



AGENDA DOCUMENT NO. 05-17
APPROVED APRIL 21, 2005

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, MARCH 24, 2005

PRESENT:

Scott E. Thomas, Chairman, presiding

Michael E. Toner, Vice Chairman

David M. Mason, Commissioner

Danny L. McDonald, Commissioner

Bradley A. Smith, Commissioner

Ellen L. Weintraub, Commissioner

**John C. O'Brien, Acting Deputy Staff
Director for Management, representing
James A. Pehrkon, Staff Director**

Lawrence H. Norton, General Counsel

Mary W. Dove, Secretary

Chairman Scott E. Thomas called the Federal Election Commission to order in an open meeting at 10:10 A.M. on Thursday, March 24, 2005, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for March 10, 2005
Agenda Document No. 05-15**

Chairman Thomas recognized Vice Chairman Toner, who

MOVED to approve the minutes for the Open Meeting of Thursday, March 10, 2005, as submitted in Agenda Document No. 05-15.

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

II. NOTICE OF PROPOSED RULEMAKING ON THE INTERNET: DEFINITIONS OF "PUBLIC COMMUNICATION" AND "GENERIC CAMPAIGN ACTIVITY," AND DISCLAIMERS

Agenda Document No. 05-16 (Submitted late)

The Chairman recognized Vice Chairman Toner, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 05-16.

The motion carried on the vote of 6-0.

II. NOTICE OF PROPOSED RULEMAKING ON THE INTERNET: DEFINITIONS OF "PUBLIC COMMUNICATION" AND "GENERIC CAMPAIGN ACTIVITY," AND DISCLAIMERS (continued)

Chairman Thomas recognized Commissioner Weintraub, a member of the Regulations Committee, who presented an opening statement regarding the rulemaking. Vice Chairman Toner, also a member of the Regulations Committee, presented his statement, followed by preliminary remarks by the remaining Commissioners.

Following discussion, Chairman Thomas recognized Vice Chairman Toner, who

MOVED to approve the draft Notice of Proposed Rulemaking, as set forth in Agenda Document No. 05-16, for publication in the *Federal Register*, subject to the following modifications:

- a. Amend Page 22, Line 10, by inserting "Could or" before both examples of "Should,"
- b. Authorize the Office of General Counsel to make any necessary technical or conforming amendments,
- c. Set the dates of June 28 and 29, 2005, for the hearing on the proposed rules.

Chairman Thomas recognized Commissioner Mason, who

MOVED IN A SUBSTITUTE MOTION to delete the language on Page 21, beginning at Line 18 (B. Bloggers Paid by Candidates), through Page 22, Line 14, in Agenda Document No. 05-16.

II. **NOTICE OF PROPOSED RULEMAKING ON THE INTERNET:
DEFINITIONS OF "PUBLIC COMMUNICATION" AND "GENERIC
CAMPAIGN ACTIVITY," AND DISCLAIMERS** (continued)

**The substitute motion failed to carry on a vote of 1-5 with
Commissioner Mason voting affirmatively. Commissioners McDonald,
Smith, Thomas, Toner, and Weintraub dissented.**

**The main motion carried on a vote of 5-1 with Commissioners
McDonald, Smith, Thomas, Toner, and Weintraub voting affirmatively.
Commissioner Mason dissented.**

* * * * *

**The meeting recessed at 11:45 A.M. and reconvened at 11:55
A.M. with a quorum present.**

* * * * *

III. LEGISLATIVE RECOMMENDATIONS 2005

Agenda Document No. 05-14

(Held over from the meeting of March 10, 2005)

Chairman Thomas recognized Ms. Dorothy Yeager of the Information Division who presented an overview of the subject document.

The Chairman recognized Commissioner Weintraub, who

MOVED to approve the legislative recommendations, as set forth in Agenda Document No. 05-14, as modified to identify the following as priority recommendations:

- 1. Addition of Commission to the list of agencies authorized to issue immunity orders under Title 18,**
- 2. Increase the record retention period from three years to five years,**
- 3. Persons who can be named as respondents,**
- 4. Making permanent the administrative fine program,**
- 5. Electronic filing of Senate reports;**

and, to modify the transmittal letter accordingly, for transmission to the President and Congress.

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 12:05 P.M.

Signed:



**Scott E. Thomas
Chairman of the Commission**

Attest:



**Mary W. Dove
Secretary of the Commission**