

AGENDA DOCUMENT NO. 03-77
APPROVED NOVEMBER 6, 2003

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, OCTOBER 16, 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
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 10:25 A.M. on Thursday, October 16, 2003, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for October 9, 2003

Agenda Document No. 03-76

Chair Weintraub recognized Vice Chairman Smith, who

MOVED to approve the Minutes for the open meeting of Thursday, October 9, 2003, as submitted in Agenda Document No. 03-76.

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

II. DRAFT ADVISORY OPINION 2003-25

Weinzapfel for Mayor Committee,
by counsel, Neil P. Reiff

Agenda Document No. 03-75

Vice Chairman Smith, now presiding, stated
Chair Weintraub had recused herself with respect to the
above-subject matter and would not be present during the
discussion.

The Vice Chairman recognized Mr. Richard Ewell
of the General Counsel's Office who presented draft Advisory
Opinion 2003-25 concerning the application of the Federal
Election Campaign Act of 1971, as amended ("the Act"), and
Commission regulations to advertisements to be run by the
Weinzapfel Committee that will feature U.S. Senator Evan
Bayh's endorsement of Mr. Weinzapfel for Mayor of Evansville,
Indiana.

II. DRAFT ADVISORY OPINION 2003-25

(continued)

Chair Weintraub recognized Commissioner Toner who offered the following proposed amendments to the draft:

1. Page 4, Footnote 3 amended to read:

"Congress did not define the phrase 'promotes, supports, attacks, or opposes.'"

2. Page 6, delete the sentence which begins on Line 7 and ends on Line 12.

3. Page 6 at the end of Line 22 insert the following sentence:

"Based on the facts you have presented, the 'Committed' advertisement falls into this category; the advertisement endorses the candidacy of Mr. Weinzapfel for Mayor of Evansville, not Senator Bayh for the U.S. Senate, and does not support, attack, promote or oppose any Federal candidate."

II. DRAFT ADVISORY OPINION 2003-25

(continued)

4. Delete the text which begins on Page 6, Line 23, through Page 7, Line 14.
5. Page 7, Line 15, insert the word "Furthermore" at the beginning of the sentence and change the word "would" to "does"; move the sentence to the end of the paragraph on Page 6, after the new sentence on Line 22 above.
6. Page 7, delete the text beginning with the sentence on Line 17 through Line 24.
7. Page 10, Lines 16 and 17, delete the words "well before the sixty day period" and insert the words "many months" in lieu thereof.

Following discussion, Vice Chairman Smith
recognized Commissioner Toner, who

MOVED to approve draft Advisory
Opinion 2003-25, as submitted
in Agenda Document No. 03-75,
subject to the amendments noted
above.

II. DRAFT ADVISORY OPINION 2003-25
(continued)

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

III. PETITION FOR RULEMAKING ON PAYROLL
DEDUCTIONS BY TRADE ASSOCIATIONS:
NOTICE OF AVAILABILITY

Agenda Document No. 03-74

Chair Weintraub, now presiding, recognized
Ms. Esa Sferra of the General Counsel's Office who
presented the subject document.

The Chair recognized Vice Chairman Smith,
who

MOVED to approve the draft
Notice of Availability, as
set forth in Agenda Document
No. 03-74, for publication
in the *Federal Register*.

The motion carried on the vote of 6-0.

IV. ROUTINE ADMINISTRATIVE MATTERS

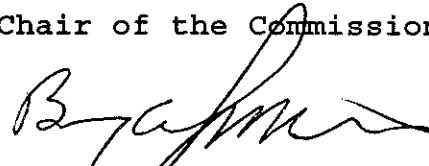
There were no routine administrative matters to come before the Commission.

The meeting adjourned at 11:05 A.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

