

AGENDA DOCUMENT NO. 01-58
APPROVED NOVEMBER 29, 2001

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, NOVEMBER 1, 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
 Lawrence H. Norton, General Counsel
 Mary W. Dove, Secretary

Chairman Danny L. McDonald called the Federal Election Commission to order in an open meeting at 2:00 P.M. on Thursday, November 1, 2001, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for October 11, 2001
Agenda Document No. 01-54

Chairman McDonald recognized Vice Chairman Mason, who

MOVED to approve the Minutes
for the open meeting of
Thursday, October 11, 2001,
as submitted in Agenda
Document No. 01-54.

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

II. DRAFT ADVISORY OPINION 2001-16
Democratic National Committee by counsel,
Joseph E. Sandler
Agenda Document No. 01-55

Chairman McDonald recognized Mr. Bradley Litchfield of the General Counsel's Office who presented draft Advisory Opinion 2001-16 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the Democratic National Committee's proposed schedule for making allocation transfers from its non-federal accounts to its Federal accounts on dates that would exceed the 60 day period prescribed in Commission regulations.

* * * * *

It was agreed without objection to reorder the agenda in order to consider the proposed policy statement regarding party committee transfers of nonfederal funds for payment of allocable expenses prior to the discussion of the advisory opinion.

III. PROPOSED STATEMENT OF ENFORCEMENT POLICY
REGARDING PARTY COMMITTEE TRANSFERS OF
NON FEDERAL FUNDS FOR PAYMENT OF ALLOCABLE
EXPENSES

Agenda Documents No. 01-56
and Draft B (No. 01-56-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. 01-56.

The motion carried on the vote of 6-0.

The Chairman recognized Mr. Paul Sanford of
the General Counsel's Office who presented an overview
of the subject document.

A discussion followed.

III. PROPOSED STATEMENT OF ENFORCEMENT POLICY
REGARDING PARTY COMMITTEE TRANSFERS OF
NON FEDERAL FUNDS FOR PAYMENT OF ALLOCABLE
EXPENSES

(continued)

Chairman McDonald recognized Vice Chairman
Mason, who

MOVED to suspend the rules
on the timely submission of
agenda documents in order
to consider Draft B. **

The motion carried on the vote of 6-0.

** (Note: Draft B was a prior
e-mail circulated informally
to the Commission and
subsequently was designated
as Agenda Document No. 01-56-A.)

At the conclusion of the discussion which
followed, Chairman McDonald recognized Commissioner
Smith, who

MOVED to approve Draft B (Agenda Document
No. 01-56-A), subject to the following
amendments:

1. Page 1, Line 15: Insert the following
sentence, "The Commission seeks comments
on the policy under consideration, and
on any other circumstances arising out
of the events of September 11 that need
to be addressed."

III. PROPOSED STATEMENT OF ENFORCEMENT POLICY
REGARDING PARTY COMMITTEE TRANSFERS OF
NON FEDERAL FUNDS FOR PAYMENT OF ALLOCABLE
EXPENSES

(continued)

2. Page 1, Lines 16 and 17: Amend the sentence to read, "Comments must be submitted on or before November 14, 2001."
3. Page 4, at the end of Line 6: Insert a new sentence to read: "Alternatively, the Commission would not pursue an untimely party committee transfer made to cover the nonfederal share of an allocable expense paid between August 27, 2001 and December 31, 2001, if the transfer is made no later than March 1, 2002, and is fully disclosed on the party committee's applicable report."
4. Page 4, Line 7: Delete the words, "this proposed policy" and substitute the words "the policy that is under consideration" in lieu thereof.
 - a. Also, amend similar language throughout the draft to conform to this amendment.
5. Page 4, Line 8: Insert the following language at the end of the sentence after the word "duration":

"or any other circumstances arising out of the attacks of September 11 that should be addressed."

III. PROPOSED STATEMENT OF ENFORCEMENT POLICY
REGARDING PARTY COMMITTEE TRANSFERS OF
NON FEDERAL FUNDS FOR PAYMENT OF ALLOCABLE
EXPENSES

(continued)

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

II. DRAFT ADVISORY OPINION 2001-16
(continued)

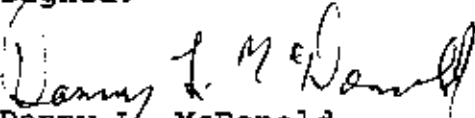
It was agreed without objection to hold this matter over and request an extension of time from the requester.

IV. ADMINISTRATIVE MATTERS


There were no administrative matters to come before the Commission.

The meeting adjourned at 3:55 P.M.

Signed:


Danny L. McDonald
Chairman of the Commission

Attest:


Mary H. Dove
Secretary of the
Commission

