

AGENDA DOCUMENT NO. 00-01

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION

THURSDAY, DECEMBER 16, 1999

PRESENT:            Scott E. Thomas, Chairman, Presiding  
                      Darryl R. Wold, Vice Chairman  
                      Lee Ann Elliott, Commissioner  
                      David M. Mason, Commissioner  
                      Danny L. McDonald, Commissioner  
                      Karl J. Sandstrom, Commissioner  
                      James A. Pehrkon, Staff Director  
                      Lawrence M. Noble, General Counsel  
                      Mary W. Dove, Acting Secretary

Chairman Scott E. Thomas called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, December 16, 1999, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

- A. Minutes for December 2, 1999  
Agenda Document No. 99-140
  
- B. Minutes for December 9, 1999  
Agenda Document No. 99-144

Chairman Thomas recognized Vice Chairman Wold,  
who

MOVED to approve the Minutes  
for the open meetings of  
Thursday, December 2, 1999,  
and Thursday, December 9, 1999,  
as submitted in Agenda Documents  
No. 99-140 and No. 99-144,  
respectively.

The motion carried on the vote of 6-0 with  
Commissioners Elliott, Mason, McDonald, Sandstrom,  
Thomas, and Wold voting affirmatively.

II. ELECTION OF OFFICERS FOR 2000

A. Election of Chairman

Chairman Thomas recognized Commissioner Sandstrom, who

MOVED to elect Vice Chairman Darryl R. Wold to serve as Chairman of the Federal Election Commission beginning January 1, 2000.

The motion carried unanimously. (6-0)

B. Election of Vice Chairman

Chairman Thomas recognized Vice Chairman Wold, who

MOVED to elect Commissioner Danny L. McDonald to serve as Vice Chairman of the Federal Election Commission beginning January 1, 2000.

The motion carried unanimously. (6-0)

III. SERVICE AWARD CEREMONY

Chairman Thomas presented service awards  
to the following staff members:

TEN YEARS:

Mark Allen, Anthony Buckley, Kenneth Davis, Jr.,  
Patricia Dunn, Sterling Grose, Sherron Mason, Xavier  
McDonnell, James Miller.

TWENTY YEARS:

Alex Boniewicz, Shelley Garr, Suzanne Hays,  
Renee Prue, Kathleen Ryan, Pat Sheppard, Phyliss Thompson,  
Christina Vanbrakle, Carol Worthy, Patricia Young.

IV. PATRICK J. BUCHANAN AND BUCHANAN REFORM, INC.--  
IMPACT OF PARTY CHANGE ON ELIGIBILITY

Agenda Document No. 99-145

Chairman Thomas recognized Vice Chairman Wold,  
who

MOVED to suspend the rules on  
the timely submission of agenda  
documents in order to consider  
Agenda Document No. 99-145.

The motion carried unanimously. (6-0)

IV. PATRICK J. BUCHANAN AND BUCHANAN REFORM,  
INC.--IMPACT OF PARTY CHANGE ON ELIGIBILITY

(continued)

Chairman Thomas recognized Ms. Delanie Painter of the General Counsel's Office who reviewed the subject report.

A discussion followed.

Chairman Thomas recognized Commissioner Elliott, who

MOVED to take the following actions on the above-captioned matter:

1. Determine that Patrick J. Buchanan's decision to seek the presidential nomination of the Reform Party rather than the Republican Party has no effect on his eligibility for matching funds.
2. Authorize the Office of General Counsel to send a letter to Patrick J. Buchanan, requesting that he amend his letter of certifications and agreements to include the Reform Party.

The motion carried unanimously. (6-0)

V. APPLICATION OF 26 U.S.C. §9033(c) AND  
11 C.F.R. §§9033.5(b) AND 9033.8(b)  
IN THE 2000 PRESIDENTIAL NOMINATING  
PROCESS (LRA#574)

Agenda Documents No. 99-146 and  
No. 99-146-A

Chairman Thomas recognized Vice Chairman  
Wold, who

MOVED to suspend the rules on  
the timely submission of agenda  
documents in order to consider  
Agenda Document No. 99-146-A.

The motion carried unanimously. (6-0)

Chairman Thomas recognized Ms. Angela  
Whitehead of the General Counsel's staff who  
presented the subject document.

Following discussion, Chairman Thomas  
recognized Commissioner Elliott, who

MOVED to take the following actions  
in the above-captioned matter:

1. Direct the Deputy Assistant  
Director for Disclosure to  
provide the Commission with  
the results for each  
presidential primary election.

