



AGENDA DOCUMENT NO. 04-60

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

THURSDAY, JUNE 24, 2004

PRESENT:

Ellen L. Weintraub, Vice Chair, presiding
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

Vice Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, June 24, 2004, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for June 10, 2004
Agenda Document No. 04-54**

Vice Chair Weintraub recognized Commissioner Toner, who

MOVED to approve the minutes for the Open Meeting of Thursday, June 10, 2004, as submitted in Agenda Document No. 04-54.

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

II. ADVISORY OPINIONS

A. Reconsideration of Advisory Opinion 2004-12

Democrats for the West

**Agenda Documents No. 04-58 and No. 04-59
(Submitted late)**

**Agenda Documents No. 04-53, No. 04-53-A, No. 04-53-B,
No. 04-53-C (Previously considered on June 10, 2004)**

**Vice Chair Weintraub recognized Commissioner Toner,
who**

II. ADVISORY OPINIONS (continued)

A. Reconsideration of Advisory Opinion 2004-12 ((continued))

**MOVED that pursuant to 11 CFR § 2.7(d)
of the Sunshine Regulations the Commission
add to the agenda the item titled:
"Reconsideration of Advisory Opinion
2004-12."**

The motion carried on the vote of 5-0 with Commissioners

Mason, McDonald, Thomas, Toner, and Weintraub voting affirmatively.

The Vice Chair recognized Commissioner Toner, who

**MOVED to suspend the rules on the
timely submission of agenda documents
in order to consider Agenda Documents
No. 04-58 and No. 04-59.**

The motion carried on the vote of 5-0 with Commissioners

Mason, McDonald, Thomas, Toner, and Weintraub voting affirmatively.

**Vice Chair Weintraub recognized Commissioner Thomas who
stated he would not offer a motion for reconsideration of Advisory
Opinion 2004-12. During the discussion which followed, there was a
proposal to hold this issue in abeyance until it can be addressed in a
rulemaking context. No action was taken.**

II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2004-15

Bill of Rights Educational Foundation by David T. Hardy

**Agenda Documents No. 04-57 and No. 04-57-A
(Submitted late)**

Vice Chair Weintraub recognized Commissioner Toner, who

**MOVED to suspend the rules on the
timely submission of agenda documents
in order to consider Agenda Documents
No. 04-57 and No. 04-57-A.**

The motion carried on the vote of 5-0 with Commissioners

Mason, McDonald, Thomas, Toner, and Weintraub voting affirmatively.

**The Vice Chair recognized Mr. Michael Marinelli of the General
Counsel's Office who presented draft Advisory Opinion 2004-15 concern-
ing the application of the Federal Election Campaign Act of 1971, as
amended (the "Act"), and Commission regulations to advertising the
Bill of Rights Educational Foundation and Mr. Hardy plan to undertake.**

**The Vice Chair reviewed the amendments she proposed in
Agenda Document No. 04-57-A. A discussion followed.**

II. **ADVISORY OPINIONS** (continued)

B. **Draft Advisory Opinion 2004-15** (continued)

The Vice Chair recognized Commissioner McDonald, who

MOVED to approve draft Advisory Opinion 2004-15, as submitted in Agenda Document No. 04-57, as amended by Agenda Document No. 04-57-A, and to include any technical amendments as necessary.

The motion carried on the vote of 5-0 with Commissioners

Mason, McDonald, Thomas, Toner, and Weintraub voting affirmatively.

C. **Draft Advisory Opinion 2004-17**

Becky Armendariz Klein, candidate for U.S. House of Representatives, Texas - District 25

Agenda Document No. 04-55

Vice Chair Weintraub recognized Ms. Margaret Perl of the General Counsel's Office who presented draft Advisory Opinion 2004-17 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to Ms. Klein's part-time paid employment as a consultant with a law firm during the time that she is a Federal candidate. During her presentation, Ms. Perl noted the following amendments:

II. ADVISORY OPINIONS (continued)

C. Draft Advisory Opinion 2004-17 (continued)

Page 4, Lines 4 and 5, delete the words "Based on your representation" and replace with the words "You represent..."

Page 4, Line 8, change the comma to a period after the word "services" and insert the following words at the beginning of the next sentence: "Assuming your representations are correct..."

**Vice Chair Weintraub recognized Commissioner McDonald,
who**

MOVED to approve draft Advisory Opinion 2004-17, as submitted in Agenda Document No. 04-55, subject to the amendments noted above.

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

**III. NOTICE OF PROPOSED RULEMAKING ON COORDINATED AND
INDEPENDENT EXPEDITURES BY PARTY COMMITTEES
(11 CFR 109.35)**

Agenda Document No. 04-56

Vice Chair Weintraub recognized Mr. Ron Katwan of the General Counsel's Office who presented the subject document.

A discussion followed.

The Vice Chair recognized Commissioner Toner, who

MOVED to approve the draft Notice of Proposed Rulemaking on Coordinated and Independent Expenditures by Party Committees (11 CFR 109.35), as set forth in Agenda Document No. 04-56, for publication in the *Federal Register*.

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

IV. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 10:55 A.M.

Signed:

**Ellen L. Weintraub
Vice Chair of the Commission**

Attest:

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