



AGENDA DOCUMENT NO. 04-96

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION**

THURSDAY, OCTOBER 21, 2004

PRESENT:

Bradley A. Smith, Chairman, presiding

Ellen L. Weintraub, Vice Chair

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

Chairman Bradley A. Smith called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, October 21, 2004, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for October 7, 2004
Agenda Document No. 04-93**

Chairman Smith recognized Vice Chair Weintraub, who

MOVED to approve the minutes for the Open Meeting of Thursday, October 7, 2004, as submitted in Agenda Document No. 04-93.

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

II. DRAFT ADVISORY OPINIONS

A. Draft Advisory Opinion 2004-34

Libertarian Party of Virginia by Kevin McKENNA, TREASURER

Agenda Document No. 04-94

Chairman Smith recognized Ms. Esa Sferra of the General Counsel's Office who presented draft Advisory Opinion 2004-34

II. DRAFT ADVISORY OPINIONS (continued)

A. Draft Advisory Opinion 2004-34 (continued)

concerning the status of the Libertarian Party of Virginia (the "Party") as a State party committee of a political party under the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations.

Chairman Smith recognized Vice Chair Weintraub, who

**MOVED to approve draft Advisory Opinion
2004-34, as submitted in Agenda Document
No. 04-94.**

The motion carried on the vote of 6-0.

B. Draft Advisory Opinion 2004-37

**Representative Maxine Waters by counsel,
Joseph M. Birkenstock**

Agenda Document No. 04-95 (Submitted late)

Chairman Smith recognized Vice Chair Weintraub, who

**MOVED to suspend the rules on
the timely submission of agenda
documents in order to consider
Agenda Document No. 04-95.**

The motion carried on the vote of 6-0.

II. DRAFT ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2004-37 (continued)

Chairman Smith recognized Mr. Ron Katwan of the General Counsel's Office who presented draft Advisory Opinion 2004-37 requested by Representative Maxine Waters, Citizens for Waters, which is Representative Waters' principal campaign committee, and People Helping People, which is Representative Waters' "leadership PAC" and is a multicandidate committee, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the production and distribution by either committee of a brochure listing and expressly advocating the election of certain Federal and non-Federal candidates.

A discussion followed.

The Chairman recognized Commissioner McDonald, who

**MOVED to approve draft Advisory Opinion
2004-37, as submitted in Agenda Document
No. 04-95, amended as follows:**

II. DRAFT ADVISORY OPINIONS (continued)

B. Draft Advisory Opinion 2004-37 (continued)

On Page 7, Line 16, delete the words "Because, as you indicate," and begin the sentence with the word "Your";

On Page 7, Line 18, insert a period after the word "candidates" and the next sentence to begin with the word "The."

The motion carried on the vote of 6-0.

III. DRAFT NOTICE OF DISPOSITION OF PETITIONS FOR RULEMAKING – CANDIDATE DEBATES

**Agenda Document No. 04-82
(Continued from the meeting of September 30, 2004)**

A discussion followed, and it was agreed without objection to instruct the General Counsel's Office to hold this document in abeyance and to bring it back to the Commission in conjunction with the next regulations priority document.

IV. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 10:50 A.M.

Signed:

**Bradley A. Smith
Chairman of the Commission**

Attest:

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