



AGENDA DOCUMENT NO. 07-36

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MAY 3, 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, Acting General Counsel

Mary W. Dove, Secretary

Chairman Robert D. Lenhard called the Federal Election Commission to order in an open meeting at 10:10 A.M. on Thursday, May 3, 2007, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for April 19, 2007
Agenda Document No. 07-33**

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to approve the minutes for the Open Meeting of Thursday, April 19, 2007, as submitted in Agenda Document No. 07-33.

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

II. DRAFT ADVISORY OPINIONS

A. Draft Advisory Opinion 2007-05

Erik Iverson by counsel, Donald F. McGahn, II

Agenda Document No. 07-34

(Commissioner Weintraub recused herself with respect to this matter.)

Chairman Lenhard recognized Mr. Duane Pugh of the General Counsel's Office who presented draft Advisory Opinion 2007-05

II. DRAFT ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2007-05 (continued)

regarding whether, under the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations, Mr. Iverson may solicit, direct, and spend non-federal funds on behalf of the Montana Republican State Central Committee, while continuing his current employment as Chief of Staff to U.S. Representative Dennis Rehberg.

Chairman Lenhard recognized Commissioner von Spakovsky, who

**MOVED to approve Draft Advisory Opinion
2007-05 as set forth in Agenda Document
No. 07-34.**

**The motion carried on the vote of 4-0 with Commissioners
Lenhard, Mason, von Spakovsky, and Walther voting affirmatively.**

B. Draft Advisory Opinion 2007-06

**Libertarian Party of Indiana by Todd Singer,
Treasurer**

Agenda Document No. 07-35

Chairman Lenhard recognized Mr. Albert Kiss of the General Counsel's Office who presented draft Advisory Opinion 2007-06 regarding the status of the Libertarian Party of Indiana, as a State party

II. DRAFT ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2007-06 (continued)

committee of a political party under the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations.

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to approve draft Advisory Opinion 2007-06, as set forth in Agenda Document No. 07-35.

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

III. DRAFT NOTICE OF PROPOSED RULEMAKING ON HYBRID ADS

Agenda Document No. 07-32 (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. 07-32.

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

III. DRAFT NOTICE OF PROPOSED RULEMAKING ON HYBRID ADS

(continued)

Chairman Lenhard recognized Ms. Esa Sferra of the General Counsel's Office who presented an overview of the draft proposed rule.

A discussion followed.

Chairman Lenhard recognized Commissioner Weintraub, who

MOVED to approve the draft Notice of Proposed Rulemaking for Hybrid Communications, as set forth in Agenda Document No. 07-32, as amended, by inserting a sentence on Page 16, Line 12, after the word "adopted.", seeking comment on whether the percentage should be fixed or should it be a minimum; and, to authorize the General Counsel's Office to make any necessary conforming and technical amendments prior to its publication in the *Federal Register*.

The motion carried on the vote of 5-0.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

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

The meeting adjourned at 11:00 A.M.

Signed:

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

Attest:

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