

AGENDA DOCUMENT NO. 01-1

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, DECEMBER 14, 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 10:05 A.M. on Thursday, December 14, 2000, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

- A. Minutes for November 30, 2000
Agenda Document No. 00-118
- B. Minutes for December 7, 2000
Agenda Document No. 00-122

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve the Minutes for the open meetings of Thursday, November 30, 2000, and Thursday, December 7, 2000, as submitted in Agenda Documents No. 00-118 and No. 00-122, respectively.

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

II. ELECTION OF OFFICERS FOR 2001

A. Election of Chairman

Chairman Wold recognized Commissioner
Smith, who

MOVED to elect Vice Chairman
Danny L. McDonald to serve as
Chairman of the Federal Election
Commission beginning January 1,
2001.

The motion carried unanimously. (6-0)

B. Election of Vice Chairman

Chairman Wold recognized Commissioner
Thomas, who

MOVED to elect Commissioner
David M. Mason to serve as
Vice Chairman of the Federal
Election Commission beginning
January 1, 2001.

The motion carried unanimously. (6-0)

III. AWARDS CEREMONY

Chairman Wold presented the following service awards:

TEN YEAR SERVICE AWARDS:

Sharon Curry, Philomena Brooks, Brenda Wheeler, Gregory Scott, Gregory Baker, Eric Brown, Jacqueline Crawford, John MacDonald, Erik Morrison, Dawn Odrowski, Rita Reimer. Not present: Kacy Phillips and Kelly Huff.

TWENTY YEAR SERVICE AWARDS:

Robert Bonham III, Kim Leslie Bright, Julia Queen, Leslie Brown, Remona Doggett, Wanda O'Neal, Anton Reel III, Martin Favin. Not present: Noriega James, Michael Fleming, Michael Pearson, and Wanda Thomas.

FIRST PLACE PLAQUE TO THE FEC SOFTBALL TEAM

Chairman Wold recognized the FEC Softball Team, *Full Disclosure*, which finished in First Place in the Congressional Softball League. The plaque was accepted by the team manager, Lisa Simpson.

On behalf of his colleagues, Vice Chairman McDonald presented to outgoing Chairman Wold framed copies of the Declaration of Independence and the Constitution of the United States.

General Counsel Noble, who had previously announced his resignation, effective January 1, 2001, was recognized by the Commissioners for his many years of dedicated service to the Commission.

IV. FUTURE MEETING DATES

Agenda Document No. 00-127

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. 00-127.

The motion carried on the vote of 6-0.

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve the future meeting dates, as submitted in Agenda Document No. 00-127.

The motion carried on the vote of 6-0.

V. ADVISORY OPINIONS

Without objection, it was agreed to reorder the agenda.

B. Draft Advisory Opinion 2000-36

Andersen Consulting PAC by counsel,
John C. Keeney, Jr.

Agenda Document No. 00-120

Chairman Wold recognized Mr. Jonathan Levin of the General Counsel's Office who presented draft Advisory Opinion 2000-36 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to ACPAC's proposed disaffiliation from Arthur Anderson PAC ("AAPAC").

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

1. Page 2, Line 30: Insert the word "no" before the word "later."
2. Page 5, Line 20: After the second "AC" delete the remainder of the sentence which ends on Line 22 and substitute the following in lieu thereof: "has no obligations to any Arthur Andersen entity, as of August 7, 2000 under any prior agreement, except to change its name and return certain Andersen Technology."

V. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2000-36
(continued)

3. Page 6, Line 24: Delete the word
"for" and substitute the word
"including" in lieu thereof.

Chairman Wold recognized Vice Chairman
McDonald, who

MOVED to approve draft Advisory
Opinion 2000-36, as submitted
in Agenda Document 00-120,
subject to the amendments as
noted above.

The motion carried on the vote of 6-0.

C. Draft Advisory Opinion 2000-38

Democratic Party of the
Commonwealth of Puerto Rico

Agenda Document No. 00-124

Chairman Wold recognized Mr. Levin of the
General Counsel's Office who presented draft Advisory
Opinion 2000-38 concerning the application of the
Federal Election Campaign Act of 1971, as amended
("the Act"), and Commission regulations to the political
committee status of the Democratic Party of the Common-
wealth of Puerto Rico ("DPPR").

V. ADVISORY OPINIONS (continued)

C. Draft Advisory Opinion 2000-38
(continued)

Chairman Wold recognized Vice Chairman
McDonald, who

MOVED to approve draft Advisory
Opinion 2000-38, as submitted
in Agenda Document No. 00-124,
amended as follows:

Page 4, Line 24: Insert the word
"to" and a comma after the word
"contributions"; and, on Line 25,
insert a comma after the word "by."

The motion carried on the vote of 6-0.

D. Draft Advisory Opinion 2000-39

Pacific Green Party of Oregon by
Trey Smith, Treasurer

Agenda Documents No. 00-125
and No. 00-125-A

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. 00-125-A.

