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AGENDA ITEM

For Meeting of: 11-21-02

SUBMITTED LATE

MEMORANDUM

NOV 21 2002

TO: The Commission

THROUGH: James A. Pehrkon *[Signature]*
Staff Director

FROM: Lawrence H. Norton *[Signature]*
General Counsel

Rosemary C. Smith *[Signature]*
Acting Associate General Counsel

John C. Vergelli *[Signature]*
Acting Assistant General Counsel

Richard Ewell *[Signature]*
Attorney

Ruth Heilizer *[Signature]*
Attorney

Dawn Odrowski *[Signature]*
Attorney

SUBJECT: Amendments to Agenda Doc. No. 02-82

The Office of General Counsel prepared Attachment A to this memorandum, which lists the corrections that need to be made to Agenda Document No. 02-82.

Recommendation

The Office of General Counsel recommends that the Commission approve Agenda Document No. 02-82 incorporating the corrections contained in Attachment A to this memorandum.

ATTACHMENT A
Agenda Document No. 02-82 Amendments Sheet

1. At page 2, line 2: delete "January 2, 2003" and replace with "January 1, 2003"
2. At page 2, line 18: insert "herein" after "final rules"
3. At page 4, line 2: delete "441d" and replace with "2 U.S.C. 441d"
4. At page 4, line 5: insert after "committees" the phrase "through any type of general public political advertising"
5. At page 5, line 6: insert "communications through" after "to"
6. At page 6, line 8: delete comma after "communication"
7. At page 6, line 18: delete comma after "commenter"
8. At page 8, footnote 2: delete "Definition" at the beginning of the sentence and replace with "See the definition"
9. At page 8, line 15: delete "all" after "required for"
10. At page 10, line 22: delete "[a]ll such communications" and replace with "[a]ll public communications"
11. At page 10, line 23: replace comma after "disbursement" with period and delete the remainder of the sentence that ends on page 11, line 2.
12. At page 11, lines 4 and 5: delete "[a]ll such communications" and replace with "[a]ll public communications"
13. At page 11, line 10: delete "[a]ll such communications" and replace with "[a]ll public communications"
14. At page 11, line 11: delete "to include a disclaimer" and replace with "must include a disclaimer"
15. At page 11, line 13: delete second period at the end of the sentence

16. At page 13, lines 5-14: delete and replace with the following:

“solicitations only state the name of the person who paid for the communication. In the NPRM the Commission proposed deleting paragraph (a)(1)(iv). Given that Congress amended 2 U.S.C. 441d(a) to extend the disclaimer requirements to apply “whenever a political committee makes a disbursement for the purpose of financing any communication” through any type of general public political advertisement, and given that Congress did not create a specific exception for authorization language in solicitations by unauthorized committees, the Commission is not retaining pre-BCRA 11 CFR 110.11(a)(1)(iv).”

17. At page 23, line 22: insert the following after “11 CFR 110.11(d)(3).”

“The Commission is also making clear that communications made by a political party committee pursuant to 2 U.S.C. 441a(d) that are distributed prior to the date the party committee's candidate is nominated need not carry disclaimers indicating that the communication was authorized by any candidate, but only must indicate who paid for the communication. 11 CFR 110.11(d)(1)(ii).”

18. At page 26, footnote 4: delete “>>>>” and replace it with “69,928”

19. At page 35, line 5: delete “439(a)” and replace with “439a”

20. At page 35, line 15: delete the return at the end of the sentence