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September 25, 2003

Ms. Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Notice 2003-14: Candidate Travel Notice of Proposed Rulemaking

Dear Ms. Dinh:

We are submitting these comments in response to the above-captioned Notice of Proposed Rulemaking ("NPRM") regarding rules covering the proper rates and timing for payment of candidate travel on private means of transportation that are not offered for commercial use, including government conveyances. These comments are submitted by the undersigned attorneys at Ryan, Phillips, Utrecht & MacKinnon and not on behalf of any of the Firm's clients.

1. Proposed 11 CFR §100.93(c) Travel by Airplane

We respectfully urge the Commission to adopt Alternative A: Payment Based on First-Class Airfare. We agree that the current reimbursement scheme is unnecessarily complex and negatively affects campaigning in rural areas. Alternative A provides the most straightforward, reasonable and fairest method for candidates and their authorized committee staff to determine the value of the air travel that must be paid to the service provider. We strongly support the Commission's proposal to allow payment to the service provider within seven (7) calendar days after the date of the flight began.

2. Proposed 11 CFR §100.93(f) Reporting

We respectfully urge the Commission not to require that the candidate's authorized committee report the actual dates of travel for which the travel disbursement is made in the description of the purpose of the disbursement. This level of detail is unnecessary and may

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result in the forced disclosure of political information, as opposed to financial transactions, that are beyond the intended reach of FECA.

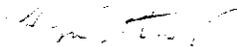
The disclosure of the date of a candidate's travel may be helpful to reports analysts combing reports for a campaign's missteps, but this "benefit" is far outweighed by the forced disclosure of purely political information. The issue is whether the campaign paid the full value of travel or received an in-kind contribution from the service provider. The disclosure of the date of the candidate's travel has no bearing on this issue.

Moreover, the disclosure of a candidate's travel dates goes far beyond the requirements for reporting expenditures made to meet candidate or committee operating expenses set forth in FECA. An authorized committee is only required to disclose "the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure." 2 U.S.C. §434(b)(5). An acceptable statement of the purpose of such an expenditure is "Travel Expense." Similarly, the Commission has determined that sufficient purpose statements for fundraising expenses, polling expenses, and direct mail expense are "Fundraising Expense," "Polling Expense," and "Direct Mail Expense." There is no requirement that an authorized committee must also disclose the date of a fundraiser, the range of dates that a poll was taken, or the date of a mailing. This purely political information is unnecessary and not required under the Act. The Commission should not require political information to be disclosed, such as the date of a candidate's travel, on the financial reports of an authorized committee.

Conclusion

We thank the Commission for the opportunity to provide these comments and respectfully urge the Commission to adopt 11 CFR §100.93(c) Alternative A: Payment Based on First-Class Airfare but not require the disclosure of the date of a candidate's travel under proposed 11 CFR §100.93(f).

Sincerely,



Lyn Utrecht
Eric Kleinfeld
Pat Fiori
James Lamb