The motion carried on the vote of 6-0.

V. ADVISORY OPINIONS (continued)

D. Draft Advisory Opinion 2000-39
(continued)

Chairman Wold recognized Mr. Michael Marinelli of the General Counsel's Office who reviewed the alternative draft concerning the status of the Pacific Green Party of Oregon as a State committee of a political party under the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations.

A discussion followed.

Chairman Wold recognized Commissioner Sandstrom, who

MOVED to approve alternative draft Advisory Opinion 2000-39, as submitted in Agenda Document No. 00-125-A, subject to the following amendment:

On Page 2, Footnote 2, Line 3,
delete the remainder of the sentence after the word "party."

The motion carried on the vote of 6-0.

V. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2000-28

American Seniors Housing Association
(ASHA) and the National Multi Housing
Council (NMHC) by counsel, Cheryl M.
Cronin

Agenda Document No. 00-121

Chairman Wold recognized Mr. Michael Marinelli of the General Counsel's Office who presented draft Advisory Opinion 2000-28 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the proposed termination of the former affiliation relationship between American Seniors Housing Association ("ASHA") and the National Multi Housing Council ("NMHC"), and the related ending of affiliated status for their respective separate segregated funds or PACs.

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

1. Page 2, Line 15: Insert the word "on" before the word "those."
2. Page 11, Line 12: "AHSA" should be changed to "ASHA."

V. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2000-28
(continued)

Chairman Wold recognized Commissioner
Sandstrom, who

MOVED to approve draft Advisory
Opinion 2000-28, as submitted in
Agenda Document No. 00-121, subject
to the amendments as noted above.

The motion carried on the vote of 6-0.

VI. REGULATIONS PRIORITIES

Agenda Document No. 00-123

Chairman Wold recognized Ms. Rosemary Smith
of the General Counsel's Office who presented an over-
view of the subject document.

A discussion followed.

Chairman Wold recognized Commissioner
Sandstrom, who

MOVED to approve the listing
of rulemaking priorities, as
set forth in Agenda Document
No. 00-123.

The motion carried on the vote of 6-0.

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The meeting recessed at 11:30 A.M. and reconvened at 11:45 A.M. with a quorum present.

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VII. AUDIT MATTERS

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

Agenda Document No. 00-126

- B. Response to October 19, 2000 Open Meeting Regarding Dole/Kemp '96, Inc.

Agenda Document No. 00-126-A

Without objection, it was agreed to reorder the agenda and Item B. was considered first.

Chairman Wold recognized Mr. Peter Blumberg of the General Counsel's Office who reviewed Agenda Document No. 00-126-A.

VII. AUDIT MATTERS (continued)

B. Response to October 19, 2000 Open Meeting Regarding Dole/Kemp '96, Inc.
(continued)

Chairman Wold recognized Commissioner Mason,
who

MOVED to disregard the October 24, 2000 letter from the Comptroller for Dole/Kemp '96, Inc. when the Commission considers the proposed Statement of Reasons for Dole/Kemp '96, Inc. and exclude it from the administrative record of this proceeding; and, approve the appropriate letter.

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

* The original vote was 5-0. By unanimous consent Vice Chairman McDonald was permitted to cast his vote later in the meeting.

VII. AUDIT MATTERS (continued)

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

Agenda Document No. 00-126

Chairman Wold recognized Mr. Peter Blumberg of the General Counsel's Office, and Mr. Joe Stoltz and Mr. Alex Boniewicz of the Audit Division who responded to questions and comments.

At the conclusion of the discussion, Chairman Wold recognized Commissioner Mason, who

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

1. Determine that Senator Robert J. Dole, Secretary Jack Kemp, and Dole/Kemp '96, Inc. must repay \$46,510 within 30 days to the United States Treasury pursuant to 11 C.F.R. §§9004.5, 9007.2(b)(4) and 26 U.S.C. §9007(b)(3);
2. Determine that Senator Robert J. Dole, Secretary Jack Kemp, and Dole/Kemp '96, Inc. must repay \$1,369,583.40 within 30 days to the United States Treasury pursuant to 26 U.S.C. §9007(b)(2);
3. Revise the Statement of Reasons to reflect the new calculation of administrative costs allowed to the Committee, and to circulate the redraft on a tally vote basis.

The motion carried on the vote of 6-0.

VIII. ROUTINE ADMINISTRATIVE MATTERS

Chairman Wold recognized Staff Director Pehrkon who stated with respect to the Commission's appropriation it is still operating under a continuing resolution which expires on December 15, 2000, noting that Congress has approved a continuing resolution which would extend the deadline to December 20, 2000. He referred to new initiatives the Commission has undertaken in the past year: State Waiver Program, Electronic Filing, Alternative Dispute Resolution Program, and Administrative Fines Program.

The meeting adjourned at 12:35 P.M.

Signed:

Darryl R. Wold
Chairman

Attest:

Mary W. Dove
Acting Secretary