



AGENDA DOCUMENT NO. 05-28
APPROVED JUNE 23, 2005

MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION

THURSDAY, JUNE 9, 2005

PRESENT:

Scott E. Thomas, Chairman, presiding

Michael E. Toner, Vice Chairman

David M. Mason, Commissioner

Bradley A. Smith, Commissioner

Ellen L. Weintraub, Commissioner

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 10:05 A.M. on Thursday, June 9, 2005, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for May 5, 2005
Agenda Document No. 05-25

Chairman Thomas recognized Vice Chairman Toner, who

**MOVED to approve the minutes for the
Open Meeting of Thursday, May 5, 2005,
as submitted in Agenda Document No.
05-25.**

**The motion carried on the vote of 5-0 with Commissioners
Mason, Smith, Thomas, Toner, and Weintraub voting affirmatively.**

II. DRAFT ADVISORY OPINION 2005-05

Representative Ray LaHood by Rex Linder,
Treasurer of Friends of Ray LaHood

Agenda Document No. 05-27

**Chairman Thomas recognized Ms. Esa Sferra of the General
Counsel's Office who presented draft Advisory Opinion 2005-05
regarding the application of the Act and Commission regulations to
proposed uses of funds remaining in the account of a State committee**

II. DRAFT ADVISORY OPINION 2005-05 (continued)

that was created to finance Representative LaHood's interest in exploring his candidacy for Governor of Illinois.

Chairman Thomas recognized Vice Chairman Toner, who

MOVED to approve draft Advisory Opinion 2005-05, as set forth in Agenda Document No. 05-27, subject to the following amendments:

Page 5, Lines 6-7: delete the words "that no such refund to a person exceeds the amount actually donated by that person and";

Page 5, Line 16: insert a footnote after "Illinois law" that reads, "The Commission notes that the requestor only asked about 501(c)(3) organizations that do not conduct any election activity."

The motion carried on the vote of 5-0 with Commissioners Mason, Smith, Thomas, Toner, and Weintraub voting affirmatively.

III. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON INFLATION ADJUSTMENTS FOR CIVIL PENALTIES (11 CFR 111.24 AND 111.44)

Agenda Document No. 05-26

Chairman Thomas recognized Mr. Albert Kiss of the General Counsel's Office who presented the subject document.

**III. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON
INFLATION ADJUSTMENTS FOR CIVIL PENALTIES (11 CFR
111.24 AND 111.44)**

(continued)

The Chairman recognized Commissioner Weintraub, who

**MOVED to approve the Final Rules at
11 CFR 111.24 and 111.44 and their
Explanation and Justification, as set
forth in Agenda Document No. 05-26,
for publication in the *Federal Register*.**

The motion carried on the vote of 5-0 with Commissioners

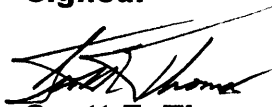
Mason, Smith, Thomas, Toner, and Weintraub voting affirmatively.

IV. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 10:18 A.M.

Signed:



Scott E. Thomas

Chairman of the Commission

Attest:



Mary W. Dove

Secretary of the Commission