AGENDA DOCUMENT NO. 03-99

MINUTES OF AN OPEN MEETING

OF THE

FEDERAL ELECTION COMMISSION

THURSDAY, DECEMBER 4, 2003

PRESENT: Ellen L. Weintraub, Chair, presiding

David M. Mason, Commissioner

Danny L. McDonald, 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, December 4, 2003, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for November 20, 2003

Agenda Document No. 03-92

Chair Weintraub recognized Commissioner Toner, who

> MOVED to approve the Minutes for the open meeting of Thursday, November 20, 2003, as submitted in Agenda Document No. 03-92.

The motion carried on the vote of 4-0 with Commissioners Mason, McDonald, Toner, and Weintraub voting affirmatively.

II. DRAFT ADVISORY OPINION 2003-31

Senator Mark Dayton by counsel, Marc E. Elias and Brian T. Svoboda

The Chair noted for the record that the draft Advisory Opinion had been withdrawn by the Office of General Counsel, and a revised draft would be considered at the next open meeting on December 11, 2003.

III. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON TRAVEL ON BEHALF OF CANDIDATES AND POLITICAL COMMITTEES

Agenda Document No. 03-93

Chair Weintraub recognized Commissioner Toner, who

> MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 03-93.

The motion carried on the vote of 4-0 with Commissioners Mason, McDonald, Toner, and Weintraub voting affirmatively.

III. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON TRAVEL ON BEHALF OF CANDIDATES AND POLITICAL COMMITTEES

(continued)

Chair Weintraub recognized Mr. Richard Ewell of the General Counsel's Office who presented the following amendments to Agenda Document No. 03-93:

Page 7, Lines 17-19: delete the sentence which begins on Line 17 and ends on Line 19, and replace with the sentence "The purpose of new section 100.93 is to provide clear guidance to campaign travelers, not to describe the business practices of service providers."

Page 11, Line 23: delete "travel-"

Page 19, Line 1 and throughout the document, change "air fare" to "airfare"

Page 24, Line 6: insert the word "the" at the beginning of the line

Page 24, Line 7: delete both uses of the word "airport" and replace with the word "city"

Page 35, Line 21: change "dependant" to "dependent."

III. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON TRAVEL ON BEHALF OF CANDIDATES AND POLITICAL COMMITTEES

(continued)

There was a discussion of Paragraph (a)(2) Means of transportation outside the scope of 11 CFR 100.93.

Chair Weintraub recognized Commissioner Mason, who

> MOVED to approve Agenda Document No. 03-93, as amended by the technical amendments noted above, and further amended by the deletion of Lines 1 through 11 on Page 11 and the sentence which begins on Line 1 through Line 4 on Page 49, for publication in the *Federal Register*.

Chair Weintraub recognized Commissioner McDonald, who

> MOVED IN A SUBSTITUTE MOTION to approve Agenda Document No. 03-93, as amended by the technical amendments noted above, for publication in the *Federal Register*.

The substitute motion failed by a vote of 2-2 with Commissioners McDonald and Weintraub voting affirmatively. Commissioners Mason and Toner dissented.

III. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON TRAVEL ON BEHALF OF CANDIDATES AND POLITICAL COMMITTEES

(continued)

The discussion resumed.

Chair Weintraub recognized Commissioner Mason who moved the original motion to approve the Final Rules and Explanation and Justification on Travel on Behalf of Candidates and Political Committees, as contained in Agenda Document No. 03-93, subject to the amendments noted above, and further amended by the deletion of Lines 1 through 11 on Page 11 and the deletion of the sentence which begins on Line 1 through Line 4 on Page 49, and to authorize the Office of General Counsel to make any necessary technical and conforming amendments, for publication in the *Federal Register*.

The motion carried on the vote of 4-0 with Commissioners Mason, McDonald, Toner, and Weintraub voting affirmatively for the decision.

IV. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 10:50 A.M.

Signed:

Ellen L. Weintraub
Chair of the Commission

Attest:

Mary W. Dove
Secretary of the Commission