

AGENDA DOCUMENT NO. 03-55

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, JULY 31, 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, July 31, 2003, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for July 17, 2003
Agenda Document No. 03-52

Chair Weintraub recognized Vice Chairman Smith, who

MOVED to approve the minutes
for the open meeting of
July 17, 2003, as submitted
in Agenda Document No. 03-52.

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

II. DRAFT ADVISORY OPINION 2003-11

Michigan Democratic State Central
Committee by counsel, Andrew Nickelhoff

Agenda Document No. 03-53

The Chair recognized Mr. Jonathan Levin of the General Counsel's Office who presented draft Advisory Opinion 2003-11 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to MDSCC's provision of "fringe benefits" such as insurance and retirement benefits to its employees. During his presentation, Mr. Levin offered the following amendment:

On Page 3, Line 13, insert
"("FEA")" after the word
"activity."

A discussion followed.

II. DRAFT ADVISORY OPINION 2003-11
(continued)

Chair Weintraub recognized Commissioner Toner,
who presented the following amendments to Agenda Document
No. 03-53:

1. Page 4, Line 12: insert the words
"who benefits from them." after
the word "employee.";
2. Page 4, Line 16: delete the word
"compensation" and substitute the
words "compensated time";
3. Page 5: Delete Lines 6 and 7, begin
the sentence on Line 8 by inserting
the words "The Commission";
4. Page 5, Line 9: insert "i.e.," after
the word "employee" and delete the
words "For instance,";
5. Page 5, Line 10: delete the words
"under such an approach";
6. Page 5, delete the sentence which
begins on Line 15 and ends on Line 17;
on Line 17, delete the first word in
the next sentence "Accordingly" and
begin that sentence with "The";

II. DRAFT ADVISORY OPINION 2003-11
(continued)

7. Page 5, Lines 20 and 21: delete the words "must be treated in the same manner as 'salaries and wages.'" replace with the words: "fall into the category of compensated time.";
8. Page 5, Line 21: Insert the word "Therefore," at the beginning of the sentence before "when."

Chair Weintraub recognized Vice Chairman Smith,
who

MOVED to approve draft Advisory
Opinion 2003-11, as set forth in
Agenda Document No. 03-53, subject
to the amendments noted above.

The motion carried on the vote of 6-0.

III. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 10:20 A.M.

Signed:

Ellen L. Weintraub
Chair of the Commission

Attest:

Mary W. Dove
Secretary of the
Commission