

AGENDA DOCUMENT NO. 03-23

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, APRIL 3, 2003

PRESENT: Ellen L. Weintraub, Chair, presiding
Bradley A. Smith, Vice Chairman
David M. Mason, Commissioner
Danny L. McDonald, Commissioner
Scott E. Thomas, Commissioner
Michael E. Toner, Commissioner
James A. Pehrkon, Staff Director
Lawrence H. Norton, General Counsel
Mary W. Dove, Secretary

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, April 3, 2003, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for March 6, 2003
Agenda Document No. 03-18

Chair Weintraub recognized Vice Chairman Smith, who

MOVED to approve the minutes for the open meeting of March 6, 2003, as submitted in Agenda Document No. 03-18.

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

II. DRAFT ADVISORY OPINION 2003-02

Socialist Workers Party ("SWP") and the
SWP National Campaign Committee by counsel,
Michael Krinsky and Jaykumar Menon

Agenda Document No. 03-19

The Chair recognized Mr. Michael Marinelli of the General Counsel's Office who presented draft Advisory Opinion 2003-02 concerning the application of the Federal Election Campaign Act of 1971, as amended, ("the Act") and Commission regulations to the continuation of a partial reporting exemption for the Socialist Workers Party National Campaign Committee and committees supporting candidates of the Socialist Workers Party ("SWP").

Following discussion, the Chair recognized Vice Chairman Smith, who

MOVED to approve draft Advisory
Opinion 2003-02, as submitted in
Agenda Document No. 03-19.

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

III. NOTICE OF PROPOSED RULEMAKING ON TITLE 26 AND
NATIONAL CONVENTION/HOST COMMITTEES

Agenda Documents No. 03-20, No. 03-20-A,
No. 03-20-B, No. 03-20-C, No. 03-20-D,
and No. 03-20-E

(Submitted late)

Chair Weintraub recognized Vice Chairman Smith,
who

MOVED to suspend the rules on the
timely submission of agenda documents
in order to consider Agenda Document
No. 03-20, No. 03-20-A, No. 03-20-B,
No. 03-20-C, No. 03-20-D, and
No. 03-20-E.

The motion carried on the vote of 6-0.

The Chair recognized Mr. Duane Pugh of the General
Counsel's Office who presented an overview of the subject
draft.

Chair Weintraub recognized Commissioner Mason who
presented his proposed amendments as set forth in Agenda
Document No. 03-20-C.

A discussion followed. No action was taken
on Commissioner Mason's amendments.

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The meeting recessed at 11:15 A.M. and reconvened at 11:35 A.M. with a quorum present.

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III. NOTICE OF PROPOSED RULEMAKING ON TITLE 26 AND NATIONAL CONVENTION/HOST COMMITTEES

(continued)

The Chair recognized Vice Chairman Smith who addressed his proposed amendments in Agenda Document No. 03-20-B, which pertain to the effect of BCRA on Offsets. A discussion followed.

Chair Weintraub recognized Vice Chairman Smith, who

MOVED to delete the language in Agenda Document No. 03-20 on Page 84, Lines 1 through 11, and substitute the following in lieu thereof:

III. NOTICE OF PROPOSED RULEMAKING ON TITLE 26 AND
NATIONAL CONVENTION/HOST COMMITTEES

(continued)

"E. Effect of BCRA on Offsets

"The Commission has permitted convention committees to 'offset' in-kind contributions received from host committees that are deemed impermissible in post-convention audits. Rather than require repayment of 100% of these receipts, the convention committee may offset them with convention committee expenditures that could have been paid by the host committee. The Commission seeks comment on whether BCRA requires any reevaluation of this practice."

The motion carried on the vote of 6-0.

Chair Weintraub recognized Commissioner Toner who stated he was withdrawing the following amendments in Agenda Document No. 03-20-D: Page 48, Line 13, all bullets; Page 62, all bullets; Page 63, Line 8; Page 64, Lines 1-2; Page 68, Footnote 4. His proposed amendments were considered in tandem with the amendments submitted by the General Counsel's Office in Agenda Document No. 03-20-E.

III. NOTICE OF PROPOSED RULEMAKING ON TITLE 26 AND
NATIONAL CONVENTION/HOST COMMITTEES

(continued)

The Chair recognized Commissioner Toner,

who

MOVED to approve Agenda Document
No. 03-20-D, as amended at the
table, and Agenda Document
No. 03-20-E.

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

Note: The original vote was 5-0. By unanimous
consent, Commissioner McDonald was permitted to
cast his vote later in the meeting.

Chair Weintraub recognized Commissioner Toner
who presented an overview of his proposed amendments in
Agenda Document No. 03-20-A.

A discussion followed.

III. NOTICE OF PROPOSED RULEMAKING ON TITLE 26 AND
NATIONAL CONVENTION/HOST COMMITTEES

(continued)

The Chair recognized Commissioner Toner,

who

MOVED to approve the amendments
set forth in Agenda Document
No. 03-20-A.

The motion carried on the vote of 6-0.

Chair Weintraub recognized Commissioner Mason,

who

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

1. Approve the Notice of Proposed Rulemaking for publication in the *Federal Register*, as set forth in Agenda Document No. 03-20, as amended; and, to direct the Office of General Counsel to incorporate any technical and conforming amendments as appropriate.
2. Schedule a hearing on May 19, 2003, at 10:00 A.M.

There was further discussion.

The motion carried on the vote of 6-0.

IV. ROUTINE ADMINISTRATIVE MATTERS

FUTURE MEETING DATES

Agenda Document No. 03-21 (Submitted late)

The Chair recognized Vice Chairman Smith,

who

MOVED to suspend the rules on
the timely submission of agenda
documents in order to consider
Agenda Document No. 03-21.

The motion carried on the vote of 6-0.

Chair Weintraub recognized Vice Chairman

Smith, who

MOVED to approve the future
meeting dates, as submitted
in Agenda Document No. 03-21.

The motion carried on the vote of 6-0.

The meeting adjourned at 12:50 P.M.

Signed:

Ellen L. Weintraub
Chair

Attest:

Mary W. Dove
Secretary