



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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June 23, 2004

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Lawrence H. Norton
General Counsel

Rosemary C. Smith
Associate General Counsel

Brad C. Deutsch
Assistant General Counsel

Jonathan M. Levin
Senior Attorney

SUBJECT: Reconsideration of AO 2004-12

Commissioner Thomas has moved for reconsideration of Advisory Opinion 2004-12 (attached) at the June 24 Open Session.¹ Commission Directive 10 ("Rules of Procedure of the Federal Election Commission Pursuant to 2 U.S.C. 437c(e)") sets forth procedures applicable to such motions. Specifically, it states that the "effect of the adoption of a motion to reconsider is to place before the Commission again the question on which the vote to reconsider was taken in the *exact position* in which it was before the original vote." Section E.7(d) (emphasis added).

The attached advisory opinion reflects the language approved by the Commission on June 10, and, hence, reflects the "exact position" in which the Commission was immediately prior to the vote that is now the subject of Commissioner Thomas' motion for reconsideration.

This Office asks the Commission to include Advisory Opinion 2004-12 as a document for the June 24 Open Session agenda so that if Commissioner Thomas' motion

¹ Advisory Opinion 2004-12 was approved by the Commission at the June 10, 2004, Open Session.

AGENDA ITEM
For Meeting of: 6-24-04
SUBMITTED LATE

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for reconsideration is adopted, the document will then be before the Commission for further deliberations.

Attachment