



**AGENDA DOCUMENT NO. 07-09**

**MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
THURSDAY, FEBRUARY 8, 2007**

**PRESENT:**

**Robert D. Lenhard, Chairman, presiding**

**David M. Mason, Vice Chairman**

**Michael E. Toner, Commissioner**

**Hans A. von Spakovsky, Commissioner**

**Steven T. Walther, Commissioner**

**Ellen L. Weintraub, Commissioner**

**Margarita Maisonet, Deputy Staff Director for  
Compliance/Chief Compliance Officer, representing  
Patina M. Clark, Staff Director**

**James A. Kohl, Deputy General Counsel, for a  
Portion of the meeting**

**Lawrence H. Norton, General Counsel**

**Mary W. Dove, Secretary**

**Chairman Robert D. Lenhard called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Thursday, February 8, 2007, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for January 25, 2007  
Agenda Document No. 07-04**

**Chairman Lenhard recognized Vice Chairman Mason, who**

**MOVED to approve the minutes for the Open Meeting of Thursday, January 25, 2007, as submitted in Agenda Document No. 07-04.**

**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. DRAFT ADVISORY OPINION 2006-34  
Working Assets, Inc., by counsel, Joseph E. Sandler and Frederick K. Lowell**

**Agenda Documents No. 07-07, No. 07-07-A, and No. 07-07-B**

**(Submitted late)**

**Chairman Lenhard recognized Vice Chairman Mason, who**

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**II. ADVISORY OPINIONS (continued)**

**A. DRAFT ADVISORY OPINION 2006-34 (continued)**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Documents No. 07-07, No. 07-07-A, and No. 07-07-B.**

**The motion carried on the vote of 6-0.**

**Chairman Lenhard recognized Mr. Jonathan Levin of the General Counsel's Office who presented draft Advisory Opinion 2006-34 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to a proposed program in which political committees would serve as sponsors of wireless telephone service provided by Working Assets to individual customers. During his presentation, Mr. Levin presented the following amendment:**

**On Page 13, Line 18, insert a comma after the word "\$50" and the phrase "and the contribution," and delete the phrase "along with the contribution itself."**

**The Chairman recognized Vice Chairman Mason who reviewed his proposed amendments as outlined in Documents No. 07-07-A and No. 07-07-B.**

**II. ADVISORY OPINIONS (continued)**

**A. DRAFT ADVISORY OPINION 2006-34 (continued)**

**Chairman Lenhard recognized Deputy General Counsel Kahl who proposed additional amendments.**

**A discussion followed.**

**The Chairman recognized Vice Chairman Mason, who**

**MOVED to approve draft Advisory Opinion 2006-34, as set forth in Agenda Document No. 07-07, subject to the amendment noted above, as further amended by Agenda Document No. 07-07-A, as further amended by Agenda Document No. 07-07-B, amended as follows:**

**on Page 10, beginning on Line 13, insert a comma after the word "costs," delete the remainder of the sentences through Line 18, and substitute the following language**

**".....and this ten percent figure reflects the usual and normal charge for the services being provided to political committee sponsors under the facts presented. The provision of solicitation services so valued in exchange for use of the political committee sponsor's mailing list would not be a contribution to the political committee sponsor."**

**Further, to authorize the General Counsel's Office to make any necessary technical and conforming amendments.**

**The motion carried on the vote of 6-0.**

**II. ADVISORY OPINIONS (continued)**

**B. DRAFT ADVISORY OPINION 2006-36  
**Green Senatorial Campaign Committee, by  
Dean Myerson, Treasurer****

**Agenda Document No. 07-05**

**Chairman Lenhard recognized Ms. Cheryl Hemsley of the General Counsel's Office who presented draft Advisory Opinion 2006-36 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the Green Senatorial Campaign Committee's potential status as the national senatorial campaign committee of the Green Party of the United States.**

**A discussion followed.**

**The Chairman recognized Vice Chairman Mason, who**

**MOVED to approve draft Advisory Opinion  
2006-36, as set forth in Agenda Document  
No. 07-05.**

**The motion carried on the vote of 6-0.**

**C. DRAFT ADVISORY OPINION 2006-38  
**Senator Robert P. Casey, Jr. and the Casey State Committee  
by counsel, Marc E. Elias and Caroline P. Goodson****

**Agenda Documents No. 07-06 and  
No. 07-06-A (Submitted late)**

**Chairman Lenhard recognized Vice Chairman Mason, who**

**II. ADVISORY OPINIONS (continued)**

**C. DRAFT ADVISORY OPINION 2006-38 (continued)**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 07-06-A.**

**The motion carried on the vote of 6-0.**

**The Chairman recognized Mr. Robert Knop of the General Counsel's Office who presented draft Advisory Opinion 2006-38 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the use of funds remaining in the State Committee's campaign account.**

**Chairman Lenhard recognized Commissioner Weintraub who reviewed her proposed amendments, as contained in Agenda Document No. 07-06-A and,**

**MOVED to approve draft Advisory Opinion 2006-38, as set forth in Agenda Document No. 07-06, as amended by Agenda Document No. 07-06-A, and to authorize the General Counsel's Office to make any necessary technical and conforming amendments.**

**The motion carried on the vote of 6-0.**

**III. POLICY STATEMENT ESTABLISHING A PILOT PROGRAM  
FOR PROBABLE CAUSE HEARINGS**

**Submitted by Commissioners Toner and Weintraub**

**Agenda Documents No. 07-08 and  
No. 07-08-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 Documents No. 07-08  
and No. 07-08-A.**

**The motion carried on the vote of 6-0.**

**The Chairman recognized Commissioners Weintraub and Toner  
who presented overviews of the pilot program that would allow  
respondents to have hearings prior to the Commission's consideration of  
probable cause recommendations by the General Counsel's Office.**

**Chairman Lenhard recognized Commissioner Weintraub, who**

**MOVED to approved Agenda Document No. 07-08,  
as amended by Agenda Document No. 07-08-A, and  
to instruct the General Counsel's Office to make any  
necessary technical and conforming amendments prior to  
publication in the *Federal Register*.**

**The motion carried on the vote of 6-0.**

**IV. MANAGEMENT AND ADMINISTRATIVE MATTERS**

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

**The meeting adjourned at 11:05 A.M.**

**Signed:**

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

**Attest:**

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