

AGENDA DOCUMENT NO. 03-76  
APPROVED OCTOBER 16, 2003

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION

THURSDAY, OCTOBER 9, 2003

PRESENT: Ellen L. Weintraub, Chair, presiding  
Bradley A. Smith, Vice Chairman  
David M. Mason, Commissioner  
Danny L. McDonald, Commissioner  
Scott E. Thomas, 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, October 9, 2003, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for September 25, 2003

Agenda Document No. 03-71

Chair Weintraub recognized Vice Chairman Smith, who

MOVED to approve the Minutes for the Open Meeting of Thursday, September 25, 2003, as submitted in Agenda Document No. 03-71.

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

II. ADVISORY OPINIONS

A. Draft Advisory Opinion 2003-23

Women Engaged in Leadership, Education, and  
Action in Democracy ("WE LEAD") by counsel,  
Joseph E. Sandler and Neil P. Reiff

Agenda Document No. 03-72

Chair Weintraub recognized Vice Chairman Smith,

who

MOVED to suspend the rules on  
the timely submission of agenda  
documents in order to consider  
Agenda Document No. 03-72.

The motion carried on the vote of 6-0.

The Chair recognized Mr. Robert Knop of the  
General Counsel's Office who presented draft Advisory  
Opinion 2003-23, concerning the application of the Federal  
Election Campaign Act of 1971, as amended ("the Act"), and  
Commission regulations to the earmarking, collection, and  
forwarding of contributions from individual donors to the  
presumptive Democratic Presidential nominee.



II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2003-24

National Center for Tobacco Free Kids  
("NCTFK") by counsel, Michael B. Trister

Agenda Documents No. 03-73  
and No. 03-73-A

Chair Weintraub recognized Vice Chairman Smith,

who

MOVED to suspend the rules on  
the timely submission of agenda  
documents in order to consider  
Agenda Documents No. 03-73 and  
No. 03-73-A.

The motion carried on the vote of 6-0.

Chair Weintraub recognized Mr. Jonathan Levin  
of the General Counsel's Office who presented draft  
Advisory Opinion 2003-24 and a proposed alternate draft,  
concerning the application of the Federal Election Campaign  
Act of 1971, as amended ("the Act"), and Commission  
regulations to the use of contributor information contained  
in the disclosure reports that candidate and other political  
committees file with the Commission.

II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2003-24  
(continued)

During his presentation, Mr. Levin noted the following amendment on both drafts:

On Page 3, Line 4, insert the parenthetical statement "(including public health groups and anti-tobacco organizations)" after the word "organizations."

Following discussion, Chair Weintraub recognized Vice Chairman Smith, who

MOVED to approve Draft B of Advisory Opinion 2003-24, as submitted in Agenda Document No. 03-73-A, subject to the amendment noted above.

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

III. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 12:15 P.M.

Signed:



Ellen L. Weintraub  
Chair of the Commission

Attest:



Mary W. Dove  
Secretary of the  
Commission

