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Requester Comment
AOR 1996-42

November 4, 1996

Mr. Jonathan Levin
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
NOV 4 10 09 AM '96

Re: Comments on Commission's Public Meeting on Draft
Advisory Opinion 1996-42

Dear Mr. Levin:

Pursuant to the meeting of October 31 referenced above, it is my understanding that the draft Advisory Opinion 1996-42 issued by your office will be modified to reflect the concerns raised by the Commission with regard to the draft Advisory Opinion's mandate for Lucent PAC to refund contributions received from Lucent employees by way of payroll deduction since the disaffiliation, within thirty (30) days of receipt of the Advisory Opinion.

Specifically, based upon that meeting, it is our recommendation that the Office of General Counsel consider modifying the text, from the sentence which begins on line 21 of page 10 through line 2 of page 11, to read as follows:

The Commission concludes, therefore, that Lucent PAC must obtain additional affirmative payroll deduction authorizations from its eligible employees in order to continue payroll deductions for their contributions to Lucent PAC. In soliciting these authorizations, Lucent and its PAC must follow the regulations on voluntariness set out at 11 C.F.R. 114.5(a)(1)-(5).

Accordingly, Lucent PAC shall request the affirmative consent of each Lucent employee currently making contributions to Lucent PAC via payroll deduction, to continue payroll deduction for said Lucent PAC contributions. Upon receipt of an affirmative consent from each employee, Lucent PAC may continue that

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employee's payroll deduction thereafter and retain all monies received from that employee prior to the consent. Moreover, no refund to any employee will be required unless and until no affirmative consent is received within a reasonable time after the letter is sent. During the period in which Lucent PAC awaits responses, Lucent PAC shall be permitted to retain these funds in a separate bank account from which it will not make disbursements, or maintain sufficient funds to make any necessary refunds. Of course, Lucent PAC also may obtain the affirmative consent of any Lucent employee in the restricted class who does not currently make payroll deduction contributions to Lucent Technologies PAC.

I look forward to receiving the revised Advisory Opinion.

Sincerely,



Michael A. Nemeroff