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Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, NW – 6th Floor
Washington, DC 20463

Re: Request for Advisory Opinion

Dear Mr. Noble:

This Advisory Opinion Request is submitted pursuant to 2 U.S.C. § 437f on behalf of Bill Bradley for President, Inc. (the "Committee"). Bill Bradley, a Democratic candidate for the Presidency, has agreed to comply with the spending limits of the Presidential Primary Matching Payment Account Act (the "Act") and, accordingly, has qualified to receive public funds.

The Committee expects to make expenditures on direct mail in the coming months. Certain of these expenditures will be allocable to state expenditure limits under 11 C.F.R. § 106.2 (1999). In preparing for compliance, the campaign finds there is a question of how the fundraising exemption would apply to mail delivered more than 28 days prior to a primary or caucus. The question in particular is whether these mailing expenses would be subject to the 50% fundraising exemption for the state, or not count at all against any state limits and count only against the 20% aggregate national fundraising limit. It is the understanding of the Committee that other campaigns have concluded that the rule authorizes a broad exemption, without regard to either the basic state limit or the 50% additional state fundraising exemption.

The Committee notes that the regulation governing the direct mail fundraising exemption provides that a campaign "may treat an amount that does not exceed 50% of the candidate's total expenditures allocable to a particular state . . . as exempt fundraising expenses." 11 C.F.R. § 110.8(c)(2). It then includes within those "fundraising expenses" the cost of mass mailings, up to 100% of the cost of those mailing, provided they are sent in any period more than 28 days before the primary or caucus. Id. On the other hand, the Commission's manual for publicly funded Presidential campaigns states that "to claim the exemption, it is not necessary to

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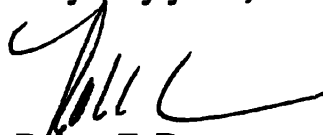
identify any particular expense or to demonstrate the fundraising nature of any disbursement. Rather . . . the campaign may accumulate all state allocable expenses for a particular state and multiply the appropriate totals by 50% or 100% to determine the fundraising exemption." FEC, Financial Control and Compliance Manual at 39 (Jan. 1996). This could suggest, and has been taken by some campaigns to mean, that any direct mail targeted to voters in a particular state which is mailed prior to 28 days before that state's primary or caucus is exempted from the limits on a broader and different basis than other expenses strictly subject to the 50% state fundraising exemption.

The Committee is seeking to comply rigorously with the spending limits in all states, and therefore seeks to resolve the question raised in this request about the treatment of the exemption for direct mail expenditures more than 28 days prior to any primary or caucus. The Commission has regularly encouraged candidates and committees when confronted with a significant question under the Act to make active use of the advisory opinion process, rather than proceed on its own judgments without agency guidance. The Committee believes that this is the appropriate course here.

In the circumstances, however, the Committee can only benefit from an Opinion issued promptly. Because the first primary or caucus is now scheduled for January 31, 2000, and could well be even earlier, and the issue here concerns mail expenditures more than 28 days before that date, the need for expedited resolution is apparent.

Accordingly, the Committee respectfully seeks immediate consideration of this request. The question raised here involves a pure question of law, as presented under the Commission rules, and should for that reason lend itself to expedited resolution.

Very truly yours,



Robert F. Bauer
Brian G. Svoboda
Counsel to Bill Bradley for President, Inc.