AGENDA DOCUMENT NO. 04-08-B

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AGENDA ITEM
For Meeting of: 01-29-04

SUBMITTED LATE

MEMORANDUM

DATE: January 28, 2004

TO: The Commission

FROM: Commissioner Michael E. Toner MT

RE: Proposed Amendments to Agenda Document 04-08 Advisory Opinion 2004-1: Bush-Cheney '04, Inc. and Alice Forgy Kerr for Congress

Attached please find proposed amendments that I am considering offering on January 29, 2004 to amend Agenda Document 04-08.

Page 3, line 8: strike "with respect to political party committees" and replace with "to include expenditures made by any person 'in cooperation, consultation, or concert with, or at the request or suggestion of' a political party committee or its agents."

Page 5, fn 1: insert "See id. at 7 (finding that the advertisement at issue did not contain express advocacy, was not a republication of campaign materials, was not an electioneering communication, and 'cannot satisfy the remaining content standard because it will not be publicly distributed or disseminated within one hundred and twenty days of a Federal election.')"