

AGENDA DOCUMENT NO. 00-40  
APPROVED APRIL 5, 2000

MINUTES OF AN OPEN MEETING  
OF THE  
FEDERAL ELECTION COMMISSION

THURSDAY, MARCH 16, 2000

PRESENT: Darryl R. Wold, Chairman, presiding  
Danny L. McDonald, Vice Chairman  
David M. Mason, Commissioner  
Karl J. Sandstrom, Commissioner  
Scott E. Thomas, Commissioner  
James A. Pehrkon, Staff Director  
Lawrence M. Noble, General Counsel  
Mary W. Dove, Acting Secretary

Chairman Darryl R. Wold called the Federal Election Commission to order in an open meeting at 10:15 a.m. on Thursday, March 16, 2000 with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for March 2, 2000  
Agenda Document No. 00-32

Chairman Wold recognized Vice Chairman McDonald, who

MOVED to approve the minutes for the open meeting of Thursday, March 2, 2000, as set forth in Agenda Document No. 00-32.

The motion carried on the vote of 5-0 with Commissioners Mason, McDonald, Sandstrom, Thomas, and Wold voting affirmatively.

II. ADVISORY OPINIONS

A. Revised Draft AO 1999-40

National Rural Electric Cooperative  
Association by counsel, Jan Witold Baran

Agenda Documents No. 00-35,  
No. 00-35-A, and No. 00-35-B

(Placed on the agenda pursuant to the  
filing of an objection by Commissioner  
Wold following circulation on a 72 hour  
vote basis.)

Chairman Wold recognized Vice Chairman  
McDonald, who

MOVED to suspend the rules  
on the timely submission of  
agenda documents in order to  
consider Agenda Documents  
No. 00-35-A and No. 00-35-B.

The motion carried on the vote of 5-0 with  
Commissioners Mason, McDonald, Sandstrom, Thomas, and  
Wold voting affirmatively.

II. ADVISORY OPINIONS (continued)

A. Revised Draft AO 1999-40 (continued)

Chairman Wold stated his concurrence of Commissioner Sandstrom's proposed revision to footnote 13 in Agenda Document No. 00-35-B, and Mr. Jonathan Levin of the General Counsel's Office also agreed with the proposed amendment.

Chairman Wold recognized Commissioner Thomas, who

MOVED to approve revised draft Advisory Opinion 1999-40, as submitted in Agenda Document No. 00-35, subject to the amendment contained in Agenda Document No. 00-35-B.

The motion carried on the vote of 5-0 with Commissioners Mason, McDonald, Sandstrom, Thomas, and Wold voting affirmatively.

II. ADVISORY OPINIONS (continued)

B. Revised Draft AO 2000-03

American Society of Anesthesiologists  
by counsel, Michael Scott

Agenda Document No. 00-36

(Placed on the agenda pursuant to the filing of an objection by Commissioner McDonald following circulation on a 72 hour vote basis. Commissioner Thomas also objected for the record.)

At the conclusion of the discussion, Commissioners McDonald and Thomas left their objections on the record. Therefore, the pre-meeting tally reflected a Commission decision of 4-2 to approve revised draft advisory opinion 2000-03, as set forth in Agenda Document No. 00-36.

Commissioners Elliott, Mason, Sandstrom, and Wold voted affirmatively. Commissioners McDonald and Thomas dissented.

C. Draft AO 2000-04

National Association of Federal Credit  
Unions by counsel, Thomas J. Cooper and  
John F. Cooney

Agenda Document No. 00-34

Chairman Wold recognized Mr. Jonathan Levin of the General Counsel's Office who presented draft Advisory Opinion 2000-04 concerning the application of the Federal

II. ADVISORY OPINIONS (continued)

C. Draft AO 2000-04 (continued)

Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to contributions to NAFCU/PAC by share account holders in NAFCU's member credit unions and the role of the credit unions in the contribution process.

During his presentation, Mr. Levin noted the following amendments:

1. Page 1, Line 12: Insert the word "Federal" before the word "Credit."
2. Page 10, Line 9: Correct the spelling of the word "because."

A discussion followed.

Chairman Wold recognized Commissioner Thomas,  
who

MOVED to approve draft Advisory Opinion 2000-04, as submitted in Agenda Document No. 00-34, subject to the amendments as noted above.

The motion carried on the vote of 5-0 with Commissioners Mason, McDonald, Sandstrom, Thomas, and Wold voting affirmatively.

