



AGENDA DOCUMENT NO. 04-102

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION**

THURSDAY, OCTOBER 28, 2004

PRESENT:

Bradley A. Smith, Chairman, presiding

Ellen L. Weintraub, Vice Chair

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

Chairman Bradley A. Smith called the Federal Election Commission to order in an open meeting at 10:20 A.M. on Thursday, October 28, 2004, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for October 21, 2004
Agenda Document No. 04-96**

Chairman Smith recognized Vice Chair Weintraub, who

**MOVED to approve the minutes for the
Open Meeting of Thursday, October 21,
2004, as submitted in Agenda
Document No. 04-96.**

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

II. DRAFT ADVISORY OPINIONS

**A. Draft Advisory Opinion 2004-38
(Alternative Drafts)**

**George Nethercutt and the Nethercutt for Senate Committee
by counsel, Stephen M. Hoersting and Tim McKeever.**

Agenda Document No. 04-99

**This advisory opinion request was withdrawn by the
requester.**

II. **DRAFT ADVISORY OPINIONS** (continued)

B. **Draft Advisory Opinion 2004-39**
Washington State Republican Party by Chairman,
Chris Vance

Assigned Agenda Document No. 04-101

This Advisory Opinion Request was held over to the meeting
of November 4, 2004.

III. **FINAL RULES ON COORDINATED AND INDEPENDENT**
EXPENDITURES BY PARTY COMMITTEES (11 CFR 109.35)

Agenda Document No. 04-98 (Submitted late)

The Chairman recognized Vice Chair Weintraub, who

MOVED to suspend the rules on the timely
submission of agenda documents in order
to consider Agenda Document No. 04-98.

The motion carried on the vote of 6-0.

Chairman Smith recognized Mr. Ron Katwan of the General
Counsel's Office who presented the subject document.

The Chairman recognized Commissioner Thomas, who

MOVED to approve the Final Rules and Explanation
and Justification on Coordinated and Independent
Expenditures by Party Committees (11 CFR 109.35),
as submitted in Agenda Document No. 04-98, for
publication in the *Federal Register* and transmittal
to Congress.

The motion carried on the vote of 6-0.

IV. **FINAL RULES AND EXPLANATION AND JUSTIFICATION
FOR POLITICAL COMMITTEE STATUS**

**Agenda Documents No. 04-100
and No. 04-100-A**

Chairman Smith recognized Vice Chair Weintraub who

**MOVED to suspend the rules on the
timely submission of Agenda
Documents in order to consider
Agenda Documents No. 04-100 and
No. 04-100-A.**

The motion carried on the vote of 6-0.

The Chairman recognized Ms. Mai Dinh of the General
Counsel's Office who reviewed the above-captioned matter.

A discussion followed.

Chairman Smith recognized Vice Chair Weintraub who
reviewed the proposed amendments in Agenda Document
No. 04-100-A, which she and Commissioner Toner had submitted
for consideration.

There was discussion.

The Chair recognized Vice Chair Weintraub, who

**MOVED to approve the amendments,
as set forth in Agenda Document
No. 04-100-A.**

IV. **FINAL RULES AND EXPLANATION AND JUSTIFICATION
FOR POLITICAL COMMITTEE STATUS** (continued)

The motion carried on the vote of 4-2 with Commissioners

Mason, Smith, Toner, and Weintraub voting affirmatively.

Commissioners McDonald and Thomas dissented.

Chairman Smith recognized the Vice Chair, who

MOVED to approve the Explanation and Justification and the revisions to the Final Rules for Political Committee Status, as contained in Agenda Document No. 04-100, as amended by Agenda Document No. 04-100-A, and to incorporate any necessary technical and conforming amendments for publication in the *Federal Register* and transmittal to Congress.

The motion carried on the vote of 4-2 with Commissioners

Mason, Smith, Toner, and Weintraub voting affirmatively.

Commissioners McDonald and Thomas dissented.

V. **REPORT OF THE AUDIT DIVISION ON THE CONSERVATIVE
LEADERSHIP POLITICAL ACTION COMMITTEE**

Agenda Document No. 04-97

Held over to the meeting of November 18, 2004.

VI. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 10:55 A.M.

Signed:

**Bradley A. Smith
Chairman of the Commission**

Attest:

**Mary W. Dove
Secretary of the Commission**