



AGENDA DOCUMENT NO. 06-48

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JUNE 22, 2006**

PRESENT:

Michael E. Toner, Chairman, presiding

Robert D. Lenhard, Vice Chairman

David M. Mason, Commissioner

Hans A. von Spakovsky, Commissioner

Ellen L. Weintraub, Commissioner

Robert J. Costa, Acting Staff Director

Lawrence H. Norton, General Counsel

Mary W. Dove, Secretary

Chairman Michael E. Toner called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, June 22, 2006, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

- A. Minutes for May 18, 2006
Agenda Document No. 06-41**
- B. Minutes for May 25, 2006
Agenda Document No. 06-42**

Chairman Toner recognized Vice Chairman Lenhard, who

MOVED to approve the minutes for the Open Meetings of May 18, 2006, and May 25, 2006, as submitted in Agenda Documents No. 06-41 and No. 06-42, respectively.

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

II. ADVISORY OPINIONS

- A. Advisory Opinion 2006-17**

Berkeley Electric Cooperative, Inc. and its separate segregated fund, the Berkeley Electric Cooperative, Inc. Political Action Committee by Michael Kearney, Treasurer

Agenda Document No. 06-45

II. ADVISORY OPINIONS (continued)

A. Advisory Opinion 2006-17 (continued)

Chairman Toner recognized Mr. Tony Buckley of the General Counsel's Office who presented draft Advisory Opinion 2006-17, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to Berkeley Electric Cooperative's solicitation of its executive and administrative personnel and its members, including members who are employees, for contributions to Berkeley Electric Cooperative, Inc. Political Action Committee and certain other organizations.

Chairman Toner recognized Commissioner Mason, who

**MOVED to approve draft Advisory Opinion
2006-17, as set forth in Agenda Document
No. 06-45.**

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

B. Advisory Opinion 2006-18

**Representative Kay Granger and the Kay Granger
Campaign Fund by counsel, Jan Witold Baran**

**Agenda Document No. 06-46
Agenda Document No. 06-46-A (submitted late)**

II. ADVISORY OPINIONS (continued)

B. Advisory Opinion 2006-18 (continued)

Chairman Toner recognized Vice Chairman Lenhard, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 06-46-A.

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

Chairman Toner recognized Mr. Duane Pugh of the General Counsel's Office who presented draft Advisory Opinion 2006-18, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to promoting sales of a children's book Representative Granger wrote.

Chairman Toner recognized Commissioner Weintraub who addressed her proposed amendments in Agenda Document No. 06-46-A.

A discussion followed.

The Chairman recognized Commissioner Mason, who

MOVED to approve draft Advisory Opinion 2006-18, as set forth in Agenda Document No. 06-46, as amended by Agenda Document No. 06-46-A.

II. ADVISORY OPINIONS (continued)

B. Advisory Opinion 2006-18 (continued)

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

C. Advisory Opinion 2006-10

**EchoStar Satellite LLC by counsel, Robert F. Bauer
and Caroline P. Goodson**

Agenda Document No. 06-47

Chairman Toner recognized Mr. Robert Knop of the General Counsel's Office who presented draft Advisory Opinion 2006-10, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to public service announcements ("PSAs") that EchoStar Satellite LLC is planning to create and broadcast.

A discussion followed.

Chairman Toner recognized Vice Chairman Lenhard, who

II. ADVISORY OPINIONS (continued)

C. Advisory Opinion 2006-10 (continued)

MOVED to include the following language on Page 2 at the end of the sentence on Line 13: "Moreover, no campaign issues will be permitted as topics for any of the PSAs, and the PSAs will not make reference to any pending official matter."

The motion failed on the vote of 2-3 with Commissioners Lenhard and Weintraub voting affirmatively. Commissioners Mason, Toner, and von Spakovsky dissented.

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A recess was held at 11:05 A.M., and the meeting reconvened at 11:25 A.M. with a quorum present.

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II. ADVISORY OPINIONS (continued)

C. Advisory Opinion 2006-10 (continued)

The Chairman recognized Commissioner Weintraub, who

MOVED to approve draft Advisory Opinion 2006-10, as set forth in Agenda Document No. 06-47, subject to the following amendments:

a) On Page 2 at the end of the sentence on Line 13 include: "Moreover, you have represented that no campaign issues will be permitted as topics for any of the PSAs, and the PSAs will not make reference to any pending official matter."

II. ADVISORY OPINIONS (continued)

C. Advisory Opinion 2006-10 (continued)

b) Insert a footnote to read: "Not all Commissioners agree that this factor is relevant."

The motion failed on the vote of 3-2 with Commissioners

Lenhard, Mason, and Weintraub voting affirmatively. Commissioners Toner and von Spakovsky dissented.

Chairman Toner recognized Commissioner von Spakovsky, who

MOVED to approve draft Advisory Opinion 2006-10, as set forth in Agenda Document No. 06-47.

The motion failed on the vote of 3-2 with Commissioners

Mason, Toner, and von Spakovsky voting affirmatively. Commissioners Lenhard and Weintraub dissented.

It was agreed without objection to seek an extension from the requestor, and circulate the draft Advisory Opinion on a tally vote basis.

D. Advisory Opinion 2006-14 (Alternative Drafts)

National Restaurant Association PAC by counsel, Carol A. Laham and D. Mark Renaud

Agenda Document No. 06-44 (submitted late)

II. **ADVISORY OPINIONS** (continued)

D. **Advisory Opinion 2006-14** (continued)

Chairman Toner recognized Vice Chairman Lenhard, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 06-44.

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

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

Chairman Toner recognized Ms. Amy Rothstein of the General Counsel's Office who presented the alternative drafts for draft Advisory Opinion 2006-14, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to a proposal by the National Restaurant Association's political action committee ("NRA PAC") to communicate with the general public to expressly advocate the election or defeat of, and solicit contributions to, certain clearly identified candidates for Federal office.

A discussion followed.

II. ADVISORY OPINIONS (continued)

D. Advisory Opinion 2006-14 (continued)

Chairman Toner recognized Commissioner Mason, who

**MOVED to approve Draft C of draft Advisory
Opinion 2006-14, as set forth in Agenda
Document No. 06-44.**

The motion failed on the vote of 3-2 with Commissioners

**Mason, Toner, and von Spakovsky voting affirmatively. Commissioners
Lenhard and Weintraub dissented. It was noted that the standard letter
would be sent to the requestor stating the Commission was unable to
issue an advisory opinion, thus, concluding its consideration of this
matter.**

III. ROUTINE ADMINISTRATIVE MATTERS

There were no routine matters to come before the Commission.

The meeting adjourned at 11:55 A.M.

Signed:

**Michael E. Toner
Chairman of the Commission**

Attest:

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

