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91 AUG 26 PM 12:43 Golden Rule®

Federal Election Commission
Office of General Counsel
999 E. Street, N.W.
Washington, DC 20463

August 23, 1991

Re: Advisory Opinion Request

AOR-1991-28

Dear Commissioners:

The Golden Rule Financial Corporation ("Golden Rule") and the Golden Rule Financial Corporation Political Action Committee ("Golden Rule PAC") plan to undertake the activities described in this letter and hereby request that the Federal Election Commission ("FEC") issue an advisory opinion pursuant to 2 U.S.C. §437f as to the legality of these activities.

We at Golden Rule and the Golden Rule PAC wish to exercise our option to solicit Golden Rule employees other than stockholders, executive or administrative personnel, or their families (hereinafter referred to as the "expanded class") on a twice-yearly basis as allowed by 11 C.F.R. §114.6. We would like to utilize the growing popularity and ubiquity of videotape in our solicitations by including a videotaped solicitation along with the traditional letter solicitation.

All of the policy concerns underlying a requirement that solicitations be in writing are satisfied by a videotaped solicitation. A videotaped solicitation is a mode of one-way communication that can be viewed in the privacy and at the convenience of the solicitee just as a written solicitation. The videotape may be dropped in the trash can with no strings attached just like a written solicitation. In all material respects, a videotaped solicitation is the same as a written solicitation.

The videotape would include, among other items, verbal recitations of all of the elements required of a written solicitation by 11 C.F.R. §§114.5(a)(5) and 114.6(c). The letter accompanying the videotape would also comply with all such requirements. The videotape would contain the same information and follow the same processes as the traditional letter solicitation, and the solicitee would not be required to return the videotape. The sole difference between the traditional letter solicitation and our planned videotaped/letter solicitation is that the videotaped portion of the solicitation is not a "written" solicitation under a strict and formalistic reading of 11 C.F.R. §114.6(c).

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The language of 11 C.F.R. §114.6 was adopted in August of 1976. In 1980, some of the language pertaining to the custodial arrangement was amended, but the language pertaining to written solicitations has remained unchanged since its adoption. In 1976, few people could have foreseen the magnitude of the VCR industry and the pervasiveness of videotape. Videotape has become a part of everyday life in the majority of U.S. homes and has expanded the envelope of communication possibilities. Things that were always done in writing are increasingly being done on videotape. Wills, depositions, and shareholders' stock reports are being videotaped to name a few of the applications. To the extent that videotape now replaces many communications that were once written, the scope of the word "written" has changed.

As noted above, the proposed videotaped solicitation is designed to address all of the policy goals and concerns that underlie the written solicitation requirement. A videotaped solicitation is no more personal or intrusive than a traditional written solicitation. The solicitee may choose either to view or not to view the videotaped solicitation. In either event, the solicitee may dispose of the videotape as easily as a letter. As respects the solicitee's protection and privacy, the videotaped solicitation is the same as the traditional written solicitation.

We can think of no reason why a solicitation, as discussed herein, should not be allowed to be made on videotape. Accordingly, Golden Rule and the Golden Rule PAC request that the FEC rule on the legality of this plan of action so that we may proceed with confidence and certainty.

Sincerely,



Megan L. Garrett
PAC Coordinator

MLG/jc