

*Public
Disclosure*

AGENDA DOCUMENT NO. 00-98
APPROVED OCTOBER 12, 2000

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, SEPTEMBER 14, 2000

PRESENT: Darryl R. Wold, Chairman, Presiding
Danny L. McDonald, Vice Chairman
David M. Mason, Commissioner
Karl J. Sandstrom, Commissioner
Bradley A. Smith, Commissioner
Scott E. Thomas, Commissioner
James A. Pehrkon, Staff Director
Lawrence M. Noble, General Counsel
Mary W. Dove, Acting Secretary

Chairman Darryl R. Wold called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, September 14, 2000, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for August 24, 2000
Agenda Document No. 00-84

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve the minutes for the open meeting of August 24, 2000, as submitted in Agenda Document No. 00-84.

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

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It was agreed without objection to hold over to the next open meeting on September 21, 2000 the following agenda items:

V. AUDIT MATTERS

B. Dole for President, Inc.-Statement of Reasons (LRA#467)
Agenda Document No. 00-81

C. Dole/Kemp'96, Inc.-Statement of Reasons (LRA#506)
Agenda Document No. 00-82

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II. ADVISORY OPINIONS

A. Draft Advisory Opinion 2000-20
Committee for Quality Cancer Care by counsel, Brett G. Kappel
Agenda Document No. 00-86

Chairman Wold recognized Mr. Michael Marinelli of the General Counsel's Office who presented draft Advisory Opinion 2000-20, concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations to the creation of a proposed non-connected political action committee by several individuals.

II. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2000-20
(continued)

Chairman Wold recognized Vice Chairman McDonald,
who

MOVED to approve draft Advisory
Opinion 2000-20, as submitted in
Agenda Document No. 00-86.

The motion carried on the vote of 6-0.

B. Draft Advisory Opinion 2000-22

Air Transportation Association of America,
American Land Title Association, Council
of Insurance Agents and Brokers, Independent
Insurance Agents of America, and the Society
of Independent Gasoline Marketers of America
by counsel, Scott A. Sinder and Stephen Gold

Agenda Document No. 00-87

Chairman Wold recognized Mr. Jonathan Levin of
the General Counsel's Office who presented draft Advisory
Opinion 2000-22, concerning the application of the Federal
Election Campaign Act of 1971, as amended ("the Act"), and
Commission regulations to the use of an electronic signature
by a corporate representative to authorize solicitations by
a trade association for contributions to its separate
segregated fund.

II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2000-22
(continued)

Chairman Wold recognized Vice Chairman
McDonald, who

MOVED to approve draft Advisory
Opinion 2000-22, as submitted in
Agenda Document No. 00-87.

The motion carried on the vote of 6-0.

III. TITLE 26 MATTERS

Chairman Wold recognized Vice Chairman
McDonald, who

MOVED to suspend the rules on
the timely submission of agenda
documents in order to consider
Agenda Documents No. 00-92 and
No. 00-93.

The motion carried on the vote of 6-0.

III. TITLE 26 MATTERS (continued).

- A. Draft Statements of Reasons - Petitions to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster (LRAs#598/599)

(continued from meeting of September 12, 2000)

Agenda Documents No. 00-90
and No. 00-93

- B. Final Determination and Statement of Reasons-Entitlement of Patrick Buchanan and Ezola Foster to Pre-election Funding (LRA#596)

Agenda Document No. 00-92

Chairman Wold recognized Ms. Kim Leslie Bright of the General Counsel's Office to summarize the documents which were submitted late.

It was noted that for purposes of discussion, both documents would be considered at the same time.