V. APPLICATION OF 26 U.S.C. §9033(c) AND  
11 C.F.R. §§9033.5(b) AND 9033.8(b)  
IN THE 2000 PRESIDENTIAL NOMINATING  
PROCESS (LRA#574)

(continued)

2. Approve the amended list of primary dates and deadlines to be used to determine candidate matching funds eligibility and re-establishment of eligibility, as submitted in Agenda Document No. 99-146-A.
3. Approve the letters to the Democratic and Republican National Committees, as submitted in Agenda Document No. 99-146.
4. Approve the letter for each of the presidential candidates determined eligible by the Commission for participation in the primary matching funds process, as submitted in Agenda Document No. 99-146.

The motion carried unanimously. (6-0)

VI. ADVISORY OPINIONS

A. Draft Advisory Opinion 1999-33

MediaOne PAC by its treasurer,  
Rahn Porter

Agenda Document No. 99-141

Chairman Thomas recognized Mr. N. Bradley Litchfield of the General Counsel's Office who presented draft Advisory Opinion 1999-33 concerning the application of the Federal Election Campaign Act of 1971, ("the Act"), as amended, and Commission regulations to the collection of contributions by payroll deduction.

A discussion followed.

It was agreed without objection to withdraw draft Advisory Opinion 1999-33, in order to seek an extension of time from the requester and to prepare an alternative draft pursuant to the meeting discussion.

\* \* \* \* \*

A recess was held at 11:40 A.M., and the meeting reconvened at 11:55 A.M. with a quorum present.



VI. ADVISORY OPINIONS (continued)

B. Draft Advisory 1999-34

Representative Michael Bilirakis

Agenda Document No. 99-142

Chairman Thomas recognized Mr. N. Bradley Litchfield of the General Counsel's Office who presented draft Advisory Opinion 1999-34 concerning the application of the Federal Election Campaign Act of 1971, ("the Act"), as amended, and Commission regulations to the Committee's participation in a fundraising event for school organizations.

At the conclusion of the discussion, it was agreed without objection to return draft AO 1999-34 to the Office of General Counsel for redrafting pursuant to the meeting discussion.

VI. ADVISORY OPINIONS (continued)

C. Draft Advisory Opinion 1999-35

Associated Builders and Contractors, Inc., the Associated Builders and Contractors Political Action Committee, and ABC North Texas and its Chapter nonfederal PAC, by counsel, Jan Witold Baran

Agenda Document No. 99-143

Chairman Thomas recognized Mr. Michael Marinelli of the General Counsel's Office who presented draft Advisory Opinion 1999-35 concerning the application of the Federal Election Campaign Act of 1971, as amended, ("the Act"), and Commission regulations to the use of an Automatic Clearing House ("ACH") for the receipt of contributions to each respective PAC through their joint solicitation program.

VI. ADVISORY OPINIONS (continued)

C. Draft Advisory Opinion 1999-35

(continued)

During his presentation, Mr. Marinelli noted the following amendments:

1. Page 3, Lines 15 and 16, Amend the sentence to read:

"Pursuant to 11 CFR 114.8(d)(4), the Associated Builders and Contractors will obtain prior approval forms with respect to each calendar year, as well as the permission forms authorizing withdrawals."

2. Page 4, Line 1, at the beginning of the new sentence it should read:

"If there is a monthly individual contribution of more than \$50, the transfer....."

3. Page 6, Line 11, insert a new paragraph as follows:

"The Commission emphasizes that the described PAC checking account deduction program may only be utilized by personnel who qualify as members of the 'restricted class' of ABC and its State affiliates. 11 CFR 114.1(c), (h) and (j) and 114.8(c). In addition, all contributions made through the checking account deduction process must comply with Commission regulations that require them to be voluntary. See 11 CFR 114.1(i), 114.5(a) and 114.8(e)(4)."

VI. ADVISORY OPINIONS (continued)

C. Draft Advisory Opinion 1999-35

(continued)

Chairman Thomas recognized Commissioner  
Elliott, who

MOVED to approve draft  
Advisory Opinion 1999-35,  
as submitted in Agenda  
Document No. 99-143,  
subject to the amendments  
noted above.

The motion carried unanimously. (6-0)

VII. NOTICE OF PROPOSED RULEMAKING ("NPRM") ON  
POLITICAL ACTIVITIES OF U.S. SUBSIDIARIES  
OF FOREIGN CORPORATIONS

Agenda Document No. 99-134

(Placed on the agenda at the  
request of Commissioner Sandstrom)

Chairman Thomas recognized Commissioner Sandstrom  
who presented an overview of the subject document.

The proposals were discussed by the Commission,  
but no formal action was taken.

VIII. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 1:15 P.M.

Signed:

Scott E. Thomas  
Chairman

Attest:

Mary W. Dove  
Acting Secretary

