



Republican  
National  
Committee

**Counsel's Office**

October 11, 2002

Mr. John Vergelli  
Acting Assistant General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

**VIA E-MAIL: [BCRAcoord@fec.gov](mailto:BCRAcoord@fec.gov)**

Dear Mr. Vergelli:

These comments on the Federal Election Commission's ("the Commission") Proposed Rules relating to Coordinated and Independent Expenditures, 67 Fed. Reg. 60042 ("Proposed Rules" or "Rulemaking") are submitted on behalf of the Republican National Committee ("RNC"). The RNC thanks the Commission for the opportunity to briefly comment in writing on these Proposed Rules, and when the Commission holds hearings on the Proposed Rules, we wish to testify.

The RNC herein extends its remarks regarding overall concepts for the Commission when undertaking these Rulemakings, along with referencing our litigation challenging the constitutionality of the Bipartisan Campaign Reform Act of 2002 ("BCRA") from our previous May 29, 2002 Comment on "Proposed Rules relating to Prohibited and Excessive Contributions; Non-Federal Funds or Soft Money."

A few major concepts should be kept in mind when considering this Rulemaking. Primarily, we appreciate the Commission's attempts at ascertaining a workable content standard, although the obvious "express advocacy" standard that the Courts have consistently mandated be followed was deftly (albeit probably unconstitutionally) skirted. In presenting options for a new coordination standard, the Commission appears to be operating under the assumption that it must apply that new standard to potential coordination between political parties and candidates – in fact, Congress did not mandate that party/candidate coordination be examined by the Commission, and a strong argument can be made that the Commission should simply leave well enough alone in this area.

Finally, the descriptions throughout the Proposed Rules seem at times to be surreal, in light of the realities of how political parties operate. Although it is true that the BCRA will have a massive detrimental effect on the RNC's ability to associate and communicate with Republican candidates, it is nonetheless important for the Commission to understand the reality that the RNC communicates every day with Republican candidates and officeholders, and any workable coordination standard must be narrowly tailored to instances where a political party (or its agent, with authority to act on the party's behalf in this specific instance) has had actual coordination about a key element (such as content, timing, location, mode, intended audience, volume of distribution, or frequency of placement) of a particular communication.

The RNC looks forward to answering questions and expanding upon any issues that the Commission deems relevant at the upcoming hearing.

Respectfully Submitted,

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