III. TITLE 26 MATTERS (continued)

- A. Draft Statements of Reasons - Petitions to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster (LRA#598/599) (continued)

Agenda Documents No. 00-90
and No. 00-93

- B. Final Determination and Statement of Reasons-Entitlement of Patrick Buchanan and Ezola Foster to Pre-election Funding (LRA#596) (continued)

Agenda Document No. 00-92

Following discussion, Chairman Wold recognized Vice Chairman McDonald, who

MOVED to take the following actions in Agenda Document No. 00-90:

1. Deny the request filed by Mr. James Mangia to withhold certification of public funding to Patrick J. Buchanan and Ezola Foster for the 2000 general election.
2. Deny the request filed by the New York Delegation to the Reform Party Convention to withhold certification of public funding to Patrick J. Buchanan and Ezola Foster for the 2000 general election.
3. Approve the appropriate notification letters.

The motion carried on the vote of 5-0 with Commissioners McDonald, Sandstrom, Smith, Thomas, and Wold voting affirmatively. Commissioner Mason abstained.

III. TITLE 26 MATTERS (continued)

- A. Draft Statements of Reasons - Petitions to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster (LRAs#598/599) (continued)

Agenda Documents No. 00-90
and No. 00-93

- B. Final Determination and Statement of Reasons-Entitlement of Patrick Buchanan and Ezola Foster to Pre-election Funding (LRA#596) (continued)

Agenda Document No. 00-92

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve the Statement of Reasons, as submitted in Agenda Document No. 00-90.

The motion failed on a vote of 3-2 with Commissioners McDonald, Smith, and Thomas voting affirmatively. Commissioners Sandstrom and Wold dissented. Commissioner Mason abstained.

III. TITLE 26 MATTERS (continued)

- A. Draft Statements of Reasons - Petitions to Deny Certification of Public Funds to Patrick J. Buchanan and Esola Foster (LRAs#598/599) (continued)

Agenda Documents No. 00-90
and No. 00-93

- B. Final Determination and Statement of Reasons-Entitlement of Patrick Buchanan and Esola Foster to Pre-election Funding (LRAs#596) (continued)

Agenda Document No. 00-92

With reference to the Statement of Reasons, as set forth in Agenda Document No. 00-90, it was agreed without objection to instruct the Office of General Counsel to prepare a Statement of Reasons in two parts: one, to support the denial of the request on the grounds that it is not properly before the Commission in a manner that requires its determination; two, if it were before the Commission, it would be denied for the reasons stated in the meeting; and, third, the revised Statement of Reasons to be circulated to the Commission on a tally vote with a ballot which permits separate votes as to each part.

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The meeting recessed at 11:35 A.M.--and reconvened
at 11:50 A.M. with a quorum present.

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III. TITLE 26 MATTERS (continued)

- B. Final Determination and Statement of
Reasons-Entitlement of Patrick Buchanan
and Ezola Foster to Pre-election Funding
(LRA#596) (continued)

Agenda Document No. 00-92

Chairman Wold recognized Vice Chairman
McDonald, who

MOVED to approve the recommenda-
tions, as submitted in Agenda
Document No. 00-92.

A discussion followed during which Commissioner
Sandstrom requested that the vote on the recommendations
be divided; this was accepted by the mover of the motion.

III. TITLE 26 MATTERS (continued)

B. Final Determination and Statement of
Reasons-Entitlement of Patrick Buchanan
and Ezola Foster to Pre-election Funding
(LRA#596) (continued)

Agenda Document No. 00-92

Chairman Wold recognized Vice Chairman
McDonald, who

MOVED in a substitute motion to take
the following actions in Agenda
Document No. 00-92:

1. Make a final determination that
Patrick J. Buchanan and Ezola
Foster as Reform Party candidates
for the office of President and
Vice President, are entitled to
pre-election payments totaling
\$12,613,452 pursuant to 26 U.S.C.
§9004(a)(2).
2. Approve the appropriate notification
letter.

The motion carried on the vote of 6-0.

III. TITLE 26 MATTERS (continued)

- B. Final Determination and Statement of Reasons-Entitlement of Patrick Buchanan and Ezola Foster to Pre-election Funding (LRA#596) (continued)

Agenda Document No. 00-92

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve the draft Statement of Reasons, as set forth in Agenda Document No. 00-92, as amended to include in the attachments a copy of the California Superior Court's opinion in this case.

