

AGENDA DOCUMENT NO. 00-105

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION

THURSDAY, OCTOBER 12, 2000

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

Chairman Darryl R. Wold called the Federal Election Commission to order in an open meeting at 10:00 A.M. on Thursday, October 12, 2000, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

- A. Minutes for September 14, 2000  
Agenda Document No. 00-98
- B. Minutes for September 21, 2000  
Agenda Document No. 00-99
- C. Minutes for September 28, 2000  
Agenda Document No. 00-100

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve the Minutes for the open meetings of Thursday, September 14, 2000, Thursday, September 21, 2000, and Thursday, September 28, 2000, as submitted in Agenda Documents No. 00-98, No. 00-99, and No. 00-100, respectively.

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

II. ADVISORY OPINIONS

A. Draft Advisory Opinion 2000-25

Minnesota House of Representatives  
Democratic Farmer Labor Caucus by  
counsel, Alan W. Weinblatt

Agenda Document No. 00-102

Chairman Wold recognized Mr. N. Bradley Litchfield of the General Counsel's Office who presented draft Advisory Opinion 2000-25, concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to a proposed transfer of funds from the Caucus' existing nonfederal account to a newly created Federal political committee.

A discussion followed.

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve draft Advisory Opinion 2000-25, as submitted in Agenda Document No. 00-102.

II. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2000-25  
(continued)

Chairman Wold recognized Commissioner  
Sandstrom, who

MOVED IN A SUBSTITUTE MOTION to  
return draft Advisory Opinion  
2000-25, as submitted in Agenda  
Document No. 00-102, to the Office  
of General Counsel to be redrafted  
pursuant to the meeting discussion.

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

Passage of the substitute motion rendered the  
original motion moot.

It was agreed without objection that the  
redraft would be circulated on an informational basis.

II. ADVISORY OPINIONS (continued)

B. Revised Draft Advisory Opinion 2000-26

Joel Deckard, Reform Party candidate,  
U.S. Senate, Florida

Agenda Document No. 00-101

Chairman Wold recognized Mr. Jonathan Levin of the General Counsel's Office who presented revised draft Advisory Opinion 2000-26, concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the payment by a State party committee to a Federal candidate of an amount equal to a State party assessment that the candidate previously paid to the State.

Following discussion, Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve revised draft  
Advisory Opinion 2000-26, as  
submitted in Agenda Document  
No. 00-101, subject to the  
following amendments:

II. ADVISORY OPINIONS (continued)

B. Revised Draft Advisory Opinion 2000-26  
(continued)

- a) Page 3, Line 23, the first  
cite should read:

U.S.C. §431(9)(B)(x);

- b) Page 4, Line 7, insert the  
words "deducted by the State"  
inside the parentheses after  
the word "surcharge."

The motion carried on the vote of 6-0.

III. AUDIT MATTERS

A. Dole for President, Inc.-Statement of  
Reasons (LRA#467)

(Continued from meeting of September 21,  
2000)

Agenda Document No. 00-81

B. Dole/Kemp'96, Inc.-Statement of Reasons  
(LRA#506)

Agenda Document No. 00-82

(Continued from meeting of September 21,  
2000)

It was agreed without objection to continue the  
subject audits to the next open meeting on October 19,  
2000, pending the circulation of an additional document  
from the Office of General Counsel.

IV. CONFERENCE PLANNING PROCUREMENT  
RECOMMENDATION

Agenda Document No. 00-103

(Placed on the agenda pursuant to the filing of an objection by Commissioner Mason following circulation on a 24-hour no objection basis.)

Chairman Wold noted this matter had been withdrawn from the agenda since Commissioner Mason had removed his objection and voted approval; and Vice Chairman McDonald, who had not voted previously, also cast a vote for approval.

V. STATUS OF REGULATIONS

October 2000 Monthly Update

Agenda Document No. 00-104

(Placed on the agenda at the request of Commissioners Mason and Sandstrom, Co-Chairmen of the Regulations Committee)

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 00-104.

The motion carried on the vote of 6-0.

V.            STATUS OF REGULATIONS            (continued)

The Commission discussed pending rulemaking projects, noting that the proposed final rules and draft Explanation and Justification on coordinated and independent expenditures have been tentatively scheduled for the open meeting of November 9.

During the ensuing discussion, Ms. Rosemary Smith of the General Counsel's Office participated.

All Commissioners were requested to give their input to the Regulations Committee as to their preference of future rulemaking projects.

VI.           ADMINISTRATIVE MATTERS

There were no administrative matters to come before the Commission.

The meeting adjourned at 11:05 A.M.

Signed:

Darryl R. Wold  
Chairman of the Commission

Attest:

Mary W. Dove  
Acting Secretary  
of the Commission