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DAVID PRICE
4TH DISTRICT
NORTH CAROLINA



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

September 26, 2002

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE BUDGET

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

Dear Mr. Vergelli:

I'm writing regarding the Commission's rule to implement Section 311 of the Bipartisan Campaign Reform Act of 2002.

In general, I support the regulations as drafted and believe the Commission has done a good job of discerning congressional intent with respect to disclaimers. I have three comments on some of the specific elements of the proposed rule. I would recommend the following changes.

With respect to the size of disclaimers on print communications, I would recommend that the Commission define what constitutes "sufficient type size to be clearly readable by the recipient of the communication." The Commission's suggestions for safe harbor are well-conceived, but I think enforcement of and compliance with provisions that rely on calculating percentages of the text of the core message or the largest type utilized on the communication would be overly complex. And while reliance on the smallest type used in the body of the text would seem to provide a logical standard, it leaves room for organizations to use unreadable disclaimers by inserting even one word of an unreadable size into the body of the text. It seems that the best and easiest route would be to stipulate a minimum font size.

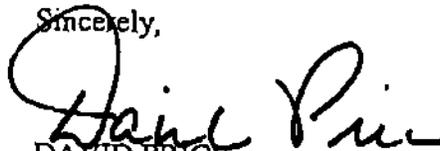
On the matter of the audio portion of the disclaimers required for television advertisements authorized by candidates, I would recommend clarifying that the view of the candidate must be full-screen regardless of whether the disclaimer statement is made by the candidate on screen or in voice-over. The following language would be a substitute for the second sentence in (c)(3)(ii) of Section 110.11 of the proposed rule:

"The statement shall be conveyed by an unobscured, full-screen view of the candidate making the statement, or of the candidate in a voice-over accompanied by a full-screen photographic or similar image of the candidate."

Finally, with respect to delivery of disclaimers in radio and television communications funded by outside groups, I would encourage the Commission to specify that disclaimers must be delivered by an officer of the organization, not by a paid (or volunteer) celebrity spokesperson.

I respectfully request that the Commission take my concerns into account in developing the final rule.

Sincerely,


DAVID PRICE
Member of Congress

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