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To GRLECNOA@fec.gov

cc

bcc

Subject Comment - Rulemaking Petition Regarding Electioneering Communications

Attached is a letter setting forth the comments of the National Association of Realtors regarding the Rulemaking Petition concerning "Exception for Certain 'Grassroots Lobbying' Communications From the Definition of 'Electioneering Communication,'" published by the Federal Election Commission in the Federal Register on March 16, 2006. 71 Fed. Reg. 13557 (2006).

Thank you.

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FEC Electioneering Communication Proposed Rulemaking.DOC



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April 18, 2006

April 11, 2006

Via Email to GRLECNOA@fec.gov

Mr. Brad Deutsch
Assistant General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, DC 20463

RE: Notice of Proposed Rulemaking Concerning Political Committee Status

Dear Mr. Deutsch:

This letter is submitted on behalf of the National Association of Realtors® (“NAR”) in response to the Rulemaking Petition (“Petition”) regarding “Exception for Certain ‘Grassroots Lobbying’ Communications From the Definition of ‘Electioneering Communication,’ ” published by the Federal Election Commission (“Commission”) in the Federal Register on March 16, 2006. 71 Fed. Reg. 13557 (2006).

NAR is an Illinois not-for-profit corporation exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code. NAR engages in a variety of federal legislative and political activities intended to advance the interests of its members by improving the legal climate in which the members conduct their businesses.¹ These activities include, from time to time, activities similar to those described in the Petition: Communications directed to NAR members and the general public intended to educate and inform them about legislation and other matters pending in Congress that may impact the real estate industry. Such communications may specifically identify members of Congress and call on them to support or oppose the legislation, or may encourage readers to contact the specified members of Congress to take a particular position. These communications, and any actions suggested therein, are intended to influence

¹ NAR has established and operates the Realtors® Political Action Committee (“RPAC”), a separate segregated fund registered with and filing monthly reports to the Commission.

the adoption or defeat of legislation, as NAR may deem to be appropriate, and are not intended to influence the election or defeat of any candidate for federal office.

Primarily for the reasons described in the Petition, NAR would find it very beneficial for the Federal Election Commission to exercise its statutory authority to initiate the requested rulemaking proceeding and promulgate rules under the Federal Election Campaign Act (“FECA”), as amended by the Bipartisan Campaign Reform Act (“BCRA.”) Such rules would provide a clear “bright line” standard on which NAR and other affected parties may rely in making such communications. That standard would allow NAR and others to engage in such activity without risk that the communications may be deemed to be prohibited “electioneering communications.” The standard would also substantially mitigate any “chilling effect” on the willingness of NAR or others to make such communications because of the uncertainty of whether or not they constitute electioneering communications.

For these reasons, NAR urges the Commission to initiate the rulemaking sought in the Petition.

Very truly yours,

s/s

Ralph W. Holmen

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