

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AO 2006-24  
National Republican Senatorial ) Agenda Document No. 06-63  
Committee by General Counsel William )  
J. McGinley; Democratic Senatorial )  
Campaign Committee by counsel, Marc )  
Elias; Republican State Committee of )  
Pennsylvania by General Counsel )  
Lawrence J. Tabas )

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission open meeting on October 04, 2006, do hereby certify that the Commission decided by a vote of 4-2 to approve Draft A of Advisory Opinion 2006-24, as contained in Agenda Document No. 06-63, subject to the following amendments in Draft A:

1) Page 13, Line 13, insert the following language: "The limitations on coordinated spending by the State Party for a particular candidate are not applicable to a State Party's recount fund. These limitations, found at 2 U.S.C. 441a(d)(3), are applicable only 'in connection with the general election campaign of a candidate for Federal office.' Recount funds are subject to the limitations, prohibitions, and reporting requirements of the Act, but they are not in connection with the general election *campaign* of the Federal candidate because the campaign has ended and because such funds are not otherwise permitted to be used for campaign activity. Therefore, the State Party's use of Federal funds to support the recount effort are not subject to the coordinated spending limitations."

2) Delete the paragraph which begins on Page 13, Line 14, through Page 14, Line 4 through the word "However," capitalize the next word "the" to begin the remaining sentence at Line 4, Page 14. Delete Footnote 8 at the end of Page 13.

3) Page 14, Line 12, delete the words "coordinated recount activity" and insert the words "permissible when made with Recount Funds subject to the limitations, prohibitions, and reporting requirements of the Act."

4) Page 14, Line 13, insert the word "not" after the word "would."

Commissioners Lenhard, Mason, Walther, and Weintraub voted affirmatively for the decision. Commissioners Toner and von Spakovsky dissented.

Attest:

October 4, 2006  
Date

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