



AGENDA DOCUMENT NO. 04-106

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION**

THURSDAY, NOVEMBER 18, 2004

PRESENT:

Bradley A. Smith, Chairman, presiding

Ellen L. Weintraub, Vice Chair

David M. Mason, Commissioner

Scott E. Thomas, Commissioner

Michael E. Toner, Commissioner

**Robert J. Costa, Deputy Staff Director
for Audit and Review, representing
James A. Pehrkon, Staff Director**

Lawrence H. Norton, General Counsel

Mary W. Dove, Secretary

Chairman Bradley A. Smith called the Federal Election Commission to order in an open meeting at 10:10 A.M. on Thursday, November 18, 2004, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for October 28, 2004
Agenda Document No. 04-102**

Chairman Smith recognized Vice Chair Weintraub, who

**MOVED to approve the minutes for the
Open Meeting of Thursday, October 28,
2004, as submitted in Agenda
Document No. 04-102.**

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

**II. REPORT OF THE AUDIT DIVISION ON THE CONSERVATIVE
LEADERSHIP POLITICAL ACTION COMMITTEE**

(Held over from the meeting of October 28, 2004)

Agenda Document No. 04-97

**(Placed on the agenda pursuant to the filing of an objection
by Commissioner Smith following circulation on a 72-hour tally
vote.)**

**(Commissioner Mason recused himself with respect to this
matter and he was not present during the discussion.)**

II. REPORT OF THE AUDIT DIVISION ON THE CONSERVATIVE LEADERSHIP POLITICAL ACTION COMMITTEE (continued)

Chairman Smith stated his concerns regarding the audit report, and Mr. Thomas Nurthen of the Audit Division and Ms. Michelle Abellera of the General Counsel's Office responded to questions and comments. The Chairman withdrew his objection and cast a vote of approval. Therefore, the amended pre-meeting tally reflected a Commission decision by a vote of 5-0 to approve the report of the Audit Division on the Conservative Leadership Political Action Committee, as set forth in Agenda Document No. 04-97. Commissioners McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively. Commissioner Mason recused.

III. RULEMAKING PRIORITIES

Agenda Document No. 04-105 (Submitted late)

Chairman Smith recognized Vice Chair Weintraub, who

MOVED to suspend the rules on the timely submission of Agenda Documents in order to consider Agenda Document No. 04-105.

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

III. **RULEMAKING PRIORITIES** (continued)

Chairman Smith recognized General Counsel Lawrence Norton who presented the subject document.

A discussion followed.

The Chairman recognized Commissioner Mason, who

MOVED to approve the rulemaking priorities, as set forth in Agenda Document No. 04-105, with the added stipulation that under Category II. **Rulemakings To Be Initiated, Section A. Shays-Meehan Rulemaking, Items 1 through 6** will be brought to the Commission for final vote within 90 days of the close of the comment period.

The motion carried on the vote of 4-0 with Commissioners Mason, Smith, Thomas, and Weintraub voting affirmatively.

Commissioner Toner abstained.

IV. **FINAL RULES: TECHNICAL AMENDMENTS TO BCRA RULES AND EXPLANATION AND JUSTIFICATION**

Agenda Document No. 04-104 (Submitted late)

Chairman Smith recognized Vice Chair Weintraub, who

IV. **FINAL RULES: TECHNICAL AMENDMENTS TO BCRA RULES
AND EXPLANATION AND JUSTIFICATION** (continued)

**MOVED to suspend the rules on the
timely submission of Agenda Documents
in order to consider Agenda Document
No. 04-104.**

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

**Chairman Smith recognized Ms. Cheryl Hemsley of the General
Counsel's Office who presented an overview of the above-captioned
matter.**

The Chairman recognized Vice Chair Weintraub, who

**MOVED to approve the final rules
regarding technical amendments
to BCRA Rules and Explanation
and Justification, as contained in
Agenda Document No. 04-104, and
to incorporate any necessary
technical and conforming amend-
ments for publication in the *Federal
Register*.**

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

V. ROUTINE ADMINISTRATIVE MATTERS

Commission Meeting Dates

Agenda Document No. 04-103 (Submitted late)

Chairman Smith recognized Vice Chair Weintraub, who

**MOVED to suspend the rules on the
timely submission of Agenda Documents
in order to consider Agenda Document
No. 04-103.**

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

Mason, Smith, Thomas, Toner, and Weintraub voting affirmatively.

The Chairman recognized the Vice Chair, who

**MOVED to approve the proposed
Commission meeting dates for
January 2005, as set forth in
Agenda Document No. 04-103.**

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

Mason, Smith, Thomas, Toner, and Weintraub voting affirmatively.

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

The meeting adjourned at 11:05 A.M.

Signed:

**Bradley A. Smith
Chairman of the Commission**

Attest:

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