II. ADVISORY OPINIONS (continued)

D. Draft AO 2000-02 - Alternative Drafts

Rick Hubbard and Rick Hubbard for  
U.S. Senate

Agenda Document No. 00-33

Chairman Wold recognized Mr. Michael Marinelli of the General Counsel's Office who presented Alternative Drafts A and B of draft Advisory Opinion 2000-02 concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the rental by a campaign committee, Rick Hubbard for U.S. Senate, of personal and real property owned by the requester.

The following amendments were noted in Draft B:

1. Page 5, Line 3: Delete the words "also contains" and substitute the words "is in the same building with" in lieu thereof.
2. Page 5, Line 4: Insert the word "are" before the word "several."
3. Page 5, Line 8: Delete the words "rather than residential area of Stowe" and substitute the word "building" in lieu thereof.
4. Page 5, Line 12: Insert the word "you" before the word "previously."
5. Page 5, Line 14: Change the word "pace" to "space."
6. Page 5, Footnote 3, Line 3: Delete the word "legal" and substitute the word "law" in lieu thereof.

II. ADVISORY OPINIONS (continued)

D. Draft AO 2000-02 - Alternative Drafts  
(continued)

Following discussion, Chairman Wold recognized  
Commissioner Mason, who

MOVED to approve draft Advisory  
Opinion 2000-02, as submitted  
in Agenda Document No. 00-33,  
subject to the amendments out-  
lined above.

The motion carried on the vote of 5-0 with  
Commissioners Mason, McDonald, Sandstrom, Thomas, and  
Wold voting affirmatively.

III. PRESIDENT WILLIAM J. CLINTON AND THE CLINTON/  
GORE '96 PRIMARY COMMITTEE, INC. - REPAYMENT  
DETERMINATION AND DISBURSEMENT DETERMINATION  
(LRA#529)

Agenda Document No. 00-31

(Placed on the agenda pursuant to the  
filing of an objection by Commissioner  
Mason following circulation on a 72 hour  
vote basis.)

III. PRESIDENT WILLIAM J. CLINTON AND THE CLINTON/  
GORE '96 PRIMARY COMMITTEE, INC. - REPAYMENT  
DETERMINATION AND DISGORGEMENT DETERMINATION  
(LRA#529)

(continued)

During the ensuing discussion, Mr. Andre Pineda of the General Counsel's Office responded to questions and comments. Commissioners McDonald, Sandstrom, and Thomas withdrew their affirmative votes, so the amended pre-meeting tally reflected a lack of four affirmative votes to approve the General Counsel's recommendations. Chairman Wold recognized Commissioner Mason, who

MOVED to take the following actions in the above-captioned matter:

1. Reject the General Counsel's recommendations, as set forth in Agenda Document No. 00-31.
2. Instruct the Office of General Counsel to send a letter to the Committee pursuant to the meeting discussion.

The motion carried on the vote of 5-0 with Commissioners Mason, McDonald, Sandstrom, Thomas, and Wold voting affirmatively.

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The meeting recessed at 11:30 a.m. and reconvened at 11:40 a.m. with a quorum present.

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IV. 1996 DEMOCRATIC NATIONAL CONVENTION COMMITTEE, INC.-REVISION TO THE STATEMENT OF REASONS (LRA#471)

Agenda Document No. 00-20

(Held over from meeting of February 17, 2000)

Chairman Wold noted that Commissioner Sandstrom was recused with respect to this matter and was not present during its consideration.

Mr. Delbert Rigsby, of the General Counsel's Office, presented the subject report. Following discussion, it was agreed without objection, to return Agenda Document No. 00-20, to the Office of General Counsel for circulation on a tally vote basis the following recommendations for approval:

1. Determine that the 1996 Democratic National Convention Committee, Inc. and the Democratic National Committee do not owe a repayment to the United States Treasury, with respect to the telephone expenses.
2. Statement of Reasons.

V. 1996 REPUBLICAN NATIONAL CONVENTION  
COMMITTEE ON ARRANGEMENTS, ALTERNATIVE  
DRAFT STATEMENT OF REASONS (LEA#472)

Agenda Document No. 00-37

Chairman Nold recognized Mr. Duane Pugh of the General Counsel's Office who presented the subject document. Participating in the ensuing discussion, were Mr. Joe Stoltz and Ms. Erica Holder of the Audit Division.

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The meeting recessed at 12:40 p.m. and reconvened at 2:10 p.m. with a quorum present.

