



AGENDA DOCUMENT NO. 04-109

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, DECEMBER 2, 2004**

PRESENT:

Ellen L. Weintraub, Vice Chair, presiding

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

Vice Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, December 2, 2004, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for November 18, 2004
Agenda Document No. 04-106

Vice Chair Weintraub recognized Commissioner Toner, who

MOVED to approve the minutes for the Open Meeting of Thursday, November 18, 2004, as submitted in Agenda Document No. 04-106.

The motion carried on the vote of 5-0 with Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voting affirmatively.

II. DRAFT ADVISORY OPINION 2004-40

The Libertarian Party of Maryland by Joseph J. Miller,
Treasurer

Agenda Document No. 04-107

Vice Chair Weintraub recognized Ms. Esa Sferra of the General Counsel's Office who presented draft Advisory Opinion 2004-40 regarding the status of the Libertarian Party of Maryland (the "Party") as a State party committee of a political party under the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations.

II. DRAFT ADVISORY OPINION 2004-40

(continued)

Vice Chair Weintraub recognized Commissioner McDonald, who

**MOVED to approve draft Advisory Opinion
2004-40, as submitted in Agenda Document
No. 04-107.**

The motion carried on the vote of 5-0 with Commissioners

Mason, McDonald, Thomas, Toner, and Weintraub voting affirmatively.

**III. DRAFT NOTICE OF PROPOSED RULEMAKING ON POLITICAL
PARTY COMMITTEES DONATING FUNDS TO CERTAIN TAX-
EXEMPT ORGANIZATIONS AND POLITICAL ORGANIZATIONS**

Agenda Document No. 04-108

The Vice Chair recognized Ms. Mai Dinh of the General Counsel's

Office who presented the subject document. During her presentation, Ms.

Dinh noted the following amendments:

**Page 4, Footnote 1, the third line from the bottom,
insert a comma after the word "committee," delete
the word "is" which follows, and replace with "under
the facts presented, was...";**

**Page 7 delete lines 21 through 23 and on Page 8 delete
Lines 1 through 4.**

Vice Chair Weintraub recognized Commissioner Mason, who

**III. DRAFT NOTICE OF PROPOSED RULEMAKING ON POLITICAL PARTY COMMITTEES DONATING FUNDS TO CERTAIN TAX-EXEMPT ORGANIZATIONS AND POLITICAL ORGANIZATIONS
(continued)**

MOVED to approve the draft Notice of Proposed Rulemaking, as set forth in Agenda Document No. 04-108, as amended and to incorporate any necessary technical amendments, for publication in the *Federal Register*.

The motion carried on the vote of 5-0 with Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voting affirmatively.

IV. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 10:10 A.M.

Signed:

**Ellen L. Weintraub
Vice Chair of the Commission**

Attest:

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