



AGENDA DOCUMENT NO. 05-52

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, NOVEMBER 3, 2005**

PRESENT:

Scott E. Thomas, Chairman, presiding

Michael E. Toner, Vice Chairman

David M. Mason, Commissioner

Ellen L. Weintraub, Commissioner

Robert J. Costa, Acting 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, November 3, 2005, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for October 19, 2005
Agenda Document No. 05-47**

Chairman Thomas recognized Vice Chairman Toner, who

**MOVED to approve the minutes
for the Open Meeting of Wednesday,
October 19, 2005, as submitted
in Agenda Document No. 05-47.**

**The motion carried on the vote of 4-0 with Commissioners
Mason, Thomas, Toner, and Weintraub voting affirmatively.**

II. ADVISORY OPINION 2005-17

**American Crystal Sugar Company and Red
River Valley Sugarbeet Growers Association
by counsel, Jan Witold Baran**

Agenda Document No. 05-48

Chairman Thomas recognized Mr. Jonathan Levin of the General Counsel's Office who presented draft Advisory Opinion 2005-17, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the

II. ADVISORY OPINION 2005-17 (continued)

Association's status as a trade association, the affiliation of American Crystal and the Association, and the ability of either the Association or American Crystal to solicit the stockholders, executive and administrative personnel, and the families thereof, of the Association's incorporated members for contributions to American Crystal's separate segregate fund, American Crystal Sugar Company Political Action Committee. During his presentation, Mr. Levin noted the following amendments:

Page 1, Line 19: delete the word "that" at the end of the line;

Page 7, Line 8: change the word "This" to "The" at the end of the line.

Chairman Thomas recognized Commissioner Weintraub, who

MOVED to approve draft Advisory Opinion 2005-17, as set forth in Agenda Document No. 05-48, as amended above.

The motion carried on the vote of 4-0 with Commissioners

Mason, Thomas, Toner, and Weintraub voting affirmatively.

**III. FINAL AUDIT ON THE JIM GERLACH FOR CONGRESS
COMMITTEE**

Agenda Document No. 05-49

**(Placed on the agenda pursuant to the filing
of an objection by Commissioner Mason
following circulation on a 72 hour tally vote.)**

**The Chairman recognized Commissioner Mason who withdrew
his objection and cast a vote in favor. Vice Chairman Toner and
Commissioner Weintraub, who had not voted prior to the meeting, cast
votes of approval.**

**Therefore, the amended pre-meeting tally reflected that the
Commission decided by a vote of 5-0 to approve the Final Audit Report
on the Jim Gerlach for Congress Committee, as set forth in Agenda
Document No. 05-49.**

**Commissioners Mason, McDonald, Thomas, Toner, and Weintraub
voted affirmatively for the decision.**

IV. ROUTINE ADMINISTRATIVE MATTERS

**ADDITIONAL MEETING DATES
Agenda Document No. 05-50**

Chairman Thomas recognized Vice Chairman Toner, who

IV. ROUTINE ADMINISTRATIVE MATTERS (continued)

ADDITIONAL MEETING DATES (continued)

**MOVED to approve Agenda Document
No. 05-50, which lists additional open meeting
dates of Thursday, November 10, 2005, and
Thursday, December 1, 2005.**

The motion carried on the vote of 4-0 with Commissioners

Mason, Thomas, Toner, and Weintraub voting affirmatively.

The meeting adjourned at 10:14 A.M.

Signed:

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

Attest:

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