

AGENDA DOCUMENT NO. 02-07

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION

THURSDAY, JANUARY 17, 2002

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

Chairman David M. Mason called the Federal Election Commission to order in an open meeting at 10:00 A.M. on Thursday, January 17, 2002, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for December 13, 2001  
Agenda Document No. 02-01

Chairman Mason recognized Vice Chairman Sandstrom, who

MOVED to approve the Minutes for the open meeting of Thursday, December 13, 2001, as submitted in Agenda Document No. 02-01.

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

II. ADVISORY OPINIONS

- A. Revised Draft Advisory Opinion 2001-17  
DNC Services Corporation/Democratic  
National Committee by counsel, Neil Reiff  
Agenda Document No. 02-02

Chairman Mason recognized Mr. Jonathan Levin of the General Counsel's Office who presented the revised draft Advisory Opinion 2001-17 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the reporting of contributions received by the DNC that are deposited in Federal and non-Federal accounts.

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

1. Page 3, Line 5, change the first reference to the word "account" to "accounts."
2. Page 3, Line 11, delete the word "or" and substitute the word "and" in lieu thereof.
3. Page 5, Line 23, insert the word "either" before the word "written."
4. Page 5, Line 25, move the phrase "within 60 days of its receipt of the contribution" to the end of the sentence on Line 26.

II. ADVISORY OPINIONS (continued)

A. Revised Draft Advisory Opinion 2001-17  
(continued)

A discussion followed, and Mr. John Gibson of the Reports Analysis Division responded to questions and comments.

Chairman Mason recognized Commissioner Thomas, who

MOVED to return revised draft Advisory Opinion 2001-17 to the Office of General Counsel for revisions, as appropriate, to provide for an alternative reporting approach that would allow for use of the refund concept; to include in the redraft the amendments presented in the meeting by the Office of General Counsel; and, to circulate the revised draft for Commission approval on a tally vote basis.

The motion carried on the vote of 6-0.

II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2001-18

BellSouth Corporation by counsel,  
Jan Witold Baran

Agenda Document No. 02-03

Chairman Mason recognized Mr. Jonathan Levin of the General Counsel Office who presented draft Advisory Opinion 2001-18 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the possible affiliation of its separate segregated fund to the political action committee established by Cingular Wireless LLC ("Cingular").

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

Page 11, Footnote 13, Line 2: Amend the cite to read "2 U.S.C. § 441a(a)(1).

Following discussion, Chairman Mason recognized Commissioner McDonald, who

MOVED to approve draft Advisory Opinion 2001-18, as submitted in Agenda Document No. 02-03, subject to the amendment noted above.

The motion carried on the vote of 6-0.

II. ADVISORY OPINIONS (continued)

C. Draft Advisory Opinion 2001-19  
Oakland Democratic Campaign Committee  
by Gary Kohut, Chair

Agenda Document No. 02-04

Chairman Mason recognized Mr. Michael Marinelli of the General Counsel's Office who presented draft Advisory Opinion 2001-19 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the preemption of Michigan State law regarding the Committee's use of State bingo licenses to raise funds for Federal election campaigns.

A discussion was held.

Chairman Mason recognized Commissioner Smith, who

MOVED to approve draft Advisory Opinion 2001-19, as submitted in Agenda Document No. 02-04.

The motion carried on the vote of 4-2 with Commissioners Mason, Sandstrom, Smith, and Wold voting affirmatively. Commissioners McDonald and Thomas dissented.

III. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 11:25 A.M.

Signed:

David M. Mason  
Chairman of the Commission

Attest:

Mary W. Dove  
Secretary of the  
Commission

