



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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November 19, 2007

AGENDA ITEM
For Meeting of: 11-20-07

SUBMITTED LATE

To: The Commission

From: Commissioner Ellen L. Weintraub

ELW

Re: Draft Final Rules on Electioneering Communications

Attached please find alternative language for Agenda Document 07-76. The proposed text would provide alternative language for the text on page 10, line 9 through page 11, line 10 of that document.

7. Section 114.15 would be added to read as follows:

§ 114.15 Permissible use of corporate and labor organization funds for certain electioneering communications.

- (a) Permissible electioneering communications. Corporations and labor organizations may make an electioneering communication, as defined in 11 CFR 100.29, to those outside the restricted class unless the communication is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified Federal candidate.
- (b) Safe Harbor. An electioneering communication is permissible under paragraph (a) of this section if it meets the following requirements:
- (1) It does not mention any election, candidacy, political party, opposing candidate, or voting by the general public;
 - (2) It does not take a position on any candidate's or officeholder's character, qualifications, or fitness for office; and
 - (3) Either:
 - (a) It focuses on a public policy issue; and
 - (i) urges a candidate to take a particular position or action with respect to the issue, or
 - (ii) urges the public to adopt a particular position and to contact the candidate with respect to the matter or issue; or
 - (b) Proposes a commercial transaction, such as purchase of a book, video, or other product or service, or attendance (for a fee) at a film exhibition or other event.