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Association of State Democratic Chairs



Joe Carmichael
President

August 29, 2002

Via Facsimile and First Class Mail

Mia T. Dinh, Esq.
Acting Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Notice of Proposed Rulemaking: Electioneering Communications

Dear Ms. Dinh:

On behalf of the Association of State Democratic Chairs ("ASDC"), I would like to file the following comment in connection with the Commission's above-referenced Notice of Proposed Rulemaking, 67 Fed. Reg. 51131 (August 7, 2002), proposing regulations to implement certain provisions of the Federal Election Campaign Act of 1971 as amended ("FECA"), as further amended by the Bipartisan Campaign Reform Act of 2002, P.L. 107-55 ("BCRA").

Specifically, I would like to respond to the Commission's request for comment as to whether state and local party committees should be required to file reports if it undertakes any electioneering communication that would not otherwise be an expenditure on behalf of a federal candidate. The ASDC supports an exception for the filing of electioneering reports if it undertakes a communication that would otherwise qualify as an electioneering expenditure, but not as an expenditure on behalf of a federal candidate for purposes of the reporting exemption found at 2 U.S.C. § 434(f)(B)(ii).

As the Commission well knows, the BCRA has added an incredible amount of new legal and administrative burdens to the operation of state and local party committees that are over and above the current, complex requirements of the FECA. With respect to issue advocacy advertisements that are run by state or local party committees, it is highly likely, due to the lack of a limiting construction to the term "promote or support or attack or oppose" that most, if not all, radio or television advertisements that are run by a state or local party committee, that refers to a federal candidate, will meet the definition of

"public communication" even if such a communication merely constitutes issue advocacy. See 11 C.F.R. § 100.26. Consequently, such communications will invariably qualify as federal election activity. As such, state and local party committees will be required to pay for such communications entirely with federal funds, and will be required to disclose such communications not only on its regularly filed reports, but on additional reports required for federal election activity. 11 C.F.R. § 300.36. If the Commission required state and local party committees to disclose such activity as electioneering communications, such communications would then be required to be disclosed to the Commission three separate times.

The burdens placed upon state and local party committees are difficult enough. However, requiring state and local party committees to disclose the same transaction on three separate occasions, on three separate forms, is unduly and unnecessarily burdensome. Therefore, the ASDC supports an exemption from state and local party committees from having to file reports in connection with "electioneering" communications.

Respectfully submitted,



L. Joseph Carmichael
President, Association of State
Democratic Chairs and Chairman,
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