



FEDERAL ELECTION COMMISSION
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AGENDA ITEM

For Meeting of: 11-20-03

MEMORANDUM

SUBMITTED LATE

DATE: November 19, 2003

TO: The Commission

FROM: Commissioner Michael E. Toner *MT*

RE: Proposed Amendments to Agenda Document 03-90 Final Rules and Explanation and Justification on Travel on Behalf of Candidates and Political Committees

Attached please find proposed amendments that I am considering offering on November 20, 2003 to amend Agenda Document 03-90.

- Page 5, line 23: change "as" to "is"
- Page 16, line 11: strike "the" and replace with "campaign"
Strike "to her candidate's fundraiser" and replace with "without the payment constituting an in-kind contribution"
- Page 16, fn 4, line 3: strike "party"
Insert "of each political party" after "committees"
- Page 19, line 5: strike "the" before "candidates"
- Page 22, line 19: strike "time of departure" and replace with "dates traveled"
- line 20: strike "for the time of departure" and replace with "available for the dates traveled."
- Page 23, lines 4-5: strike "at the time the means of campaign travel is secured" and replace with "for the dates traveled."
- Page 30, lines 21-22: strike "for the time" to the end of the sentence. Replace with "for the dates traveled."
- Page 31, line 22: Insert after the last sentence "A political committee also may treat the matter as a disputed debt under 11 CFR 116.10."
- Page 34, lines 12-13: strike "reflect an ordinary" through the end of the sentence and replace with "be an unrestricted non-discounted rate available to the general public for the dates traveled."

- Page 34, line 15: insert "or advance purchase fares" after "fares"
- Pages 34-35, lines 20-5: Strike beginning with "Standard advance" through "before departure."
- Page 35, line 7: Insert "at an unrestricted non-discounted fare" after "flight"
- Pages 35, lines 20-22: Strike "In other cases" through "payment in advance" and replace with "that require payment at a higher amount than called for by section 100.93"
- Page 36, line 1: Insert "Under these limited circumstances," before "a new paragraph"
- Page 36, line 2: insert "that uses a state or local government conveyance" after "traveler"
- Page 36, line 6: insert after period the sentence "In all other respects, state or local laws are preempted with respect to travel in connection with a Federal election to the extent they purport to supplant the rates or timing requirements of 11 CFR 100.93."
- Page 36, line 6: strike "In contrast" and replace with "Accordingly"
- Page 50, lines 5-7: rewrite so that it reads: "the payment rate must be an unrestricted non-discounted rate available to the general public for the dates traveled. The payment rate must be determined by the time payment is due under paragraph (c) of this section."
- Page 50, lines 8-12: rewrite as following:
- (g) Preemption
 - (1) With respect to campaign travelers who use state or local government conveyances, the requirements of this section do not preempt any State or local law that:
 - (i) Requires a higher rate.....
 - (ii) Requires payment for travel.....
 - (2) In all other respects, state or local laws are preempted with respect to travel in connection with a Federal election to the extent they purport to supplant the rates or timing requirements of 11 CFR 100.93.
- Page 51, line 12: strike "and times"