MEMORANDUM

To: The Commission
   General Counsel
   Staff Director
   Office of the Commission Secretary

From: Chairman Michael E. Toner
       Commissioner David M. Mason
       Commissioner Hans A. von Spakovsky

Date: February 17, 2006

Re: Proposed Final Regulations - Definitions of "Solicit" and "Direct", 11 C.F.R 300

Attached please find proposed final regulations regarding "to solicit" and "to direct" that we plan to offer at the Commission's open session on February 23, 2006.
PART 300 – NON-FEDERAL FUNDS

1. The authority citation for Part 300 continues to read as follows:

**Authority:** 2 U.S.C. 434(e), 438(a)(8), 441a(a), 441i, 453.

2. Section 300.2 is amended by revising paragraphs (m) and (n) to read as follows:

§ 300.2 Definitions.

* * * * *

(m) *To solicit.* For the purposes of Part 300, to solicit means to ask *or request, explicitly* or *implicitly,* that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value, whether the contribution, donation, transfer of funds, or thing of value it is to be made or provided directly, or through a conduit or intermediary. **A solicitation shall be limited to unambiguous appeals for funds or things of value. A solicitation shall not include any other types of speech, such as statements of political support.** A solicitation does not include merely providing information or guidance as to the requirement of particular law.

(1) Types of communications that are solicitations. Types of communications that satisfy the definition of **“to solicit”** contained in paragraph (m) of this section include, but are not limited to, the following:

(i) A written communication that provides a method of making a contribution or donation, regardless of the other text of the communication. **This includes, but is not limited to, providing a separate card, envelope, or reply device that contains an address to which funds may be sent and allows contributors or donors to**
indicate the dollar amount of their contribution or donation to the
candidate, political committee, or other organization.

(ii) A communication that provides instructions on how or where to
send contributions or donations, including providing a phone
number specifically dedicated to facilitating the making of
contributions or donations.

(iii) A communication that identifies a Web address where the Web
page displayed is specifically dedicated to facilitating the making
of a contribution or donation, or automatically redirects the
Internet user to such a page, or exclusively displays a link to such a
page.

(2) A communication does not, in and of itself, satisfy the definition of “to
solicit” contained in paragraph (m) of this section merely because it
includes a mailing address, phone number, or Web address, of a candidate,
political committee, or other organization, other than a mailing address,
phone number, or Web address described in paragraph (m)(1) of this
section.

(n) To direct. For the purposes of part 300, to direct means to guide, ask a person who
has expressed an intent to make a contribution, donation, transfer of funds, or otherwise
provide anything of value, by identifying a candidate, political committee or
organization, for the receipt of a contribution, donation, transfer of funds, or thing of
value, to make that contribution, donation, transfer of funds, or to provide that thing of
value, including through a conduit or intermediary. The contribution, donation, transfer,
or thing of value may be made or provided directly or through a conduit or intermediary.

Direction does not include merely providing information or guidance as to the requirement of particular law.