



January 21, 2005

Mr. Brad C. Deutsch
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Filing Documents by Priority Mail, Express Mail or Overnight
Delivery Service [Notice 2004-19] 69 FR 76626 (December 22, 2004)

Dear Mr. Deutsch:

America's Community Bankers ("ACB")¹ appreciates the opportunity to comment on the proposed rulemaking by the Federal Election Commission (the "Commission") to change its rules regarding the timely filing of certain designations, reports and statements. Specifically, the Commission proposes to amend its regulations to provide for the addition of U.S. Postal Service Priority Mail, Express Mail and overnight delivery services as options to satisfy certain "timely filing" requirements.²

The proposed changes are intended to implement recent statutory changes that permit Commission filers to use additional delivery options. The 2004 Appropriations Act amended 2 U.S.C. §§ 434(a)(2)(A)(i), (4)(A)(ii) and (5) to allow filers sending certain designations, reports and statements via U.S. Postal Service Priority Mail or Express Mail also to rely on the date of the U.S. Postal Service postmark as the date of filing, provided the mailing has a delivery confirmation. The statutory amendments also allow filers sending such documents via overnight delivery service to rely on the date of deposit with the delivery service, provided the delivery service has an on-line tracking system.

ACB supports these changes as necessary revisions that reflect the now common practice of using a variety of delivery options when filing important documents with the Commission. In particular, ACB supports the Commission's proposed revision of the term "postmark" to include both a U.S. Postal Service Postmark, as well as the verifiable date that a document is deposited with an overnight delivery service. We believe these

¹ America's Community Bankers is the member driven national trade association representing community banks that pursue progressive, entrepreneurial and service-oriented strategies to benefit their customers and communities. To learn more about ACB, visit www.AmericasCommunityBankers.com.

² 69 Fed. Reg. 76626 (December 22, 2004).

changes will help eliminate unnecessary uncertainty regarding the timing of filed Commission documents.

ACB appreciates the opportunity to comment on this important matter. We look forward to working with the Commission as it finalizes this rulemaking.

Should you have any questions, please contact the undersigned at (202) 857-3122 or via email at mbriggs@acbankers.org.

Sincerely,



Michael W. Briggs
Chief Legal Officer