

RICHARD E. GARDINER

Attorney at Law

Suite 404
10560 Main Street
Fairfax, Va 22030

December 3, 2001

(703) 352-7278 (Phone)
(703) 359-0938 (Fax)

Rosemary C. Smith
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Via fax: (202) 219-3923

Re: Notice of Proposed Rulemaking

Dear Ms. Smith:

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Dec 3 12:48 PM '01

I am writing on behalf of the National Rifle Association of America, Inc. to comment on the proposed adoption of a new Part 117, which was published in the Federal Register on October 3, 2001 (66 FR 50358).

§ 117.2: As Subsections (a)(1) and (b) are currently worded, they are awkward and difficult to read together. As was done in the explanation of § 117.2 (66 FR at 50364), we would suggest that Subsection (a)(1) read as follows and that Subsection (b) be deleted:

(a) . . .

(1) The corporation or labor organization does not charge or charges only a nominal amount for providing hyperlinks to other organizations, even if the corporation or labor organization selectively provides hyperlinks to one or more candidate(s), political committee(s), or political parties without providing hyperlinks to any opposing candidate(s), political committee(s), or political parties;

Further, we would suggest that Subdivision (2) ("The hyperlink is not coordinated general public political communications under § 100.23 of this chapter") be deleted for the following reason.

§ 100.23 states in part:

An expenditure for a general public political communication is considered to be coordinated with a candidate or party committee if the communication-

(1) . . . , and

(2) is created, produced or distributed-

(i) at the suggestion of the candidate, the candidate's authorized committee

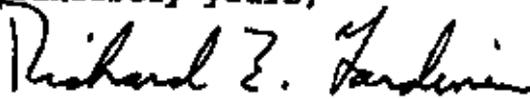
Thus, one of the criteria which makes an expenditure "coordinated" is if it is "created, produced or distributed" at the "suggestion of the candidate, the candidate's authorized committee" As a result, under § 117.2, if the candidate or the candidate's authorized committee merely suggests that a hyperlink be placed on a corporation's website, the corporation may not do so. Given that the hyperlink is something of nominal or no value, it is unnecessary to make compliance with § 100.23 a condition for placement of a hyperlink.

§ 117.3: We would suggest deleting Subsection (a) ("The corporation or labor organization ordinarily makes press releases available to the general public on its web site") for two reasons.

1) The existence vel non of other, non-candidate-related press releases does not change the nature of a candidate-related press release.

2) Under § 114.4(c)(6)(i), there is no requirement that a corporation or labor organization ordinarily make press releases available to the general public to be permitted to issue candidate-related press releases. There is no logical reason for imposing a different requirement in § 117.3 since the purpose of a press release is to make a "public announcement" of the corporation's or labor organization's endorsement and distributing it to the media, which disseminates it to the public, is functionally equivalent to posting the press release on a web site.

Sincerely yours,


Richard E. Gardiner