



AGENDA DOCUMENT NO. 07-55

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JULY 26, 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 11:25 A.M. on Thursday, July 26, 2007, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for July 12, 2007
Agenda Document No. 07-51

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to approve the minutes for the Open Meeting of Thursday, July 12, 2007, as set forth in Agenda Document No. 07-51.

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

II. DRAFT ADVISORY OPINION 2007-09

Kerry-Edwards 2004, Inc., Kerry-Edwards 2004 General Election Legal and Accounting Compliance ("GELAC") Fund by counsel, Marc Elias and Caroline Goodson

Agenda Document No. 07-52
Agenda Document No. 07-52-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. 07-52-A.

II. DRAFT ADVISORY OPINION 2007-09 (continued)

The motion carried on the vote of 5-0.

Chairman Lenhard recognized Mr. Duane Pugh of the General Counsel's Office who presented draft Advisory Opinion 2007-09 regarding whether, under the Federal Election Campaign Act of 1971, as amended ("FECA"), the Presidential Election Campaign Fund Act, as amended (the "Fund Act"), and Commission regulations, Kerry-Edwards 2004 General Election Legal and Accounting Compliance Fund (KE-GELAC) may reimburse Kerry-Edwards 2004, Inc. for a portion of broadcast time purchased during the 2004 general election.

Following discussion, Chairman Lenhard recognized Commissioner von Spakovsky, who

MOVED to approve draft Advisory Opinion 2007-09, as set forth in Agenda Document No. 07-52, as amended by Agenda Document No. 07-52-A, as amended.

The motion failed by a vote of 3-2 with Commissioners Lenhard, Mason, and von Spakovsky voting affirmatively. Commissioners Walther and Weintraub dissented.

There was further discussion.

There was a recess at 12:02 p.m. and the Commission reconvened at 12:10 p.m. with a quorum present.

*** * * * ***

II. DRAFT ADVISORY OPINION 2007-09 (continued)

The discussion resumed.

Chairman Lenhard recognized Commissioner Weintraub, who

MOVED to approve draft Advisory Opinion 2007-09, as set forth in Agenda Document No. 07-52, as amended, to reflect that the GELAC account be capped at 5%, as further amended by Agenda Document No. 07-52-A, as amended; and, that the revised draft be circulated to the Commission on a tally vote basis, subject to the withdrawal of Questions 2 and 4 by the requestor and subject to further amendments at the table.

The motion carried on the vote of 5-0.

III. REPORT OF THE AUDIT DIVISION ON TED POE FOR CONGRESS

**Agenda Document Nos. 07-48 and 07-48-A
(Continued from the meeting of July 12, 2007)**

Placed on the agenda pursuant to the filing of an objection by Commissioner von Spakovsky following circulation on a 72-hour tally vote.

It was agreed without objection to hold this matter over to the next open meeting on Wednesday, August 1, 2007.

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

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

The meeting adjourned at 12:20 P.M.

Signed:

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

Attest:

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

