



AGENDA DOCUMENT NO. 05-32

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION**

THURSDAY, JUNE 23, 2005

PRESENT:

Scott E. Thomas, Chairman, presiding

Michael E. Toner, Vice Chairman

David M. Mason, Commissioner

Danny L. McDonald, 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 10:07 A.M. on Thursday, June 23, 2005, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for June 9, 2005
Agenda Document No. 05-28

Chairman Thomas recognized Vice Chairman Toner, who

MOVED to approve the minutes for the Open Meeting of Thursday, June 9, 2005, as submitted in Agenda Document No. 05-28.

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

II. DRAFT ADVISORY OPINION 2005-06

Friends of McInnis Canyons National Conservation Area and former Representative Scott McInnis and Friends of Scott McInnis, Inc., by Treasurer Orville F. Petersen

Agenda Document No. 05-29

Chairman Thomas recognized Mr. Robert Knop of the General Counsel's Office who presented draft Advisory Opinion 2005-06

II. DRAFT ADVISORY OPINION 2005-06 (continued)

concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to a donation that the Friends of Scott McInnis, Inc. ("the Committee") is planning to make to Friends of McInnis Canyons NCA.

The Chairman recognized Vice Chairman Toner who presented the following amendments:

Page 1, Lines 19 and 20, delete the words "or former Congressional staff";

Page 2, delete the sentence which begins on Line 9 and ends on Line 10.

Chairman Thomas recognized Commissioner McDonald, who

MOVED to approve draft Advisory Opinion 2005-06, as set forth in Agenda Document No. 05-29, subject to the amendments noted above, and to make any necessary technical and conforming amendments.

The motion carried on the vote of 6-0.

III. EXPLANATION AND JUSTIFICATION FOR CANDIDATE SOLICITATION AT STATE, DISTRICT, AND LOCAL PARTY FUNDRAISING EVENTS (11 CFR 300.64)

Agenda Document No. 05-31 (Submitted late)

III. EXPLANATION AND JUSTIFICATION FOR CANDIDATE SOLICITATION AT STATE, DISTRICT, AND LOCAL PARTY FUNDRAISING EVENTS (11 CFR 300.64)

(continued)

Chairman Thomas recognized Vice Chairman Toner, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 05-31.

The motion carried on the vote of 6-0.

The Chairman recognized Mr. Robert Knop of the General Counsel's Office who presented the revised Explanation and Justification.

A discussion followed.

Chairman Thomas recognized Commissioner Smith, who

MOVED to approve the revised Explanation and Justification, as set forth in Agenda Document No. 05-31, subject to the following amendments:

Page 21, delete the sentence which begins on Line 3 and ends on Line 5;

Page 21, Line 7, insert the words "at this time" after "2003-36";

Page 21, delete the sentence which begins on Line 7 and ends on Line 9;

Include any technical and conforming amendments as necessary;

III. EXPLANATION AND JUSTIFICATION FOR CANDIDATE SOLICITATION AT STATE, DISTRICT, AND LOCAL PARTY FUNDRAISING EVENTS (11 CFR 300.64)

(continued)

Further, that the revised draft, as amended, be submitted for publication in the *Federal Register* and transmittal to Congress.

The discussion resumed.

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The meeting recessed at 11:25 A.M. and reconvened at 11:42 A.M. with a quorum present.

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III. EXPLANATION AND JUSTIFICATION FOR CANDIDATE SOLICITATION AT STATE, DISTRICT, AND LOCAL PARTY FUNDRAISING EVENTS (11 CFR 300.64)

(continued)

There was further discussion.

The vote was taken on Commissioner Smith's motion, as outlined above, and the motion carried on the vote of 4-2 with Commissioners Mason, McDonald, Smith, and Toner voting affirmatively.

Commissioners Thomas and Weintraub dissented.

**IV. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON
PAYROLL DEDUCTIONS BY MEMBER CORPORATIONS FOR
CONTRIBUTIONS TO A TRADE ASSOCIATION'S SEPARATE
SEGREGATED FUND (11 CFR Part 114)**

**Agenda Documents No. 05-30 and No. 05-30-A
(Submitted late)**

Chairman Thomas recognized Vice Chairman Toner, who

**MOVED to suspend the rules on the
timely submission of agenda documents
in order to consider Agenda Documents
No. 05-30 and No. 05-30-A.**

The motion carried on the vote of 6-0.

**Chairman Thomas recognized Ms. Amy Rothstein of the General
Counsel's Office who presented the subject document.**

**The Chairman reviewed his alternative to the General Counsel's
draft, as submitted in Agenda Document No. 05-30-A.**

A discussion followed.

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**The meeting recessed at 12:25 P.M. and reconvened at 2:05 P.M.
with a quorum present.**

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IV. FINAL RULES AND EXPLANATION AND JUSTIFICATION ON PAYROLL DEDUCTIONS BY MEMBER CORPORATIONS FOR CONTRIBUTIONS TO A TRADE ASSOCIATION'S SEPARATE SEGREGATED FUND (11 CFR Part 114)

(continued)

The discussion resumed.

It was agreed without objection to hold this matter over to the next open meeting on Thursday, July 14, 2005.

V. ROUTINE ADMINISTRATIVE MATTERS

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

The meeting adjourned at 2:10 P.M.

Signed:

Scott E. Thomas
Chairman of the Commission

Attest:

Mary W. Dove
Secretary of the Commission

