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Mai T. Dinh, Assistant General Counsel, Federal Elections Commission
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Director
Office of
Federal
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Dear Ms. Dinh:

My name is Michael Bassett, and I serve as Chairman of the Ottawa County Democratic Central Committee in Ottawa County, Ohio. I write to strongly support the proposed rule allowing federal officeholders and candidates to appear at State, district, and local party fundraising events with as little regulation as possible -- in short, the regulation as proposed by the Commission.

It appears to me the Commission is attempting to remain consistent with the language of the Act and to clarify those issues raised by the District Court. If my interpretation of the Commission's intent is correct, these are both laudable goals, but my reasons for supporting this rule is based on issues that go to the very root of how campaigns are waged.

I support the proposed regulation for several reasons. First, the regulations of the Bipartisan Campaign Reform Act of 2002 as they currently stand are so burdensome on local parties that the Commission should strive to avoid any regulation not specifically called for by Congress. Secondly, the regulation is not inconsistent with the section of BCRA at issue. Third, the Commission should proceed with caution regarding any

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restriction of speech. Finally, most political events I am familiar with involve the raising of funds as a condition of admission as opposed to a solicitation at an event.

In addition, I would be strongly urge the Commission not to adopt a "speak but don't solicit" rule. As noted in the NPRM itself, such a rule would "require candidates to tease out" appropriate words from inappropriate ones. I argue that such a rule would probably lead candidates to take the path of least resistance and avoid speaking at such events.

In 2004, we began seeing the effects of BCRA on local parties as we entered the election season. Whereas in the past, we have been able to obtain campaign "paraphernalia" such as yard signs and buttons for little or no cost, as a result of BCRA, we were required to pay much higher prices for these items. Because these are what I like to call "tangible items," people expected them and were often offended when we had to ask for a donation to offset the cost. While this may seem trivial, it complicated the campaign in ways that I shudder even now to contemplate -- and was difficult to explain.

I use this example because BCRA, while a well-intentioned and laudable piece of legislation, has the potential to overcomplicate the relationship between local parties and federal candidates and further remove the local parties from participation in federal campaigns. Local parties operate on a shoestring, in most cases. Volunteer leadership, which is usually *not* made up of people with the resources to easily understand the complexities of BCRA, will increasingly shy away from more than minimal participation in federal elections if the process grows much more complicated.

For this reason I also fear the outcome if a "middle ground" is adopted, wherein federal officeholders and candidates could attend fundraisers but not use words that might

be deemed solicitation for money. This would, first and foremost, open up a whole new battleground in politics, as every statement made by a Congressman at his party's Jefferson/Jackson Day (or Lincoln Day) dinner will be scrutinized to see if it complies with requirements. The wiser path for federal officeholders and candidates will be to avoid the minefield altogether and simply decline invitations, leading them to grow more isolated from local parties, and take a less active role in their state parties. (While my concern is obviously directed towards local parties primarily for the purpose of this comment, it is important to note that there is an important relationship between federal officeholders and statewide candidates, which should also be preserved. This is especially true as it relates to candidates for U.S. Senate.)

BCRA has made life for local parties difficult enough. The Commission should not make further regulations that will further insulate them from the federal process.

BCRA does not mandate rules to restrict candidate solicitations. Section 441i(e)(3) of the Act provides that "notwithstanding" the prohibition of raising non-Federal funds, "a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party." This indicates that Congress did not intend to further regulate the activity of federal officeholders or candidates. If that had been Congress' intent, a clause precluding the solicitation of funds would have been easily inserted into the law. Since this was not Congress' intent, and since BCRA has already made so many other regulations necessary, the Commission should refrain from reading regulations into the legislation that are not in fact required.

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As the Commission is well aware, the entire campaign finance reform debate is tangled into very treacherous questions of free speech. If the Commission were to adopt a path of scrutinizing comments made for "words of solicitation," it would become very difficult ground to tread over what a candidate could say. If a candidate moved a particular individual attending a fundraiser with a powerful speech to give money, would those be improper "words of solicitation?" Or is a direct appeal the only verboten avenue? Is this really a business the Commission wishes to get into?

Finally, the entire discussion misses the general point of local, district and state fundraisers. At most any of these events I have been to, the "funds" are "raised" at the door. Rarely do I hear solicitations being made by anyone, federal officeholder/candidate or otherwise, except perhaps in the context of something like a silent auction. Perhaps the federal officeholder or candidate serves as a "draw," but I have never heard such a person make a direct solicitation.

For those reasons, I strongly urge the Commission to stay as far out of the minefield of regulating candidates' speeches as possible and instead to permit state, local and district party organizations to interface with federal officeholders and candidates without further complicating the process.

Yours truly,

Michael R. Bassett,

Chairman, Ottawa County Democratic

Central Committee