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To: Mai T. Dinh, Acting Assistant General Counsel
Federal Election Commission

Fax No: (202) 219-3923

Date: April 8, 2004

From: Lisa W. Pau, Esq.

Re: 69 Fed. Reg. 11736, March 11, 2004

2004 APR - 9 10 3: 26
COMM-FEDERAL ELECTION COMMISSION

MESSAGE:

Letter of 4-8-04 -
Comment in Opposition to Notice of Proposed Rulemaking
(69 Fed. Reg. 11736), March 11, 2004.

Original to follow in U.S. Mail.

Number of pages including this cover page: [3]

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

Re: Amending definition of "Political Committee" – Comment in
OPPOSITION to Notice of Proposed Rulemaking
(69 Fed. Reg. 11736), March 11, 2004

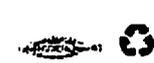
Dear Ms. Dinh and FEC Commissioners:

We write to state our strong opposition to the proposed rules amending the definition of "Political Committee" and related changes to the Federal Election Campaign Act. Our law firm represents several non-profit organizations which are tax-exempt under Internal Revenue Code sections 501(c)(3), (c)(4), (c)(5) and (c)(6). The proposed changes would disrupt the activities of these non-profits in an unnecessary and irreparable way, and would confuse existing law in this area during a critical election year.

As you should know, current laws already limit the activities of non-profits with respect to federal candidate electioneering. The proposed changes could bring these groups under an additional complex regulatory scheme that never before applied. We have already advised our clients and specifically helped structure their lobbying activities in accordance with existing law in this area. A proposed change of this magnitude, this far into the election cycle would create confusion, chill the exercise of legitimate non-profit lobbying activity, and unravel or halt current operations by non-profits that benefit the public.

Many of our clients' central activities include nonpartisan voter registration campaigns and get-out-the-vote drives. Every aspect of these activities will have to be re-evaluated and delayed if the proposed changes go into effect before the election.

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Office of the General Counsel
Federal Election Commission



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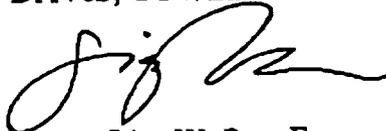
Mai T. Dinh, Acting Assistant General Counsel
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In addition to the overwhelming practical impact of the proposed changes, we add that it appears highly improper for the Commission to even *consider* such a sweeping rulemaking proposal at a time so close to the election. Finally, we join in the comments and analysis of the AFL-CIO's Legal Department concerning the Commission's lack of rulemaking authority, and the clear violation of the Regulatory Flexibility Act if these changes go forward.

We strongly urge you NOT to adopt the proposed rules.

Sincerely,

DAVIS, COWELL & BOWE, LLP



By: Lisa W. Pau, Esq.

LWP/vo