



AGENDA DOCUMENT NO. 04-54

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION**

THURSDAY, JUNE 10, 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

**Alison Doone, Deputy Staff Director
for Management, representing
James A. Pehrkon, Staff Director**

**James Kahl, Deputy General Counsel,
representing 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 10:25 A.M. on Thursday, June 10, 2004, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for May 13 , 2004
Agenda Document No. 04-51**

Chairman Smith recognized Vice Chair Weintraub, who

**MOVED to approve the minutes for the
Open Meeting of Thursday, May 13, 2004,
as submitted in Agenda Document No.
04-51.**

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 2004-14

United States Representative Tom Davis

Agenda Document No. 04-52

Chairman Smith recognized Mr. Steve Hajjar of the General Counsel's Office who presented draft Advisory Opinion 2004-14 concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to

II. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2004-14 (continued)

Congressman Davis's appearance in two public service announcements to benefit the National Kidney Foundation by promoting the Cadillac Invitational Golf Tournament.

Chairman Smith recognized Vice Chair Weintraub who offered the following amendments:

- a) Delete footnotes 2, 3, and 4;**
- b) Page 3, Line 22, replace the words "funds do" with "solicitation does";**
- c) Page 4, Line 8, replace the word "contributions" with the words "a contribution."**

It was agreed without objection to accept the amendments.

A discussion followed.

Chairman Smith recognized Vice Chair Weintraub, who

MOVED to approve draft Advisory Opinion 2004-14, as submitted in Agenda Document No. 04-52, subject to the amendments noted above.

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

II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2004-12

Democrats for the West

**Agenda Documents No. 04-53, No. 04-53-A,
No. 04-53-B, and No. 04-53-C (Submitted Late)**

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. 04-53,
No. 04-53-A, No. 04-53-B, and No. 04-53-C.**

The motion carried on the vote of 6-0.

**The Chairman recognized Mr. Albert Kiss of the General
Counsel's Office who presented draft Advisory Opinion 2004-12
concerning the application of the Federal Election Campaign Act of
1971, as amended (the "Act"), and Commission regulations to an entity
named the Democrats for the West ("DFW"), referred to as a
"regional party organization."**

**Chairman Smith recognized Vice Chair Weintraub who
reviewed her proposed amendments, as set forth in Agenda
Document No. 04-53-C.**

A discussion followed.

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**The meeting recessed at 11:25 A.M. and reconvened at 11:40
A.M. with a quorum present.**

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II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2004-12 (continued)

**There was further discussion pertaining to the amendments
presented by Vice Chair Weintraub in Agenda Document No. 04-53-C.**

The Chairman recognized Vice Chair Weintraub, who

**MOVED to approve the amendments in
Agenda Document No. 04-53-C, subject
to the following modifications:**

**Page 8, Line 2 at the end of the proposed
sentence, include the language on Line 15
beginning with the words...*"see also*
Explanation and Justification..." through
the end of the sentence on Line 17.**

**Page 8, delete Lines 3 through 25, with
the exception of the language noted
above on Lines 15 through 17, and delete
Lines 1 and 2 on Page 9.**

The motion carried on the vote of 6-0.

II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2004-12 (continued)

It was noted that the amendment submitted by Commissioner Thomas in Agenda Document No. 04-53-B was included in the amendments which were approved in Agenda Document No. 04-53-C.

Chairman Smith recognized Commissioner Toner who presented the following amendments to Question 9 in Agenda Document No. 04-53 and moved their adoption:

- 1. Page 10, Line 19, insert "Yes. The DFW may pay employees with Federal funds raised through events where Federal and non-Federal funds are raised when the costs of such events have been properly allocated using the 'funds received' methods."**
- 2. Page 11, Line 3, delete "However, DFW...." through Page 11, Line 611 CFR 300.33(c)(3)."**

Following discussion, the vote was taken, and the motion carried by a vote of 4-2 with Commissioners Mason, McDonald, Thomas, and Toner voting affirmatively. Commissioners Smith and Weintraub dissented.

II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2004-12 (continued)

The Chairman recognized Vice Chair Weintraub, who

**MOVED to approve draft Advisory Opinion
2004-12, as submitted in Agenda Document
No. 04-53, as amended by Agenda Document
No. 04-53-A; as amended by Agenda Document
No. 04-53-C, as amended; and, further amended
at the table.**

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 12:10 P.M.

Signed:

**Bradley A. Smith
Chairman of the Commission**

Attest:

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

