

AGENDA DOCUMENT NO. 02-01

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, DECEMBER 13, 2001

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

Chairman Danny L. McDonald called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, December 13, 2001, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for November 29, 2001
Agenda Document No. 01-63

Chairman McDonald recognized Vice Chairman Mason, who

MOVED to approve the Minutes for the open meeting of Thursday, November 29, 2001, as submitted in Agenda Document No. 01-63.

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

II. ELECTION OF OFFICERS FOR 2002

A. Election of Chairman

Chairman McDonald recognized Commissioner Sandstrom, who

MOVED to elect Vice Chairman David M. Mason to serve as Chairman of the Federal Election Commission beginning January 1, 2002.

The motion carried unanimously. (6-0)

B. Election of Vice Chairman

Chairman McDonald recognized Commissioner Wold, who

MOVED to elect Commissioner Karl J. Sandstrom to serve as Vice Chairman of the Federal Election Commission beginning January 1, 2002.

The motion carried unanimously. (6-0)

III. AWARDS CEREMONY

Chairman McDonald presented the following
service awards:

TEN YEAR SERVICE AWARDS:

Sylvia Butler, Eileen Canavan, Angela Dillard,
Jacqueline Gausepohl, Darlene Harris, Sheri
Haynes, Stephen Hershkowitz, Martin Kuest,
Terry Marsh, Deanne McClintock, Henry Miller,
Sylvia Parker, Rhonda Simmons, Arthur Struggs

TWENTY YEAR SERVICE AWARDS:

Richard Bader
Robert Biersack

Vice Chairman Mason presented the following
service award:

TWENTY YEAR SERVICE AWARD to
Chairman Danny L. McDonald.

IV. FUTURE MEETING DATES

Agenda Document No. 01-67

Chairman McDonald recognized Vice Chairman
Mason who

MOVED to suspend the rules
on the timely submission of
agenda documents in order to
consider Agenda Document
No. 01-67.

The motion carried on the vote of 6-0.

IV. FUTURE MEETING DATES (continued)

Chairman McDonald recognized Vice Chairman
Mason, who

MOVED to approve the future
meeting dates, as submitted
in Agenda Document No. 01-67.

The motion carried on the vote of 6-0.

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Chairman McDonald announced the agenda would be
reordered and at 10:45 A.M. the following item would be
considered:

VI. VOTING SYSTEM STANDARDS - RELEASE FOR PUBLIC
COMMENT

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The meeting recessed at 10:30 A.M. and
reconvened at 10:45 A.M. with a quorum present.

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VI. VOTING SYSTEM STANDARDS - RELEASE FOR PUBLIC COMMENT

Agenda Documents No. 01-62
and No. 01-62-A

Chairman McDonald recognized Ms. Penelope Bonsall of the Office of Election Administration who presented an overview of the subject documents. After the presentation, the following people were introduced for remarks:

Thomas Wilkey, Executive Director, New York State Board of Elections and Chairman of National Association of State Election Directors (NASED), Member of the Voting System Standards Board (VSS)

Chris Thomas, Director of Elections, State of Michigan, and Past President of NASED

R. Doug Lewis, Executive Director, The Election Center

Roy Saltman, Election Policy and Technology Consultant (Formerly with the National Institute of Standards and Technology (NIST))

VI. VOTING SYSTEM STANDARDS - RELEASE FOR PUBLIC COMMENT (continued)

Others in attendance who were recognized:

Craig Donsanto, Director, Election Crimes Branch, U.S. Department of Justice

David Capozzi, Director, Technology and Information Services, U.S. Access Board

Dennis Berg, Principal serving as Technical Project Manager for VSS Update, American Management Systems (AMS)

Alice Miller, Executive Director, DC Board of Elections and Ethics

Charlotte Cleary, Registrar of Voters, Arlington County, Virginia

A discussion followed.

Chairman McDonald recognized Vice Chairman Mason, who

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

1. Approve the revised *Federal Register* Notice, as submitted in Agenda Document No. 01-62-A, with the comment deadline of February 1, 2002.

VI. VOTING SYSTEM STANDARDS - RELEASE FOR PUBLIC COMMENT (continued)

2. Approve the release of the revised overview, as submitted in Agenda Document No. 01-62, as amended by Agenda Document No. 01-62-A.
3. Approve the release for public comment of the proposed Volume I and Volume II of the Voting System Standards, as submitted in Agenda Document No. 01-62.

The motion carried on the vote of 6-0.

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The meeting recessed at 11:55 A.M. and reconvened at 2:05 P.M. with a quorum present.

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V. ADVISORY OPINIONS

A. Second Revised Draft Advisory Opinion 2001-16

Democratic National Committee by counsel, Joseph E. Sandler

Agenda Document No. 01-66

- V. ADVISORY OPINIONS (continued)
- A. Second Revised Draft Advisory Opinion
 2001-16 (continued)

Chairman McDonald recognized Mr. Bradley Litchfield of the General Counsel's Office who presented the second revised draft Advisory Opinion 2001-16 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the Democratic National Committee's proposed schedule for making allocation transfers from its non-federal accounts to its Federal accounts on dates that would exceed the 60 day period prescribed in Commission regulations.

A discussion followed.

Chairman McDonald recognized Commissioner Smith, who

MOVED to approve the second revised draft Advisory Opinion 2001-16, as submitted in Agenda Document No. 01-66.

The motion carried on the vote of 4-2 with Commissioners Mason, Sandstrom, Smith, and Wold voting affirmatively. Commissioners McDonald and Thomas dissented.

V. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2001-17

DNC Services Corporation/Democratic
National Committee by counsel,
Neil Reiff

Agenda Document No. 01-65

Chairman McDonald recognized Mr. Jonathan Levin of the General Counsel's Office who presented draft Advisory Opinion 2001-17 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the reporting of contributions received by the DNC that are deposited in Federal and non-Federal accounts.

During the ensuing discussion, Ms. Deborah Chacona of the Reports Analysis Division responded to questions and comments.

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The meeting recessed at 3:30 P.M. and reconvened at 3:40 P.M. with a quorum present.

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V. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2001-17
(continued)

The discussion resumed.

Chairman McDonald recognized Commissioner
Thomas, who

MOVED to return draft Advisory
Opinion 2001-17 to the Office of
General Counsel in order to conduct
some informal inquiry about banking
practices that relate to this request;
to contact party representatives to
see if they have any comment, advice,
or information that would be helpful
to understand their practices and
how the Commission should resolve the
issues in this advisory opinion
request; to seek an extension of time
as appropriate; and, to further
authorize the staff to explore whether
a consensus draft can be prepared in
the meantime.

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

VII. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 4:00 P.M.

Signed:

Danny L. McDonald
Chairman of the Commission

Attest:

Mary W. Dove
Secretary of the
Commission