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06/11/2007 06:38 PM

To hybridads@fec.gov
cc
bcc
Subject Comments on hybrid ad rulemaking

Amy L. Rothstein, Esquire
Assistant General Counsel
Federal Election Commission
999 E Street, NW 20463

Re: Comments by the Illinois Republican Party

Dear Ms. Rothstein:

By and through counsel, the Illinois Republican Party (hereinafter, the "Party") hereby comments on the Commission's Notice of Proposed Rulemaking on "Hybrid Communications," 72 FR 26569 (May 10, 2007). The Illinois Republican Party postal address is 205 W. Randolph, Suite 1245, Chicago, Illinois 60606. The party requests that its counsel be permitted to testify on this matter.

Simply put, the Party believes that additional regulatory intervention into so-called hybrid communications is unnecessary. Instead, allocation of such ads is already being accomplished "according to the benefit reasonably expected to be derived." See 11 C.F.R. 106.1. Such time space allocation is consistent with the Commission's own approach, as shown by advisory opinions, see AO's 2004-1 (overruled in part on other grounds); 2004-37; 2006-11, and other Commission action, see Final Audit Report of Bush-Cheney 2000, Inc.; Final Audit Report of Kerry/Edwards 2004, Inc.

To embark upon a different regulatory approach to such activity would introduce yet another level of uncertainty to party activity and party-candidate interaction -- and thus discourage and otherwise interfere with the ability of candidates and parties to work together.

Moreover, to impose some sort of arbitrary ratio onto such communications (particularly with respect to ads that reference multiple candidates) would result in content restriction on core political speech, because it would inevitably encourage certain sorts of communications while at the same time discourage others.

Instead, the Commission ought to encourage candidates to work with their party, not interfere in those relationships. After all, what is at issue here is hard money spending -- regardless of how an ad is

allocated, it will be paid for with federally permissible funds. To adopt new regulations on one particular form of party spending will likely result in a party committee engaging in independent expenditures -- and not because they believe it the preferred method of communicating, but because the regulatory framework will have made that decision for them.

Finally, to embark upon a regulatory framework that deviates from a time-space allocation method would undermine contribution limits (as imposed by Congress through statute), and allow for possible circumvention. If a communication is allocated according to a set method other than the benefit reasonably expected to be derived, someone -- whether it be the party or the candidate(s) -- will be receiving an unreported or excessive contribution, masked by an arbitrary allocation. It is for this reason that the only accurate method is to allocate according to the benefit reasonably expected to be derived.

Thank you for the opportunity to comment and testify.

Respectfully submitted,

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