



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

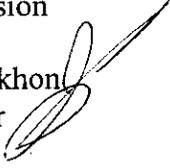
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2003 NOV 12 P 2:23

**MEMORANDUM**

NOV 11 2003

TO: The Commission

THROUGH: James A. Perkhon   
Staff Director

FROM: Lawrence H. Norton   
General Counsel

Rosemary C. Smith  RCS  
Acting Associate General Counsel

Mai T. Dinh   
Acting Assistant General Counsel

J. Duane Pugh Jr.   
Senior Attorney

**AGENDA ITEM**  
For Meeting of: 11-20-03

SUBJECT: Announcement of Effective Date for Final Rules on Public Financing of Presidential Candidates and Nominating Conventions

The Office of General Counsel has prepared for the Commission's consideration the attached draft Announcement of Effective Date for the final rules governing the public financing of Presidential candidates and nominating conventions ("Title 26 Final Rules") that were published in the *Federal Register* on August 8, 2003. The effective date will be the date of publication in the *Federal Register*. This draft *Federal Register* Notice also includes corrections to the Title 26 Final Rules to delete one incorrect citation and to correct two erroneous references in the Explanation and Justification for the Title 26 Final Rules. Finally, the Notice corrects an amendatory instruction in the Regulatory Text section of the Title 26 Final Rules.

Because the amendments are merely technical and non-substantive, they are not a substantive rule requiring notice and comment under the Administrative Procedure Act, 5 U.S.C. 553. The corrected rules will also become effective on the date of publication in the *Federal Register*.

**Recommendation**

The Office of General Counsel recommends that the Commission approve the attached Announcement of Effective Date for publication in the *Federal Register*.

Attachment

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**FEDERAL ELECTION COMMISSION**

**11 CFR Parts 104, 107, 110, 9001, 9003, 9004, 9008, 9031, 9032, 9033, 9034, 9035,  
9036, and 9038**

**[Notice 2003 - \_\_]**

**Public Financing of Presidential Candidates and Nominating Conventions;  
Announcement of Effective Date and Correction**

**AGENCY:** Federal Election Commission.

**ACTION:** Final rules; announcement of effective date and correction.

**SUMMARY:** The Federal Election Commission announces that the final rules governing the public financing of Presidential candidates and nominating conventions that were published in the Federal Register on August 8, 2003, 68 FR 47386, are effective as of [INSERT DATE OF PUBLICATION IN FEDERAL REGISTER].

Additionally, the Commission is publishing a correction to the final rules. The correction: 1) deletes the citation “11 CFR 9008.55(d)” from a subject heading; 2) changes two references from “11 CFR 9008.55(e)” to “11 CFR 9008.55(d)”; and 3) corrects an amendatory instruction. The corrections also are effective as of [INSERT DATE OF PUBLICATION IN FEDERAL REGISTER].

**EFFECTIVE DATE:** [INSERT DATE OF PUBLICATION IN FEDERAL REGISTER].

**FOR FURTHER INFORMATION**

1 **CONTACT:** Ms. Mai T. Dinh, Acting Assistant General Counsel, 999 E Street,  
2 N.W., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

3 **SUPPLEMENTARY**

4 **INFORMATION:** The Federal Election Commission published a document in the  
5 Federal Register of August 8, 2003, at 68 FR 47386, containing revised regulations at  
6 11 CFR 104.5, 107.2, 110.2, 9001.1, 9003.1, 9003.3, 9003.5, 9004.4, 9008.3, 9008.7,  
7 9008.10, 9008.12, 9008.50, 9008.51, 9008.52, 9008.53, 9031.1, 9032.9, 9033.1, 9033.11,  
8 9034.4, 9035.1, 9036.1, 9036.2, and 9038.2, and new regulations at 11 CFR 9004.11,  
9 9008.55, 9034.10, and 9034.11. The Commission is announcing the effective date for  
10 these regulations. Section 9009(c) of Title 26, United States Code, require that any rules  
11 or regulations prescribed by the Commission to carry out the provisions of the  
12 Presidential Election Campaign Fund Act be transmitted to the Speaker of the House of  
13 Representatives and the President of the Senate thirty legislative days prior to final  
14 promulgation. These rules were transmitted to Congress on July 31, 2003. Thirty  
15 legislative days expired in the Senate and the House of Representatives on November 4,  
16 2003.