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V. 1996 REPUBLICAN NATIONAL CONVENTION  
COMMITTEE ON ARRANGEMENTS, ALTERNATIVE  
DRAFT STATEMENT OF REASONS (LEA#472)

(continued)

The discussion resumed.

It was agreed without objection to return Agenda Document No. 00-37 to the Office of General Counsel for redrafting pursuant to the meeting discussion and to circulate the revised draft on a tally vote basis.

VI. BUCHANAN FOR PRESIDENT COMMITTEE, INC.  
STATEMENT OF REASONS (LR#466)

Agenda Document No. 00-24

Chairman Wold recognized Ms. Wanda Thomas of the Audit Division who reviewed the audit findings in the above-captioned document. During the discussion, Ms. Jamila Wyatt of the General Counsel's staff also responded to questions and comments.

Chairman Wold recognized Commissioner Thomas, who

MOVED to approve the General Counsel's recommendations, as set forth in Agenda Document No. 00-24, to wit:

1. Determine that the Buchanan for President Committee, Inc. must repay \$12,159 within 30 days to the United States Treasury pursuant to 26 U.S.C. §9038(b)(2) and 11 C.F.R. §9038.2(b)(3).
2. Determine that the Buchanan for President Committee, Inc. must repay \$17,169 within 30 days to the United States Treasury pursuant to 26 U.S.C. §9038(b)(2) and 11 C.F.R. §9038.2(b)(2).
3. Approve the Statement of Reasons, as set forth in Agenda Document No. 00-24.
4. Approve the appropriate letters.

VI. BUCHANAN FOR PRESIDENT COMMITTEE, INC.  
STATEMENT OF REASONS (LR#466)

(continued)

The motion carried on the vote of 5-0 with  
Commissioners Mason, McDonald, Sandstrom, Thomas, and  
Wold voting affirmatively.

VII. NOTICE OF DISPOSITION ON REPAYMENTS BY  
FEDERALLY FINANCED PRESIDENTIAL PRIMARY  
CAMPAIGN COMMITTEES (11 C.F.R. §9038.2(b)(2))

Agenda Document No. 00-29

Chairman Wold recognized Ms. Rosemary Smith of  
the General Counsel's Office who presented the subject  
document.

Following discussion, Chairman Wold recognized  
Commissioner Mason, who

MOVED to approve the Notice of  
Disposition for publication in  
the FEDERAL REGISTER, as set  
forth in Agenda Document No. 00-29,  
amended as follows:

Page 9, Lines 1-4: The last  
sentence to read:

"The current rule is not being  
changed at this time because  
there is no consensus in favor  
of changing the regulation."

VII. NOTICE OF DISPOSITION ON REPAYMENTS BY  
FEDERALLY FINANCED PRESIDENTIAL PRIMARY  
CAMPAIGN COMMITTEES (11 C.F.R. §9038.2(b)(2))

(continued)

The motion carried on the vote of 5-0 with  
Commissioners Mason, McDonald, Sandstrom, Thomas, and  
Wold voting affirmatively.

VIII. FINAL RULES AND ACCOMPANYING EXPLANATION AND  
JUSTIFICATION TO REVISE 11 CFR PART 108. FILING  
COPIES OF REPORTS AND STATEMENTS WITH STATE  
OFFICERS

Agenda Document No. 00-30

Chairman Wold recognized Ms. Rita Reimer  
of the General Counsel's staff who reviewed the  
final rules to revise 11 CFR Part 108.

A discussion followed.

VIII. FINAL RULES AND ACCOMPANYING EXPLANATION AND JUSTIFICATION TO REVISE 11 CFR PART 108, FILING COPIES OF REPORTS AND STATEMENTS WITH STATE OFFICERS

(continued)

Chairman Wold recognized Commissioner Thomas,  
who

MOVED to approve the final rules and Explanation and Justification for publication in the *FEDERAL REGISTER*, as set forth in Agenda Document No. 00-30, and to direct the Office of General Counsel to transmit the regulations and the Explanation and Justification to Congress pursuant to 2 U.S.C. §438(d).

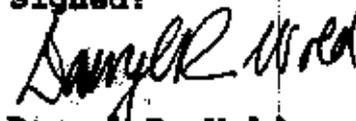
The motion carried on the vote of 5-0 with Commissioners Mason, McDonald, Sandstrom, Thomas, and Wold voting affirmatively.

IX. ADMINISTRATIVE MATTERS

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

The meeting adjourned at 3:30 p.m.

Signed:



Darryl R. Wold  
Chairman

Attest:



Mary W. Dove  
Acting Secretary