

AGENDA DOCUMENT NO. 04-26

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, MARCH 4, 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, March 4, 2004, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for February 26, 2004
Agenda Document No. 04-19

The Chairman recognized Vice Chair Weintraub who

MOVED to approve the minutes for the Open Meeting of Thursday, February 26, 2004, as submitted in Agenda Document No. 04-19.

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 POLITICAL
COMMITTEE STATUS

Agenda Documents No. 04-20,
No. 04-20-A, and No. 04-20-B
(Submitted late)

The Chairman recognized Vice Chair Weintraub
who

MOVED to suspend the rules on
the timely submission of agenda
documents in order to consider
Agenda Documents No. 04-20,
No. 04-20-A, and No. 04-20-B.

The motion carried on the vote of 6-0.

Chairman Smith recognized Mr. Duane Pugh of the
General Counsel's Office who presented the draft rules.
During his presentation, Mr. Pugh noted the following
amendments:

Agenda Document No. 04-20, Page 26,
Line 8, change the word "treat" to
"report";

Agenda Document No. 04-20-B, Page 2,
No. 22, change "line 61" to "line 23."

II. NOTICE OF PROPOSED RULEMAKING ON POLITICAL
COMMITTEE STATUS

(continued)

Statements for the record were read by
Commissioner Toner, Vice Chair Weintraub, and Chairman
Smith.

A discussion followed.

The Chairman recognized Commissioner Toner who
proposed the following amendments to Agenda Document
No. 04-20:

Move the text on Page 3, Lines 10 through
the end of the sentence on Line 16 to a
footnote on Page 6, at the end of
the sentence on Line 12. Insert an
introductory phrase "By way of historical
background," and a sentence at the end of
the footnote to read: "This NPRM is a
separate proceeding."

Without objection, the document was so amended.

II. NOTICE OF PROPOSED RULEMAKING ON POLITICAL
COMMITTEE STATUS

(continued)

Commissioner Toner proposed an amendment
to Agenda Document No. 04-20, to wit:

Page 25, at the end of the sentence
on Line 5, insert the sentence:

"Would the 'promote, support,
attack or oppose' standard be
appropriate for all 527
organizations?"

A discussion followed.

Absent objection, the amendment was accepted.

Chairman Smith recognized Commissioner Toner,
who

MOVED to approve the draft Notice
of Proposed Rulemaking on Political
Committee Status, as submitted in
Agenda Document No. 04-20, as amended,
for publication in the *Federal Register*;
subject to the amendments noted in Agenda
Document No. 04-20-B, as amended; and,
as further amended at the table; and
to direct the Office of General Counsel
to incorporate any technical and con-
forming amendments, as necessary.

II. NOTICE OF PROPOSED RULEMAKING ON POLITICAL
COMMITTEE STATUS

(continued)

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

III. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 11:35 A.M.

Signed:

Bradley A. Smith
Chairman of the Commission

Attest:

Mary W. Dove
Secretary of the Commission