



AGENDA DOCUMENT NO. 04-93

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

THURSDAY, OCTOBER 7, 2004

PRESENT:

Danny L. McDonald, Commissioner, presiding

David M. Mason, Commissioner

Scott E. Thomas, Commissioner

Michael E. Toner, Commissioner

James A. Pehrkon, Staff Director

**James A. Kahl, Deputy General Counsel,
representing Lawrence H. Norton,
General Counsel**

Mary W. Dove, Secretary

Commissioner Danny L. McDonald called the Federal Election Commission to order in an open meeting at 11:30 A.M. on Thursday, October 7, 2004, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for September 30, 2004
Agenda Document No. 04-92**

Commissioner McDonald recognized Commissioner Thomas, who

MOVED to approve the minutes for the Open Meeting of Thursday, September 30, 2004, as submitted in Agenda Document No. 04-92.

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

II. DRAFT ADVISORY OPINION 2004-36

Mark Risley/Mark Risley for Congress

Agenda Document No. 04-91 (Submitted late)

Commissioner McDonald recognized Commissioner Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 04-91.

II. DRAFT ADVISORY OPINION 2004-36 (continued)

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

Commissioner McDonald recognized Mr. Michael Marinelli of the General Counsel's Office who presented draft Advisory Opinion 2004-36 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to an inquiry regarding the proper way for the principal campaign committee, Risley for Congress ("the Committee"), to report in-kind contributions received.

Commissioner McDonald recognized Commissioner Toner, who

**MOVED to approve draft Advisory Opinion
2004-36, as submitted in Agenda Document
No. 04-91.**

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

III. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 11:38 A.M.

Signed:

**Danny L. McDonald
Commissioner**

Attest:

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