



**AGENDA DOCUMENT NO. 05-25**

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

**THURSDAY, MAY 5, 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 10:05 A.M. on Thursday, May 5, 2005, with a quorum present.**

**I. CORRECTION AND APPROVAL OF MINUTES**

**Minutes for April 28, 2005  
Agenda Document No. 05-24**

**Chairman Thomas recognized Vice Chairman Toner, who**

**MOVED to approve the minutes for the Open Meeting of Thursday, April 28, 2005, as submitted in Agenda Document No. 05-24.**

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

**II. DRAFT ADVISORY OPINION 2005-04**

**Representative John Boehner and Friends of John Boehner by counsel, Jan Witold Baran**

**Agenda Documents No. 05-23  
and No. 05-23-A (Submitted late)**

**The Chairman recognized Vice Chairman Toner, who**

**MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 05-23-A.**

**II. DRAFT ADVISORY OPINION 2005-04 (continued)**

**The motion carried on the vote of 6-0.**

**Chairman Thomas recognized Mr. Michael Marinelli of the General Counsel's Office who presented draft Advisory Opinion 2005-04 regarding the assignment and reporting of the payments of a court-ordered restitution under the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations.**

**Chairman Thomas recognized Vice Chairman Toner who presented his proposed revisions, as set forth in Agenda Document No. 05-23-A.**

**A discussion followed.**

**The Chairman recognized Commissioner Weintraub, who**

**MOVED to approve draft Advisory Opinion 2005-04, as set forth in Agenda Document No. 05-23, as amended by Agenda Document No. 05-23-A.**

**The motion carried on the vote of 6-0.**

**III. ROUTINE ADMINISTRATIVE MATTERS**

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

**The meeting adjourned at 10:15 A.M.**

**Signed:**

**Scott E. Thomas  
Chairman of the Commission**

**Attest:**

**Mary W. Dove  
Secretary of the Commission**