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FEDERAL ELECTION COMMISSION
Washington, DC 20463

SEP 30 A 9:33

AGENDA ITEM

For Meeting of: 9-30-04

SUBMITTED LATE

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon *[Signature]*
Staff Director

FROM: Lawrence H. Norton *[Signature]*
General Counsel

Rosemary C. Smith *[Signature]*
Associate General Counsel

Mai T. Dinh *[Signature]*
Assistant General Counsel

Albert J. Kiss *[Signature]*
Attorney

SUBJECT: Amendments to Draft AO 2004-29 (Agenda Doc. 04-88)

The Office of General Counsel proposes the following amendments to Draft AO 2004-29:

- Page 8, Line 10: Place a paragraph break after the period and before "Further".
- Page 8, Line 11: Delete the sentence that starts on line 11 and ends on line 14 ("The fact that...fourth content standard").
- Page 8, Line 22: Add after the citation "68 Fed. Reg. at 431." the following:

The intended audience of the proposed advertisements appears to be the voters in Missouri. Because Representative Akin's Congressional district represents a relatively significant portion of all intended viewers, the content and placement of the proposed advertisements indicate they are "directed to voters" in his Congressional district. Finally, the message is addressed to viewers as voters regarding the same election in which Representative Akin is a candidate.

Recommendation

The Office of General Counsel recommends that the Commission approve Draft AO 2004-29 after incorporating the above amendments.