



AGENDA DOCUMENT NO. 06-58

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
TUESDAY, AUGUST 29, 2006**

PRESENT:

Michael E. Toner, Chairman, presiding

Robert D. Lenhard, Vice Chairman

David M. Mason, Commissioner

Hans A. von Spakovsky, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Patrina M. Clark, 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 10:00 A.M. on Tuesday, August 29, 2006, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for August 3, 2006
Agenda Document No. 06-54**

Chairman Toner recognized Vice Chairman Lenhard, who

MOVED to approve the minutes for the Open Meeting of August 3, 2006, as submitted in Agenda Document No. 06-54.

The motion carried on the vote of 6-0 with Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voting affirmatively.

II. ADVISORY OPINIONS

**A. Advisory Opinion 2006-21
Cantwell 2006 by Matthew S. Butler, Campaign Manager**

**Agenda Documents No. 06-55
and No. 06-55-A (submitted late)**

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. 06-55-A.

II. ADVISORY OPINIONS (continued)

A. Advisory Opinion 2006-21 (continued)

The motion carried on the vote of 6-0.

Chairman Toner recognized Mr. Robert Knop of the General Counsel's Office who presented draft Advisory Opinion 2006-21, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to expenditures from personal funds made by another candidate before the State of Washington's primary election and whether such spending triggers the application of the Millionaires' Amendment for Senator Cantwell. Mr. Knop also reviewed the proposed amendment in Agenda Document No. 06-55-A.

A discussion followed.

Chairman Toner recognized Commissioner Mason, who

MOVED to approve draft Advisory Opinion 2006-21, as set forth in Agenda Document No. 06-55, as amended by Agenda Document No. 06-55-A.

The motion carried on the vote of 6-0.

II. ADVISORY OPINIONS (continued)

**B. Advisory Opinion 2006-26
Texans for Henry Bonilla by counsel, Jan Witold Baran**

Agenda Document No. 06-56 (submitted late)

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. 06-56.**

The motion carried on the vote of 6-0.

**Chairman Toner recognized Mr. Jonathan Levin of the General
Counsel's Office who presented draft Advisory Opinion 2006-26,
concerning the application of the Federal Election Campaign Act of
1971, as amended (the "Act"), and Commission regulations to the
contribution limits that apply to the 23rd congressional district after a
court order altered its boundaries in the middle of a general election
period.**

A discussion followed.

The Chairman recognized Commissioner Weintraub, who

**MOVED to approve draft Advisory Opinion
2006-26, as set forth in Agenda Document
No. 06-56.**

The motion carried on the vote of 6-0.

III. PROPOSED INTERIM FINAL RULE EXEMPTING "GRASSROOTS LOBBYING" COMMUNICATIONS FROM THE DEFINITION OF "ELECTIONEERING COMMUNICATION"

Agenda Document No. 06-53

Chairman Toner recognized Commissioner von Spakovsky who presented an overview of his proposed interim final rule which was being offered for Commission consideration.

Following discussion, Chairman Toner recognized Commissioner von Spakovsky, who

MOVED to approve the proposed Interim Final Rule, as submitted in Agenda Document No. 06-53.

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

The discussion resumed.

The Chairman recognized Commissioner von Spakovsky, who

MOVED to direct the Office of General Counsel to draft a notice of proposed rulemaking on a grassroots lobbying exemption to the electioneering communications provisions; and, that the Commission to vote on the proposed rulemaking by December 2006.

III. PROPOSED INTERIM FINAL RULE EXEMPTING "GRASSROOTS LOBBYING" COMMUNICATIONS FROM THE DEFINITION OF "ELECTIONEERING COMMUNICATION" (continued)

The motion failed by a vote of 3-3 with Commissioners

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

IV. PETITION FOR RULEMAKING TO EXEMPT "GRASSROOTS LOBBYING" FROM ELECTIONEERING COMMUNICATIONS: NOTICE OF DISPOSITION

Agenda Document No. 06-57 (submitted late)

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. 06-57.

The motion carried on the vote of 6-0.

The Chairman recognized Ms. Amy Rothstein of the General Counsel's Office who summarized the draft Notice of Disposition and the draft letter to the Petitioners, as outlined in Agenda Document No. 06-57.

There was discussion.

IV. PETITION FOR RULEMAKING TO EXEMPT "GRASSROOTS LOBBYING" FROM ELECTIONEERING COMMUNICATIONS: NOTICE OF DISPOSITION (continued)

Chairman Toner recognized Commissioner Mason, who

MOVED to approve the draft Notice of Disposition and the draft letter to the Petitioners, as contained in Agenda Document No. 06-57.

The motion carried on the vote of 5-1 with Commissioners Lenhard, Mason, Toner, Walther, and Weintraub voting affirmatively. Commissioner von Spakovsky dissented.

V. MANAGEMENT AND ADMINISTRATIVE MATTERS

There were no other matters to come before the Commission.

The meeting adjourned at 11:45 A.M.

Signed:

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

Attest:

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

