

AGENDA DOCUMENT NO. 03-47  
APPROVED JULY 17, 2003

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION

THURSDAY, JULY 10, 2003

PRESENT: Ellen L. Weintraub, Chair, presiding  
Bradley A. Smith, Vice Chairman,  
Presiding for a portion of the meeting  
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  
Lawrence H. Norton, General Counsel  
Mary W. Dove, Secretary

Chair Ellen L. Weintraub called the Federal Election Commission to order in an open meeting at 10:10 A.M. on Thursday, July 10, 2003, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for June 26, 2003

Agenda Document No. 03-44

Chair Weintraub recognized Vice Chairman Smith, who

MOVED to approve the Minutes for the Open Meeting of Thursday, June 26, 2003, as submitted in Agenda Document No. 03-44.

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 2003-17

James W. Treffinger and Treffinger for  
Senate Committee by counsel, Karin Riecker

Agenda Document No. 03-45

Chair Weintraub stated she had recused herself with respect to this matter and would not be present during the discussion.

Vice Chairman Smith, now presiding, recognized Ms. Cheryl Hemsley of the General Counsel's Office who presented draft Advisory Opinion 2003-17 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Federal Election Commission regulations to the use of campaign funds to pay for legal expenses related to criminal charges against Mr. Treffinger. During her presentation, Ms. Hemsley noted the following amendments:

1. Page 6, Line 16: delete the second occurrence of the word "as";
2. Page 9, Footnote 7: in the last sentence, delete the first occurrence of the word "in";

II. ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2003-17 (continued)

3. Page 10, Lines 16-19, the cite  
has been updated to read:

"*McConnell v. FEC*, 251 F.Supp.  
2d 176 (D.D.C. May 1, 2003), probable  
jurisdiction noted, 123 S.Ct. 2268  
(U.S. June 5, 2003). Subsequently,  
the District Court stayed its  
order and injunction in *McConnell v.*  
*FEC*, 253 F.Supp.2d 18 (D.D.C. May 19,  
2003)."

At the conclusion of the discussion which followed,  
it was agreed without objection to return draft Advisory  
Opinion 2003-17 to the General Counsel's Office with the  
instruction to seek an extension of time from the requester;  
and if granted, to prepare a redraft pursuant to the meeting  
discussion for Commission consideration in two weeks.

\* \* \* \* \*

The meeting recessed at 11:10 A.M. and reconvened  
at 11:22 A.M. with Chair Weintraub presiding.

\* \* \* \* \*

II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2003-12

Stop Taxpayer Money for Politicians  
Committee ("STMP") and Representative  
Jeff Flake by counsel, Benjamin L.  
Ginsberg

Agenda Document No. 03-46

Chair Weintraub recognized Vice Chairman

Smith, who

MOVED to suspend the rules on  
the timely submission of agenda  
documents in order to consider  
Agenda Document No. 03-46.

The motion carried on the vote of 6-0.

The Chair recognized Mr. Albert Kiss of the  
General Counsel's Office who presented drafts A and B  
of Advisory Opinion 2003-12 concerning the application  
of the Federal Election Campaign Act of 1971 ("the Act"),  
and Commission regulations to a ballot measure campaign  
that STMP and Representative Flake plan to undertake for  
the November 2, 2004 election in Arizona.

II. ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2003-12 (continued)

Chair Weintraub stated that due to the complexity of the questions presented by the requester there would be a discussion of the issues in this meeting, and the voting would take place in the meeting on July 17, 2003.

III. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 12:55 P.M.

Signed:



Ellen L. Weintraub  
Chair of the Commission



Bradley A. Smith  
Vice Chairman of the  
Commission

Attest:



Mary W. Dove  
Secretary of the  
Commission