

AGENDA DOCUMENT NO. 01-28

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, MAY 3, 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
 Lois G. Lerner, Acting General Counsel
 Mary W. Dove, Secretary of the
 Commission

Chairman Danny L. McDonald called the Federal Election Commission to order in an open meeting at 10:07 A.M. on Thursday, May 3, 2001, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for April 19, 2001

Agenda Document No. 01-26

Chairman McDonald recognized Vice Chairman Mason, who

MOVED to approve the minutes for the Open Meeting of Thursday, April 19, 2001, as submitted in Agenda Document No. 01-26.

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

II. DRAFT ADVISORY OPINION 2001-06

Maryland Green Party by
Erik Michelsen, Treasurer

Agenda Document No. 01-27

Chairman McDonald recognized Mr. Michael Marinelli of the General Counsel's Office who presented draft Advisory Opinion 2001-06 concerning the status of the Maryland Green Party as a State committee of a political party under the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations.

At the conclusion of the presentation, Chairman McDonald recognized Vice Chairman Mason, who

MOVED to approve draft Advisory
Opinion 2001-06, as submitted in
Agenda Document No. 01-27.

The motion carried on the vote of 6-0.

III. REVISED NOTICE OF PROPOSED RULEMAKING
ON INDEPENDENT EXPENDITURE REPORTING

Agenda Documents No. 01-25
and No. 01-25-A

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. 01-25-A.

The motion carried on the vote of 6-0.

Chairman McDonald recognized Ms. Cheryl Fowle
of the General Counsel's Office who presented the subject
documents. She noted the following amendment in Agenda
Document No. 01-25-A:

Page 1 of the Addendum, Line 19 after (h):
insert the following title:

"Schedules and forms with special
requirements."

III. REVISED NOTICE OF PROPOSED RULEMAKING
ON INDEPENDENT EXPENDITURE REPORTING

(continued)

During the ensuing discussion, Commissioner Thomas offered the following amendment in Agenda Document No. 01-25:

Page 9, after Line 15, insert the following text:

"Should the Commission attempt to further explain which types of written contracts, promises, or agreements would or would not constitute the making of the independent expenditure? For example, should only those covering the dissemination of a communication be included (e.g., airtime TV buys or newspaper space purchases)?"

Chairman McDonald recognized Vice Chairman Mason, who

MOVED to approve the revised notice of proposed rulemaking on independent expenditure reporting, as set forth in Agenda Document No. 01-25, as amended above, and further amended by Agenda Document No. 01-25-A, as amended, for publication in the *Federal Register*.

The motion carried on the vote of 6-0.

IV. NEW RULES ON GENERAL PUBLIC POLITICAL COMMUNICATIONS COORDINATED WITH CANDIDATES AND PARTY COMMITTEES, AND INDEPENDENT EXPENDITURES: ANNOUNCEMENT OF EFFECTIVE DATE

(Held over from the meeting of
April 19, 2001)

Agenda Document No. 01-24

(Placed on the agenda pursuant to the filing of objections by Commissioners Mason, McDonald, and Thomas following circulation on a 72-hour vote basis.)

Chairman McDonald recognized Ms. Rita Reimer of the General Counsel's Office who presented an overview of the subject document.

At the conclusion of the discussion which followed, Vice Chairman Mason withdrew his objection. Therefore, the amended pre-meeting tally reflected a Commission decision by a vote of 4-2 to take the following action with respect to Agenda Document No. 01-24:

Approve the proposed Notice for publication in the *Federal Register* to announce the effective date of these final rules.

Commissioners Mason, Sandstrom, Smith, and Wold voted affirmatively for the decision. Commissioners McDonald and Thomas dissented.

V. ADMINISTRATIVE MATTERS

Staff Director Pehrkon announced the annual meeting of the FEC's Election Administration Advisory Panel would be held May 4 and 5 in Baltimore, and the primary topic of discussion would be voting systems standards.

The meeting adjourned at 11:00 A.M.

Signed:

Danny L. McDonald
Chairman

Attest:

Mary W. Dove
Secretary of the
Commission