17 The Commission's document published in the Federal Register on August 8,  
18 2003, contained three incorrect references and one incorrect amendatory instruction.  
19 First, the document as published included a reference to a provision that was not adopted  
20 by the Commission. That provision was originally located in 11 CFR 9008.55(d). Prior  
21 to adopting the final rules, the Commission deleted 11 CFR 9008.55(d) and redesignated  
22 paragraph (e) of 11 CFR 9008.55 as paragraph (d). While this change was reflected in the  
23 regulatory text of 11 CFR 9008.55 and in its Explanation and Justification, the deleted

1 provision was cited as 11 CFR 9008.55(d) in one instance. See 69 FR 47403 (third  
2 column). Thus, this correction deletes the misleading reference to “11 CFR 9008.55(d)”  
3 in the third column on page 47403.

4 Second, the document as published contained two incorrect references to the  
5 provision that was proposed to be 11 CFR 9008.55(e) but was redesignated in the final  
6 regulations to be 11 CFR 9008.55(d). This change was reflected in the regulatory text of  
7 11 CFR 9008.55, but the Explanation and Justification for 11 CFR 9008.55 cited the  
8 redesignated provision as 11 CFR 9008.55(e) in two instances. See 69 FR 47404 (second  
9 and third columns). Thus, this correction changes the references in the second and third  
10 columns on page 47404 from “11 CFR 9008.55(e)” to “11 CFR 9008.55(d).”

11 Third, the document as published contained one incorrect amendatory instruction.  
12 Amendatory instruction 29 in the third column on page 47418, incorrectly identified 11  
13 CFR 9031.1 as 11 CFR 9003.1. Thus, this correction changes this reference in  
14 amendatory instruction 29 in the third column on page 47418 from “11 CFR 9003.1” to  
15 “11 CFR 9031.1.”

#### 16 **Announcement of Effective Date**

17 New 11 CFR 9004.11, 9008.55, 9034.10, and 9034.11 and amended  
18 11 CFR 104.5, 107.2, 110.2, 9001.1, 9003.1, 9003.3, 9003.5, 9004.4, 9008.3, 9008.7,  
19 9008.10, 9008.12, 9008.50, 9008.51, 9008.52, 9008.53, 9031.1, 9032.9, 9033.1, 9033.11,  
20 9034.4, 9035.1, 9036.1, 9036.2, and 9038.2, as published at 68 FR 47386 (Aug. 8, 2003),  
21 and as corrected herein, are effective as of [INSERT DATE OF PUBLICATION IN  
22 FEDERAL REGISTER].

1 **Correction of Publication**

2 In rule FR Doc 03-19893, published on August 8, 2003 (68 FR 47386), make the  
3 following corrections. On page 47403, in the third column, in the thirty-fourth line from  
4 the bottom, delete “11 CFR 9008.55(d)—”. On page 47404, in the second column, in the  
5 sixth line from the bottom (not including footnote text), replace “11 CFR 9008.55(e)”  
6 with “11 CFR 9008.55(d)”. On page 47404, in the third column, in the fourth line from  
7 the bottom (not including footnote text), replace “11 CFR 9008.55(e)” with “11 CFR  
8 9008.55(d)”. On page 47418, in the third column, in the second through fifth lines from  
9 the top, correct the amendatory instruction 29 to read as follows:

10 29. Section 9031.1 is amended by removing the number “116” and adding in its  
11 place the number “400” in both instances in which “116” appears.

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Ellen L. Weintraub  
Chair  
Federal Election Commission

16 DATED: \_\_\_\_\_  
17 BILLING CODE: 6715-01-P