28, 2008

PRESENT:

Donald F. McGahn II, Chairman, presiding

Steven T. Walther, Vice Chairman

Cynthia L. Bauerly, Commissioner

Caroline C. Hunter, Commissioner

Matthew S. Petersen, Commissioner

Ellen L. Weintraub, Commissioner

**John D. Gibson, Deputy Staff Director/
Chief Compliance Officer**

Thomasenia P. Duncan, General Counsel

Mary W. Dove, Secretary

Chairman Donald F. McGahn II called the Federal Election Commission to order in an open meeting at 10:08 A.M. on Monday, July 28, 2008, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for July 10, 2008
Agenda Document No. 08-14**

Chairman McGahn recognized Vice Chairman Walther, who

MOVED to approve the minutes for the Open Meeting of Thursday, July 10, 2008, as set forth in Agenda Document No. 08-14.

The motion carried on the vote of 6-0 with Commissioners Bauerly, Hunter, McGahn, Petersen, Walther, and Weintraub voting affirmatively.

II. DRAFT ADVISORY OPINIONS

**A. Draft Advisory Opinion 2007-33
Club for Growth PAC, by Carol A. Laham, Esq.
and D. Mark Renaud, Esq.**

**Agenda Document No. 08-12
Agenda Document No. 08-12-A (submitted late)**

Chairman McGahn recognized Vice Chairman Walther, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 08-12-A.

II. DRAFT ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2007-33 (continued)

The motion carried on the vote of 6-0.

The Chairman recognized Ms. Joanna Waldstreicher of the General Counsel's Office who presented draft Advisory Opinion 2007-33, asking if, under the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations, the Club for Growth PAC's ten- and fifteen-second television advertisements it plans to air must carry the full spoken "stand-by-your-ad" disclaimer.

Chairman McGahn recognized Vice Chairman Walther who presented his amendments, as set forth in Agenda Document No. 08-12-A.

Following discussion, Vice Chairman Walther

MOVED to approve draft Advisory Opinion 2007-33, as contained in Agenda Document No. 08-12, as amended by Agenda Document No. 08-12-A.

The motion carried on the vote of 6-0.

**B. Draft Advisory Opinion 2008-05 (Drafts A & B)
Holland & Knight, LLP, by Christopher DeLacy, Esq.**

**Agenda Document No. 08-13
Agenda Document No. 08-13-A (submitted late)**

The Chairman recognized Vice Chairman Walther, who

II. DRAFT ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2008-05 (Drafts A & B) (continued)

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 08-13-A.

The motion carried on the vote of 6-0.

Chairman McGahn recognized Mr. Jonathan Levin of the General Counsel's Office who presented the proposed alternative drafts of Advisory Opinion 2008-05, 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 under the Act and Commission regulations. Holland & Knight (the "Firm") ask if it may administer and "financially support" the Holland & Knight Committee for Effective Government (the "Committee") as its separate segregated fund ("SSF").

At the conclusion of the discussion, Chairman McGahn recognized Commissioner Weintraub, who

MOVED to approve Draft A of Advisory Opinion 2008-05, as set forth in Agenda Document No. 08-13, as amended by Agenda Document No. 08-13-A.

II. DRAFT ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2008-05 (Drafts A & B) (continued)

The motion carried on the vote of 5-1 with Commissioners Bauerly, Hunter, McGahn, Petersen, and Weintraub voting affirmatively.

Commissioner Walther dissented.

III. MANAGEMENT AND ADMINISTRATIVE MATTERS

2008 MEETING DATES

Agenda Document No. 08-15-A (submitted late)

It was agreed without objection to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 8-15-A.

The Chairman recognized Vice Chairman Walther, who

MOVED to approve the future meeting dates, as set forth in Agenda Document No. 08-15-A.

The motion carried on the vote of 6-0.

**There being no further business to come before the Commission,
the meeting adjourned at 10:27 A.M.**

Signed,



**Donald F. McGahn II
Chairman of the Commission**

Attest:



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