



AGENDA DOCUMENT NO. 06-04

MINUTES OF AN OPEN MEETING

OF THE

FEDERAL ELECTION COMMISSION

THURSDAY, JANUARY 19, 2006,
AND ITS CONTINUATION ON
MONDAY, JANUARY 23, 2006

PRESENT:

Michael E. Toner, Chairman, presiding

Robert D. Lenhard, Vice Chairman

David M. Mason, Commissioner

Hans A. von Spakovsky, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

Robert J. Costa, Acting Staff Director

Lawrence H. Norton, General Counsel

Mary W. Dove, Secretary

Chairman Michael E. Toner called the Federal Election Commission to order in an open meeting at 10:15 A.M. on Thursday, January 19, 2006, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for December 15, 2005
Agenda Document No. 06-01**

Chairman Thomas recognized Commissioner Lenhard, who

**MOVED to approve the minutes
for the Open Meeting of Thursday,
December 15, 2005, as submitted
in Agenda Document No. 06-01.**

**The motion carried on the vote of 6-0 with Commissioners
Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voting
affirmatively.**

II. ELECTION OF VICE CHAIRMAN

Chairman Toner recognized Commissioner Mason, who

**MOVED to elect Commissioner Robert D. Lenhard
to serve as Vice Chairman of the Federal Election
Commission for the year 2006.**

The motion carried on the vote of 6-0.

III. ADVISORY OPINION 2005-20 (ALTERNATIVE DRAFTS)

Agenda Document No. 06-02

Chairman Toner recognized Vice Chairman Lenhard, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 06-02.

The motion carried on the vote of 6-0.

The Chairman recognized Ms. Cheryl Hemsley of the General Counsel's Office who presented two proposed drafts concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the use of Pillsbury Winthrop Shaw Pittman LLP's ("PWSP") automated electronic payroll system by PWSP partners to make contributions from a partner's income distribution to PWSP's political action committee, PWSP PAC (the "PAC").

A discussion followed.

Chairman Toner recognized Commissioner Mason, who

MOVED to approve Draft A of Advisory Opinion 2005-20, as set forth in Agenda Document No. 06-02, subject to revisions pursuant to the meeting discussion.

The motion carried on the vote of 6-0.

**IV. REVISED EXPLANATION AND JUSTIFICATION FOR
DEFINITIONS OF "AGENT" FOR BCRA REGULATIONS
ON COORDINATED AND INDEPENDENT EXPENDITURES
AND NON-FEDERAL FUNDS OR SOFT MONEY
(11 CFR 109.3 and 300.2(b))**

Held over to Monday, January 23, 2006.

V. ROUTINE ADMINISTRATIVE MATTERS

Chairman Toner recognized Deputy Staff Director Alec Palmer, (CIO), who presented a prototype demonstration of the latest upgrade of the Federal Election Commission Web site. This upgrade will give the capability of accessing recordings of Commission Open Meetings as well as downloading for podcasting. Mr. Palmer was assisted by Mr. Blake Lange, the FEC Web manager.

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The meeting recessed at 11:05 A.M. on Thursday, January 19, 2006, and reconvened at 10:45 A.M. on Monday, January 23, 2006, with a quorum present.

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**IV. REVISED EXPLANATION AND JUSTIFICATION FOR
DEFINITIONS OF "AGENT" FOR BCRA REGULATIONS
ON COORDINATED AND INDEPENDENT EXPENDITURES
AND NON-FEDERAL FUNDS OR SOFT MONEY
(11 CFR 109.3 and 300.2(b))**

Agenda Documents No. 06-03 and No. 06-03-A

Chairman Toner recognized Vice Chairman Lenhard, who

**MOVED to suspend the rules on the timely
submission of agenda documents in order
to consider Agenda Documents No. 06-03
and No. 06-03-A.**

The motion carried on the vote of 6-0.

**Chairman Toner recognized Mr. Ron Katwan of the General
Counsel's Office who presented the Revised Explanation and
Justification for the definitions of "agent" as set forth in Agenda
Document No. 06-03.**

**Following discussion, Chairman Toner recognized Vice Chairman
Lenhard who referred to the proposed amendments offered in Agenda
Document No. 06-03-A, which were submitted jointly with Chairman
Toner, and he**

**MOVED to approve the Revised Explanation
and Justification for Definitions of "Agent"
for BCRA Regulations on Coordinated and
Independent Expenditures and Non-Federal**

**IV. REVISED EXPLANATION AND JUSTIFICATION FOR
DEFINITIONS OF "AGENT" FOR BCRA REGULATIONS
ON COORDINATED AND INDEPENDENT EXPENDITURES
AND NON-FEDERAL FUNDS OR SOFT MONEY
(11 CFR 109.3 and 300.2(b)) (continued)**

**Funds or Soft Money (11 CFR 109.3 and 300.2(b)),
as set forth in Agenda Document No. 06-03, as
amended by Agenda Document No. 06-03-A, and
to authorize the Office of General Counsel to
make any necessary technical and conforming
amendments.**

**The motion carried on the vote of 4-2 with Commissioners
Lenhard, Mason, Toner, and von Spakovsky voting affirmatively.
Commissioners Walther and Weintraub dissented.**

V. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 11:10 A.M.

Signed:

**Michael E. Toner
Chairman of the Commission**

Attest:

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