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FEDERAL ELECTION COMMISSION
Washington, DC 20463

AGENDA ITEM
For Meeting of: 11-30-00
SUBMITTED LATE

MEMORANDUM

TO: The Commission Secretary
FROM: Commissioners David Mason and Karl Sandstrom *KS*
DATE: November 29, 2000
SUBJECT: Proposed Amendments to Final Rules and Justification on General Public
Political Communications Coordinated with Candidates, and Independent
Expenditures

Please add the attached memorandum to the agenda for Thursday, November 30, 2000.



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission
FROM: Commissioners David Mason and Karl Sandstrom *DM*
DATE: November 29, 2000
SUBJECT: Proposed Amendments to Final Rules and Explanation and Justification on General Public Political Communications Coordinated with Candidates, and Independent Expenditures

We propose the following amendments to Agenda Document NO. 00-111:

1. On p. 1, line 9, add the following phrase after the word "address": "expenditures for".
2. On p. 3, line 5, delete "after the 106th Congress had adjourned" and replace it with the phrase "which is less than 30 legislative days before the adjournment of the 106th Congress".
3. On p. 11, line 20, delete the phrase "limit contact with candidates to written inquiries on candidates' positions" and replace it with the phrase "could be read to prohibit mere inquiries to candidates".
4. On p. 12, lines 10-11, delete the phrase ", except for the discussion of coordinated party expenditures at 2 U.S.C. 441a(d)".
5. On p. 12, lines 12-13, delete the sentence "Nor does the Act's legislative history provide much guidance."
6. On p. 12, lines 13-15, delete the phrase "While the Act does define 'independent expenditure' at 2 U.S.C. 431(17), *supra*, which can be read as stating in the negative what a coordinated expenditure is *not*," and replace it with the following: "This regulation uses the single term 'coordination' to encompass those expenditures described in 2 U.S.C. 441a(a)(7)(B)(i) as made 'in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate.' The statutory terms are not inherently clear, nor does the Act's legislative history provide much guidance. Thus,".

7. On p. 16, line 19, add the following phrase after the word “address”: “expenditures for”.
8. On p. 16, line 20, delete the phrase “in connection with” and replace it with the phrase “for the purpose of influencing”.
9. On p. 17, line 4, add the following phrase after the word “court,;”: “because the Commission does not adopt or reject the content standard analysis in Christian Coalition, and”.
10. On p. 17, line 20, add the following phrase after the word “to”: “expenditures for”.
11. On p. 19, line 2, add the following phrase after the word “committees”: “, thus clarifying that party committees can themselves receive coordinated contributions”.
12. On p. 19, line 9, add the word “coordinated” after the word “considered”.
13. On p. 20, line 17, delete the phrase “or ‘authorized by’”.
14. On p. 20, line 19, delete the word “addresses” and replace it with the word “addressed”.
15. On p. 21, line 10, add the following phrase after the word “adopting”: “an amended version of”.
16. On p. 21, line 18, add the following phrase after the word “adopt”: “an amended version of”.
17. On p. 21, add the following paragraph after line 23:

“The proposed rules indicated that general public political communications ‘authorized by’ candidates or party committees would be considered to be coordinated. The final coordination rules do not cover authorized communications, because these expenditures are already in-kind contributions to the candidates or party committees under 11 CFR 100.7(a)(1)(iii), and thus are not mentioned in the statutory definition of ‘independent expenditure’ at 2 U.S.C. 431(17). Thus, if these communications contain express advocacy or solicit contributions, they must state who paid for them, and, if applicable, that they are authorized by the candidate or the candidate’s committee. See 11 CFR 110.11(a)(1).”

18. On p. 21, line 22, add the words “or suggestions” after the word “requests”.
19. On p. 22, line 10, add the words “or suggested” after the word “requested”.
20. On p. 22, line 21, add the words “or suggestion” after the word “request”.
21. On p. 27, line 13, delete the phrase “with the candidate’s Senate campaign” and replace it with the phrase “general public political communications”.
22. On p. 33, line 9, delete the phrase “, or is authorized by”.

23. On p. 33, line 19, replace the word "or" with "," and add the following phrase after the words "party committee": "or the agent of such candidate or committee,".