



**AGENDA DOCUMENT NO. 04-102**  
**APPROVED NOVEMBER 18, 2004**

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**This advisory opinion request was withdrawn by the  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

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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.**

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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**

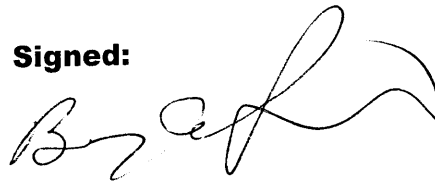
**Held over to the meeting of November 18, 2004.**

**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**