



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AGENDA ITEM
For Meeting of: 9-2-98

Memorandum

SUBMITTED LATE

TO: The Commission
From: David M. Mason 
Commissioner
Date: September 2, 1998
Subject: Substitute Revision - Advisory Opinion 1998-17, Page 6

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT
SEP 2 9 48 AM '98

I hereby withdraw the proposed revision to page 6 which I submitted in Agenda Document No. 98-59-A and replace it with the following:

Page 6, strike out lines 14 through 23 and insert the following:

Congress has shown a clear, statutory interest in providing Federal candidates with reasonably priced air time. This requirement was imposed by the same public law which included the 1971 Act. *Public Law 92-225, 86 STAT. 3*. While the Federal Election Commission cannot surrender jurisdiction, nor simply defer to the FCC when our statutes conflict, in this instance, the Communications Act provides important guidance in interpreting the Federal Election Campaign Act by illuminating the policy Congress intended to foster.

The Commission views the proposed activity as falling within the category of commentary, which includes the concept of guest commentary. In implementing its proposal, Daniels must, of course, comply with all applicable provisions of the Communications Act and FCC regulations. Absent these laws and regulations ensuring that Daniels will provide equal opportunities to all qualified candidates, the Commission might disapprove a similar request. This equal access guarantee takes the Daniels proposal outside the realm