



AGENDA DOCUMENT NO. 07-79

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
TUESDAY, NOVEMBER 20, 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 1:40 P.M. on Tuesday, November 20, 2007, with a quorum present.

I. DRAFT FINAL RULES ON ELECTIONEERING COMMUNICATIONS

Agenda Document Nos. 07-76, 07-76-A, 07-76-B, and 07-76-C

(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 the above-referenced documents.

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

Opening statements were presented by the Commissioners regarding the draft final rules implementing the Supreme Court's ruling in *FEC v. Wisconsin Right to Life*.

A discussion followed.

Chairman Lenhard recognized Commissioner von Spakovsky, who

**I. DRAFT FINAL RULES ON ELECTIONEERING COMMUNICATIONS
(continued)**

MOVED to approve the exemption language, as outlined in Agenda Document No. 07-76-B, without reference to the regulatory placement.

The discussion resumed.

*** * * * ***

A recess was called at 2:40 P.M. and the meeting reconvened at 2:45 P.M. with a quorum present.

*** * * * ***

**I. DRAFT FINAL RULES ON ELECTIONEERING COMMUNICATIONS
(continued)**

Chairman Lenhard recognized Commissioner Weintraub who offered an amendment to the above motion, to wit:

On Page 2, of Agenda Document No. 07-76-B, amend the language on Lines 16 and 17 to read: "Content that would support a determination that a communication has an interpretation other than as an appeal to vote for or against a clearly identified Federal candidate includes content that:."

Commissioner von Spakovsky accepted the friendly amendment, and the vote on the motion, as amended above, carried 5-0.

**I. DRAFT FINAL RULES ON ELECTIONEERING COMMUNICATIONS
(continued)**

The Chairman recognized Commissioner von Spakovsky, who

**MOVED to place the exemption language in
11 CFR 100.29, rather than 11 CFR 114.15, and
to delete 7.(f) Reporting requirement, as set
forth on Page 3 of Agenda Document No.
07-76-B, and to authorize the General Counsel's
Office to make any necessary technical amendments.**

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

There was further discussion.

Chairman Lenhard recognized Commissioner Weintraub, who

**MOVED to approve Draft B of Agenda Document No.
07-76, as amended by Agenda Document No. 07-76-B,
as previously amended on Page 2, Lines 16 and 17,
and to authorize the General Counsel's Office to
make any necessary conforming and technical
amendments.**

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

**I. DRAFT FINAL RULES ON ELECTIONEERING COMMUNICATIONS
(continued)**

The Chairman noted that the next procedural step would be the preparation of the Explanation and Justification for consideration by the Commission.

II. MANAGEMENT AND ADMINISTRATIVE MATTERS

There were no additional matters to come before the Commission.

The meeting adjourned at 2:55 P.M.

Signed:

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

Attest:

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

