

To: Bradley Litchfield <briitch@fec.gov>
cc: (bcc: Bradley Litchfield/FEC/US)
Subject: RE: Letter to FEC dated Jan 21, 1999

AOR 1999-02

>From: Bradley Litchfield
>To: barb.mehlert@premera.com
>Subject: Letter to FEC dated Jan 21, 1999
>Date: Wednesday, January 27, 1999 12:23PM
>
>January 27, 1999
>
>Ms. Mehlert:
>
>Thanks for talking with me earlier today about your letter dated January
>21, 1999, seeking an FEC opinion concerning a proposed candidate forum
>sponsored by your corporation, Premera Blue Cross, which would involve
>corporate payments to provide lunch to attending corporate employees.
>
>As we discussed, in order to proceed with an advisory opinion from the
>Commission in response to your inquiry, this office needs to obtain some
>further facts and clarification of your plans, as partially described in
>your January 21 letter. Please respond to the following questions.
>
>1) Confirm whether your forum program would include appearances by
>candidates for the U.S. House of Representatives and U.S. Senate. Would
>such appearances occur in 1999 or 2000, or both.
>
>Both.
>
>2) Describe the employee group that would attend these lunch forums and
>the attendance policy. In other words, will all Premera employees be
>invited to attend? Or will the invitees be limited to only certain
>categories of employees? If the latter, describe the categories that
>will be included and excluded from the invitations. Will employee
>attendance be voluntary or will attendance be directed by corporate
>managers or supervisors?
>
>All employees would be invited to a "bipartisan forum".
>Employee attendance would be strictly voluntary during their
>lunchtime hour. No forum will be held outside the lunch hour so
>as to disrupt their work schedules.
>
>3) Describe the process that will be used to determine which Federal
>candidates will be invited. Your response should include the job title
>or corporate position of the Premera official who will make the final
>decision as to which candidates are invited. Explain what steps Premera
>will take to assure that all candidates for a given Federal elective
>office (US Congress) are invited and that each invitee has a similar
>opportunity for his/her forum appearance.
>

>We would ask employees for their input as to who they would
>like to hear from. The candidate with the highest interest
>shown by employees would first be selected. A letter would
>then go out to the candidate's opponent offering him/her the
>same opportunity to appear at a separate forum. Jack McRae,
>Senior Vice President and myself would be the final decision
>makers with regards to who comes, however, the employees
>really make the choice through their input.

>

>4) Describe and explain the process and steps Premera will take to
>assure that each forum event is solely a "non-partisan issues"
>discussion that will not involve any form of campaign activity by either
>Premera personnel or the participating Federal candidates or their
>campaign personnel. Your answer should address activities such as
>soliciting or collecting campaign contributions or contribution pledges,
>recruiting campaign volunteers or campaign staff, seeking other forms of
>campaign assistance from Premera employees who attend the events.

>

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>Flyers would be posted throughout the campus announcing the
>candidate forum stating it is a non-partisan event with the
>purpose of educating employees on relevant issues and not a
>campaign-related forum.
>The flyer would NOT list any campaign language such as "Re-Elect" or
>"Elect"

>If campaign signs are used to post around the campus
>advertising the forum, the "elect or retain or re-elect"
>portion would be literally cut off the sign so there would be
>no reference to a campaign.

>The candidate would be told in writing that no campaign
>literature would be accepted and no contributions could be
>solicited while on campus.

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>Upon receiving your responses to these questions, we will give further
>consideration to your inquiry. You may respond by e-mail, but we will
>also need a confirmation, signed letter (via FCM) from you or another
>Premera official for our file record.

>

>Thanks for your assistance. If you have questions about the above,
>please contact me or Jonathan Levin in my absence. (I will be out of
>the office from later today until February 4.)

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>N. Bradley Litchfield
>Associate General Counsel
>Federal Election Commission
>999 E Street NW
>Washington, DC 20463

>

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Jack C. McRae
Senior Vice President

January 21, 1999

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

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JAN 25 3 23 PM '99

Dear Members of the Advisory Opinions Commission:

After receiving a letter from the Public Affairs department of the Federal Election Commission, suggesting that I write to you, I am requesting your opinion on the legality of a candidate forum lunch.

My question relates to whether my corporation, Premera Blue Cross, may purchase lunch for the employees who attend our forums. We are currently looking into holding candidate forums for our employees. These would take place during lunch time and we would like to serve lunch to those employees who attend. Each candidate for a specific public office will be invited to attend a forum (on separate dates). The candidates would speak about non-partisan issues and no election materials would be available to employees at these sessions. The initial letter I received from the FEC suggested that lunch would be considered "an expense connected directly to the event itself." and therefore wouldn't be a problem. However, Mr. McMahon stated that this was strictly for informative purposes and the advisory commission can give me a legal opinion on serving lunch.

Thank you for looking into this issue.

Sincerely,

Barb Mehlert
Public Affairs Administrator
Premera Blue Cross