



**AGENDA DOCUMENT NO. 05-17**

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

**THURSDAY, MARCH 24, 2005**

**PRESENT:**

**Scott E. Thomas, Chairman, presiding**

**Michael E. Toner, Vice Chairman**

**David M. Mason, Commissioner**

**Danny L. McDonald, Commissioner**

**Bradley A. Smith, Commissioner**

**Ellen L. Weintraub, Commissioner**

**John C. O'Brien, Acting Deputy Staff  
Director for Management, representing  
James A. Pehrkon, Staff Director**

**Lawrence H. Norton, General Counsel**

**Mary W. Dove, Secretary**

**Chairman Scott E. Thomas called the Federal Election Commission to order in an open meeting at 10:10 A.M. on Thursday, March 24, 2005, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for March 10, 2005  
Agenda Document No. 05-15**

**Chairman Thomas recognized Vice Chairman Toner, who**

**MOVED to approve the minutes for the Open Meeting of Thursday, March 10, 2005, as submitted in Agenda Document No. 05-15.**

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

**II. NOTICE OF PROPOSED RULEMAKING ON THE INTERNET: DEFINITIONS OF "PUBLIC COMMUNICATION" AND "GENERIC CAMPAIGN ACTIVITY," AND DISCLAIMERS**

**Agenda Document No. 05-16 (Submitted late)**

**The Chairman recognized Vice Chairman Toner, who**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 05-16.**

**The motion carried on the vote of 6-0.**

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**II. NOTICE OF PROPOSED RULEMAKING ON THE INTERNET:  
DEFINITIONS OF "PUBLIC COMMUNICATION" AND "GENERIC  
CAMPAIGN ACTIVITY," AND DISCLAIMERS (continued)**

Chairman Thomas recognized Commissioner Weintraub, a member of the Regulations Committee, who presented an opening statement regarding the rulemaking. Vice Chairman Toner, also a member of the Regulations Committee, presented his statement, followed by preliminary remarks by the remaining Commissioners.

Following discussion, Chairman Thomas recognized Vice Chairman Toner, who

**MOVED to approve the draft Notice of Proposed Rulemaking, as set forth in Agenda Document No. 05-16, for publication in the *Federal Register*, subject to the following modifications:**

- a. Amend Page 22, Line 10, by inserting "Could or" before both examples of "Should,"
- b. Authorize the Office of General Counsel to make any necessary technical or conforming amendments,
- c. Set the dates of June 28 and 29, 2005, for the hearing on the proposed rules.

Chairman Thomas recognized Commissioner Mason, who

**MOVED IN A SUBSTITUTE MOTION to delete the language on Page 21, beginning at Line 18 (B. Bloggers Paid by Candidates), through Page 22, Line 14, in Agenda Document No. 05-16.**

**II. NOTICE OF PROPOSED RULEMAKING ON THE INTERNET:  
DEFINITIONS OF "PUBLIC COMMUNICATION" AND "GENERIC  
CAMPAIGN ACTIVITY," AND DISCLAIMERS (continued)**

**The substitute motion failed to carry on a vote of 1-5 with  
Commissioner Mason voting affirmatively. Commissioners McDonald,  
Smith, Thomas, Toner, and Weintraub dissented.**

**The main motion carried on a vote of 5-1 with Commissioners  
McDonald, Smith, Thomas, Toner, and Weintraub voting affirmatively.  
Commissioner Mason dissented.**

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**The meeting recessed at 11:45 A.M. and reconvened at 11:55  
A.M. with a quorum present.**

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**III. LEGISLATIVE RECOMMENDATIONS 2005**

**Agenda Document No. 05-14**

**(Held over from the meeting of March 10, 2005)**

**Chairman Thomas recognized Ms. Dorothy Yeager of the Information Division who presented an overview of the subject document.**

**The Chairman recognized Commissioner Weintraub, who**

**MOVED to approve the legislative recommendations, as set forth in Agenda Document No. 05-14, as modified to identify the following as priority recommendations:**

- 1. Addition of Commission to the list of agencies authorized to issue immunity orders under Title 18,**
- 2. Increase the record retention period from three years to five years,**
- 3. Persons who can be named as respondents,**
- 4. Making permanent the administrative fine program,**
- 5. Electronic filing of Senate reports;**

**and, to modify the transmittal letter accordingly, for transmission to the President and Congress.**

**The motion carried on the vote of 6-0.**

**IV. ROUTINE ADMINISTRATIVE MATTERS**

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

**The meeting adjourned at 12:05 P.M.**

**Signed:**

**Scott E. Thomas  
Chairman of the Commission**

**Attest:**

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