

AGENDA DOCUMENT NO. 04-15
APPROVED FEBRUARY 18, 2004

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, JANUARY 29, 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 2:05 P.M. on Thursday, January 29, 2004, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

- A. Minutes for January 7, 2004
Agenda Document No. 04-06
- B. Minutes for January 15, 2004
Agenda Document No. 04-07

Chairman Smith recognized Vice Chair Weintraub who

MOVED to approve the minutes for the Open Meetings of Wednesday, January 7, 2004, and Thursday, January 15, 2004, as submitted in Agenda Documents No. 04-06 and No. 04-07, respectively.

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

II. DRAFT ADVISORY OPINION 2004-01

Bush-Cheney '04, Inc. and Alice Forgy Kerr
for Congress by Messrs. Benjamin L. Ginsberg,
Thomas J. Josefiak, and William H. Piper, III

Agenda Documents No. 04-08, No. 04-08-A,
No. 04-08-B, and No. 04-08-C

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. 04-08, No. 04-08-A, No. 04-08-B,
and No. 04-08-C.

The motion carried on the vote of 6-0.

Chairman Smith recognized Mr. J. Duane Pugh, Jr.,
of the General Counsel's Office who presented an overview
of the subject document, and he noted the following amendment:

Page 5, Lines 13 and 14, delete the words
"expressly for its advertisements."

II. DRAFT ADVISORY OPINION 2004-01 (continued)

The Chair recognized Commissioner Mason who presented his proposed amendment, as contained in Agenda Document No. 04-08-C. A discussion followed.

At the conclusion of the discussion, Chairman Smith recognized Commissioner Mason, who

MOVED to revise Agenda Document No. 04-08, with regard to disclaimers, to state the Commission has made no decision regarding ads run prior to January 19, 2004.

The motion failed by a vote of 3-3 with Commissioners Mason, Smith, and Toner voting affirmatively. Commissioners McDonald, Thomas, and Weintraub dissented.

The proposed amendments set forth in Agenda Documents No. 04-08-A and No. 04-08-B by Chairman Smith and Commissioner Toner, respectively, were addressed. There was further discussion.

II. DRAFT ADVISORY OPINION 2004-01 (continued)

The Chair recognized Vice Chair Weintraub,
who

MOVED to approve Agenda Document
No. 04-08, subject to the follow-
ing amendments:

- a) Page 5, delete Lines 11
through 15, beginning with the
word "Moreover" on Line 11;
- b) Page 10, Line 21, include
the cite "11 CFR 110.11(c)(1)";
- c) Include the amendment in
Agenda Document No. 04-08-A, as
amended to incorporate technical
amendments, as necessary;
- d) Include the amendments in
Agenda Document No. 04-08-B.

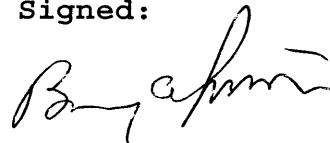
The motion carried on the vote of 6-0.

III. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 3:30 P.M.

Signed:



Bradley A. Smith
Chairman of the Commission

Attest:



Mary W. Dove
Secretary of the Commission