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

IV. REVISIONS TO FEC REPORTING FORMS

A. Revisions to Reporting Forms and Instructions

(continued from meeting of August 24, 2000)

Agenda Documents No. 00-89
and No. 00-89-A

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Documents No. 00-89 and No. 00-89-A.

The motion carried on the vote of 6-0.

The proposed revisions to the subject documents were addressed by Ms. Dorothy Yeager of the Public Information Division and Mr. Robert Biersack of the Data Division. Ms. Patricia Young of the Public Disclosure Division was also present for comments.

During the presentation, the following amendment was suggested:

Include the phrase "mass mailings" in the description for the new disbursement category code of Campaign Materials on Pages 42, 70, 78, 81, and 88 in the instructions for Schedules B, E, F, and H4.

IV. REVISIONS TO FEC REPORTING FORMS
(continued)

A. Revisions to Reporting Forms and
Instructions
(continued)

Chairman Wold recognized Vice Chairman
McDonald, who

MOVED to approve the proposed
alternative language regarding
Senate state filing, and the
forms and revised instructions
for transmittal to Congress, as
submitted in Agenda Document
No. 00-89, as amended by Agenda
Document No. 00-89-A, and further
amended above.

The motion carried on the vote of 6-0.

B. Explanation and Justification for
Revisions to FEC Reporting Forms

(continued from meeting of August 24,
2000)

Agenda Document No. 00-80

Ms. Cheryl A. Fowle of the General Counsel's
Office was recognized to make the presentation.

IV. REVISIONS TO FEC REPORTING FORMS
(continued)

B. Explanation and Justification for
Revisions to FEC Reporting Forms
(continued)

Chairman Wold recognized Vice Chairman
McDonald, who

MOVED to approve the Explanation
and Justification for Revisions
to FEC Reporting Forms, as set
forth in Agenda Document No. 00-80,
for transmittal to Congress.

The motion carried on the vote of 6-0.

V. AUDIT MATTERS

A. Buchanan for President, Inc.-Statement
of Reasons (LRA#512)

Agenda Document No. 00-83

Ms. Delanie Painter of the General Counsel's
Office was recognized for the presentation.

V. AUDIT MATTERS (continued)

A. Buchanan for President, Inc.-Statement
of Reasons (LRA#512)

(continued)

Chairman Wold recognized Vice Chairman

McDonald, who

MOVED to take the following actions
in the above-captioned matter:

1. Determine that Patrick J. Buchanan and Buchanan for President, Inc., must repay \$62,116 within 30 days to the United States Treasury pursuant to 26 U.S.C. §9038(b)(1) and 11 C.F.R. §9038.2(b)(1)(iii) for matching funds related to improper reattributions.
2. Determine that Patrick J. Buchanan and Buchanan for President, Inc., must repay \$1,634 within 30 days to the United States Treasury pursuant to 26 U.S.C. §9038(b)(1) and 11 C.F.R. §9038.2(b)(1)(iii) for matched contributions that were later refunded.
3. Approve the Statement of Reasons, as submitted in Agenda Document No. 00-83, subject to the following amendments:
 - a) Page 23 of the Statement of Reasons, Line 1 of footnote 40, change the cite from "9034.(c)(2)" to "9034.2(c)(2)";
 - b) Page 38 of the Statement of Reasons, Line 1 (Attachment E), insert the following: "(attachments omitted)."
4. Approve the appropriate letter.

V. AUDIT MATTERS (continued)

- A. Buchanan for President, Inc.-Statement
of Reasons (LRA#512)
(continued)

The motion carried on the vote of 5-0 with
Commissioners Mason, McDonald, Sandstrom, Thomas, and
Wold voting affirmatively. Commissioner Smith abstained.

VI. ADMINISTRATIVE MATTERS

There were no administrative matters to come
before the Commission.

The meeting adjourned at 12:25 P.M.

Signed:



Darryl R. Wold
Chairman of the Commission

Attest:



Mary W. Dove
Acting Secretary of
the Commission

