



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: THE COMMISSION
STAFF DIRECTOR
GENERAL COUNSEL
FEC PRESS OFFICE
FEC PUBLIC RECORDS

FROM: OFFICE OF THE COMMISSION SECRETARY *Mudd*

DATE: August 19, 2004

SUBJECT: *Ex Parte* COMMUNICATION
Re: Final Rules for Political Committee Status

Transmitted herewith is an *ex parte* communication from Ms. Judith L. Corley regarding the above-captioned matter.

Proposed final regulations are on the agenda for Thursday, August 19, 2004.

Attachment

FACSIMILE COVER SHEET

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 *Sender's name and phone numberDATE: August 18, 2004 COVER SHEET & 2 PAGE(S)CLIENT NUMBER: 42009-0001RETURN TO: (NAME) Mary Moore (EXT.) 1758 (ROOM No.) 800ORIGINAL DOCUMENT(S) WILL BE: SENT TO YOU HELD IN OUR FILES

SENDER:	TELEPHONE:	FACSIMILE:
<u>Judith L. Corley</u>	<u>(202) 434-1622</u>	<u>(202) 434-1690</u>

RECIPIENT:	COMPANY:	TELEPHONE:	FACSIMILE:
<u>Commissioner David Mason</u>	<u>Federal Election Commission</u>	<u>(202) 694-1050</u>	<u>(202) 219-0147</u>

RE:

August 17, 2004

Bradley A. Smith, Chairman
Ellen Weintraub, Vice Chair
David M. Mason, Commissioner
Danny L. McDonald, Commissioner
Scott E. Thomas, Commissioner
Michael E. Toner, Commissioner
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Commissioners:

The undersigned write to add our support to the requests we understand the Commission is receiving to postpone consideration of the proposed final rule on "political committee status."

The General Counsel's office submitted the draft rules on August 13 for consideration at the Commission's meeting on August 19 less than a week later. The General Counsel's memorandum acknowledges that the proposed final rules differ substantially from the proposed rules contained in the earlier Notice of Proposed Rulemaking ("NPRM"). The new proposed rules established a completely different standard for determining political committee status than originally proposed in the NPRM, and provide for substantially different allocation rules for separate segregated funds and non-connected committees.

In light of this, and of the significant potential impact of these proposed regulations on existing organizations, the Commission should delay consideration of the proposed rules and open this process for comment by those affected. As evidenced by the unprecedented number of comments received in connection with the original NPRM, interest in this rulemaking is substantial and should not be ignored. As the General Counsel stated in recommending deferral of action on the original NPRM: "Additional time would also help the Commission ensure that any regulations it promulgates are not unacceptably over- or under-inclusive as applied to the organizations they will affect." Agenda Document 04-48, submitted for 5/13/04 Commission meeting. Where, as here, the proposed rules have been significantly changed from the original NPRM, this careful consideration is equally important now.

Given that the new rules would not take affect until the next election cycle, there is no reason for the Commission to adopt the regulations precipitously, without taking the time necessary to understand their impact. This can only be done with additional time for organizations to review and analyze the proposals and provide comments to the Commission for your consideration.

For the foregoing reasons, we request that the Commission publish these new proposed rules for comment and put off consideration of the rules until such comments have been reviewed and considered.

Respectfully submitted,

America Coming Together

EMILY's List

The Media Fund

cc: Lawrence H. Norton, General Counsel