



AGENDA DOCUMENT NO. 07-18

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, MARCH 1, 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

**John W. Sigmon, Deputy Staff Director for
Management and Administration, representing
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 10:05 A.M. on Thursday, March 1, 2007, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for February 22, 2007
Agenda Document No. 07-13**

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to approve the minutes for the Open Meeting of Thursday, February 22, 2007, as submitted in Agenda Document No. 07-13.

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

II. DRAFT ADVISORY OPINION 2007-03

Senator Barack Obama and the Obama Exploratory Committee by counsel, Robert F. Bauer and Rebecca Gordon

**Agenda Document No. 07-12
Agenda Document No. 07-12-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. 07-12-A.

II. DRAFT ADVISORY OPINION 2007-03 (continued)

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

Chairman Lenhard recognized Mr. Ron Katwan of the General Counsel's Office who presented draft Advisory Opinion 2007-03 requesting whether Senator Obama may, under the Presidential Election Campaign Fund Act (the "Fund Act"), as amended, the Federal Election Campaign Act of 1971, as amended ("FECA"), and Commission regulations, solicit and receive private contributions for the 2008 presidential general election while retaining the option of refunding the contributions and receiving public funds for the general election if he receives his party's nomination for President.

Chairman Lenhard recognized Vice Chairman Mason who presented an overview of Agenda Document No. 07-12-A, which contained proposed amendments submitted jointly with the Chairman.

A discussion followed.

Chairman Lenhard recognized Vice Chairman Mason, who

II. DRAFT ADVISORY OPINION 2007-03 (continued)

MOVED to approve draft Advisory Opinion 2007-03, as set forth in Agenda Document No. 07-12, as amended by Agenda Document No. 07-12-A, as amended on the fifth line of the proposed language titled "Pg.6, Line 9" by deleting the word "that" after "Candidates" and substituting the word "who" in lieu thereof.

The motion carried on the vote of 5-0 with Commissioners

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

III. DRAFT PROPOSED POLICY STATEMENT REGARDING COMMISSION ACTION IN MATTERS AT THE INITIAL STAGE IN THE ENFORCEMENT PROCESS

Agenda Document No. 07-14 (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. 07-14.

The motion carried on the vote of 5-0 with Commissioners

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

III. DRAFT PROPOSED POLICY STATEMENT REGARDING COMMISSION ACTION IN MATTERS AT THE INITIAL STAGE IN THE ENFORCEMENT PROCESS

(continued)

The Chairman recognized Ms. Lynn Tran of the General Counsel's Office who presented the subject document. During her presentation, Ms. Tran offered the following amendment:

Page 2, Line 17: Change the citation from § 110.10(f) to §111.10(f).

A discussion followed.

Chairman Lenhard recognized Vice Chairman Mason, who

MOVED to approve the draft Proposed Policy Statement Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, as set forth in Agenda Document No. 07-14, subject to the amendment noted above.

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

IV. MANAGEMENT AND ADMINISTRATIVE MATTERS

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

The meeting adjourned at 10:40 A.M.

Signed:

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

Attest:

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