

AGENDA DOCUMENT NO. 03-40

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION

THURSDAY, JUNE 12, 2003

PRESENT: Ellen L. Weintraub, Chair, presiding  
Bradley A. Smith, Vice Chairman,  
presiding for a portion of the meeting  
David M. Mason, Commissioner  
Danny L. McDonald, Commissioner  
Scott E. Thomas, Commissioner  
Michael E. Toner, Commissioner  
Robert J. Costa, Deputy Staff Director  
for Audit and Review, representing  
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, June 12, 2003, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for May 15, 2003

Agenda Document No. 03-36

Chair Weintraub recognized Vice Chairman Smith, who

MOVED to approve the Minutes for the open meeting of Thursday, May 15, 2003, as submitted in Agenda Document No. 03-36.

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

II. ADVISORY OPINIONS

A. Draft Advisory Opinion 2003-10

Rory Reid and the Nevada State  
Democratic Party by counsel,  
Marc E. Elias

Agenda Document No. 03-39

Vice Chairman Smith, now presiding, stated  
Chair Weintraub had recused herself with respect to the  
above-subject matter and would not be present during the  
discussion.

The Vice Chairman recognized Mr. Kevin Deeley of  
the General Counsel's Office who presented draft Advisory  
Opinion 2003-10 concerning application of the Federal  
Election Campaign Act of 1971 (the "Act"), as amended by  
the Bipartisan Campaign Reform Act of 2002 ("BCRA"), and  
Commission regulations to certain fundraising activities  
that Mr. Reid, Clark County, Nevada Commissioner, plans to  
undertake on behalf of the Nevada State Democratic Party.

II. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2003-10  
(continued)

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

On Page 8, Line 23, the end of the sentence should read:

"May 19, 2003); probable jurisdiction noted, No.02-1674, et al. (U.S. June 5, 2003)."

Following discussion, Vice Chairman Smith recognized Commissioner McDonald, who

MOVED to approve draft Advisory Opinion 2003-10, as submitted in Agenda Document No. 03-39, subject to the amendment noted above.

The motion carried on the vote of 5-0 with Commissioners Mason, McDonald, Smith, Thomas, and Toner voting affirmatively.

II. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2003-10  
(continued)

The Vice Chairman stated that a concurring opinion would be issued jointly by him and Commissioners Mason and Toner which addresses certain matters not included in the opinion.

B. Draft Advisory Opinion 2003-13

American Academy of Ophthalmologists, Inc.  
by Steven L. Miller, Director, OPHTHPAC

Agenda Document No. 03-38

Chair Weintraub, now presiding, recognized Ms. Cheryl Hemsley of the General Counsel's Office who presented draft Advisory Opinion 2003-13 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the member status of AAO's Members-in-Training.

II. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2003-13  
(continued)

In her presentation, Ms. Hemsley offered the following amendment:

On Page 2, Footnote 1, insert the following sentence at the end of the footnote:

"The Committee should refer to 11 CFR 110.20(a)(3) to ensure that the committee safeguards itself from accepting prohibited contributions from any member of AAO who meets the definition of a foreign national."

The Chair recognized Vice Chairman Smith,  
who

MOVED to approve draft Advisory Opinion 2003-13, as set forth in Agenda Document No. 03-38, as amended 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 10:25 A.M.

Signed:

Ellen L. Weintraub  
Chair

Attest:

Mary W. Dove  
Secretary