FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Rosemary Smith
Acting Associate General Counsel

FROM: Office of the Commission Secretary

DATE: February 13, 2004

SUBJECT: *Ex Parte* Communication regarding BCRA

Attached is an *ex parte* communication sent to the Commissioners from Members of the United States House of Representatives.

cc: Commissioners
Staff Director
General Counsel
Press Office
Public Disclosure

Attachment

Congress of the United States

House of Representatives

Washington, DC 20515

February 10, 2004

Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Dear Commissioners:

We are aware that the Commission may soon address questions regarding get-out-the-vote, voter registration, and other activities conducted by political organizations (other than political parties) and public-advocacy groups. We note from the public discussion that various claims have been made that the McCain-Feingold legislation (BCRA) is the basis for these initiatives. One Commissioner, in a recent letter to Roll Call, stated:

> *"At the very least, serious questions exist whether outside groups are circumventing the McCain-Feingold law, and these questions must be addressed. In the weeks ahead, it will be critical that the sponsors of the McCain-Feingold law indicate whether they believe outside tax-exempt groups can legally spend unlimited soft money on election-related activities in the place of the national political parties under the new law."* (Roll Call, January 27, 2004 at page 4.)

We are writing to say for the record that, when we voted for BCRA, we voted to get federal elected officials and political parties out of the business of raising and spending soft money – monies that presented the clearest danger of creating the fact or appearance of corruption in our government. The law did not aim similar restrictions at other political organizations or public-advocacy groups, so long as they are neither controlled by, nor coordinate their activities with political parties, candidates, office holders or their agents. In fact, it was our hope that BCRA would reinvigorate grassroots organizations to participate in the political process.

Whatever direction the Commission takes, BCRA reflects, in very clear and specific terms, the choices enacted by Congress to reform our federal campaign finance laws. While we do not express an opinion about actions the Commission may or may not take, we expect the Commission, as an independent agency, to exercise its authority consistent with the law and the Constitutional rights of the citizenry to fully participate in the political process by way of political organizations. And while the Commission may choose to impose new restrictions on the programs and activities of these groups, such restrictions should be applied fairly and consistently, and the agency should not proceed on the basis of some misperceived mandates from the Congress, which some have read into the McCain-Feingold legislation.

Sincerely

Nancy Pelosi

Steny H. Hoyer

John B. Larson

Janice D. Schakowsky

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Letter to FEC Commissioners
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Bill Pascrell Jr

Carolyn M. Cantor

Paul E. Kanjorski

Calvin Dooley

Neil Ejo

Rob A. Brady

Melvin L. Watt

[illegible]

Stephen Lynch MA 9

Frank Pallo Jr

James R. Langevin

Shelley Berkley

Juanita Millender McDonald

Bernard W. Bishop Jr

Elijah E. Cummings

Dick Gephardt

John W. Olver

[illegible]

Neil Abercrombie

[illegible]

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Ben Cardin

Corrine Brown

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Jim McDermott

Carolyn C. Kilpatrick

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Ruben Hinojosa