

AGENDA DOCUMENT NO. 00-22

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION  
WEDNESDAY, FEBRUARY 9, 2000

PRESENT:           Darryl R. Wold, Chairman, Presiding  
                  Danny L. McDonald, Vice Chairman  
                  David M. Mason, Commissioner  
                  Karl J. Sandstrom, 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 10:00 a.m. on Wednesday, February 9, 2000, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for January 27, 2000  
Agenda Document No. 00-15

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve the minutes for the open meeting of Thursday, January 27, 2000, as submitted in Agenda Document No. 00-15.

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

II. ADVISORY OPINION

Draft Advisory Opinion 1999-37

The Political Action Committee for  
Generation X, Michael J. Panetta,  
Executive Director

Agenda Document No. 00-14

Chairman Wold recognized Mr. Michael Marinelli of the General Counsel's Office who presented draft Advisory Opinion 1999-37 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to X-PAC's proposed political advertising that would promote use of the Internet to make independent expenditures.

Following discussion, Chairman Wold recognized Commissioner Thomas, who

MOVED to approve draft Advisory Opinion 1999-37, as submitted in Agenda Document No. 00-14, subject to the following amendments:

II. ADVISORY OPINION (continued)

Draft Advisory Opinion 1999-37  
(continued)

1. Page 4, Line 14: Insert the words "to anyone payee" after the word "less";
2. Page 5, Line 10: After "\$441d" change the comma to a semi-colon;
3. Page 6, Line 17: Delete the words "All of" and begin the sentence with the word "The";
4. Page 6, Footnote 2: Correct the cite to read: "192 F.3d 1037(D.C.Cir.1999)";
5. Page 7, Line 1: Correct the cite to read: "11 CFR 106.(1)(c)(1)";
6. Page 7, Line 5: Delete the word "allocated" and substitute the word "attributed" in lieu thereof;
7. Page 8, Line 3: After "\$441d" change the comma to a semi-colon.

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

III. 1996 REPUBLICAN NATIONAL CONVENTION COMMITTEE  
ON ARRANGEMENTS - ADMINISTRATIVE REVIEW OF  
REPAYMENT DETERMINATION, PROPOSED STATEMENT OF  
REASONS (LRA#472)

(Continued from meeting of February 3, 2000)

Agenda Documents No. 00-04 and No.00-04-A

Chairman Wold recognized Mr. Duane Pugh of the General Counsel's office who reviewed the remaining outstanding issues. Ms. Erica Holder and Mr. Robert Costa of the Audit Division participated in the discussion.

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The meeting recessed at 11:35 a.m. and reconvened at 11:45 a.m. with a quorum present.

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III. 1996 REPUBLICAN NATIONAL CONVENTION COMMITTEE  
ON ARRANGEMENTS - ADMINISTRATIVE REVIEW OF  
REPAYMENT DETERMINATION, PROPOSED STATEMENT OF  
REASONS (LRA#472)

(continued)

The discussion resumed.

It was agreed without objection to return the proposed Statement of Reasons, as set forth in Agenda Document No. 00-04, to the Office of General Counsel for redrafting pursuant to the meeting discussion.

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The meeting recessed at 1:05 p.m. and reconvened at 2:30 p.m. with a quorum present.

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IV. EXPRESS ADVOCACY RULE (11 CFR 100.22(b))

(Held over from meeting of February 3, 2000)

Agenda Documents No. 00-11  
and No. 00-13

Chairman Wold recognized Commissioner Mason who presented his reasons why 11 CFR 100.22(b) should be repealed.

Following discussion, Chairman Wold recognized Commissioner Mason, who

MOVED to instruct the Office of General Counsel to initiate a rulemaking to repeal 11 CFR 100.22(b).

The motion failed in a vote of 2-3 with Commissioners Mason and Wold voting affirmatively; Commissioners McDonald, Sandstrom, and Thomas dissented. Commissioner Elliott was not present.

V. 2000 LEGISLATIVE RECOMMENDATIONS

(Held over from meeting of February 3, 2000)

Agenda Documents No. 00-12  
and 00-12-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 Document No. 00-12-A.

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

Chairman Wold recognized Ms. Louise Wides,  
Assistant Staff Director, Information, who stated  
Ms. Dorothy Yeager, Senior Public Affairs Specialist,  
would present the draft legislative recommendations  
for Year 2000. Ms. Yeager noted there were 38 legis-  
lative recommendations carried over from the preceding  
year and one suggested new recommendation.

Ms. Bobby Zarin, Deputy Assistant Staff  
Director, Information; Ms. Rosemary Smith, Assistant  
General Counsel; and Ms. Tina VanBrakle, Congressional  
Affairs Officer; participated in the discussion.

V. 2000 LEGISLATIVE RECOMMENDATIONS

(continued)

Without objection, the Commission agreed to the following with respect to Year 2000 Legislative Recommendations:

1. Circulate on tally vote the following six priority recommendations, including the proposed legislative language:
  - a) Election Cycle Reporting of Operating Expenditures and Other Disbursements;
  - b) Application of \$25,000 Annual Limit;
  - c) Contributions by Foreign Nationals;
  - d) Lines of Credit and Other Loans Obtained by Candidates;
  - e) Monthly Reporting for Congressional Candidates;
  - f) Waiver Authority.
2. Objection to any recommendation on the priority list would place that recommendation in the secondary package.
3. Delete from the secondary package the proposed recommendation entitled: Subpoena and Reason-to-Believe Notification Signature Authority.
4. Change the title of the recommendation Enhancement of Criminal Provisions to Referral of Criminal Violations.



V. 2000 LEGISLATIVE RECOMMENDATIONS

(continued)

5. Lack of four affirmative votes would remove the recommendation from the secondary package.

VI. ADMINISTRATIVE MATTERS

Chairman Wold recognized Staff Director Pehrkon who reported, beginning February 1st, all open meeting agendas and agenda documents became available on the FEC Web site, mentioning documents become available to the public after 2:00 p.m. two days prior to the meeting.

Regarding the state paper-filing waiver, Mr. Pehrkon stated an additional 10 states have been certified by the Commission, making a total of 33 states exempt from a federal requirement to retain paper copies of campaign finance reports.

The meeting adjourned at 4:35 p.m.

Signed:

Darryl R. Wold  
Chairman

Attest:

Mary W. Dove  
Acting Secretary

