



**AGENDA DOCUMENT NO. 05-28**

**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**