



America's Community Bankers®

COMPAC

Political Action Committee

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May 9, 2000

Hand Delivered

Mr. Darryl R. Wold, Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

AOR 2000-10

Attn: Bradley Litchfield

Dear Chairman Wold:

In behalf of America's Community Bankers Community Campaign Committee (COMPAC) #C00001875, the political action committee of America's Community Bankers, a trade association representing the nation's community banks of all charter types and sizes and whose members pursue progressive, entrepreneurial and service-oriented strategies in providing financial services to benefit their customers and communities ("ACB"), we request an advisory opinion under 2 U.S.C. 437f from the Federal Election Commission ("Commission") on several questions arising under the Federal Election Campaign Act of 1971, as amended ("the FECA.")

America's Community Bankers is an Illinois not-for-profit, 501 (c)(6) corporation, doing business in the District of Columbia as a foreign corporation. It is the result of a merger of two prior trade associations in 1992.

None of the questions we pose appears to be covered in the FEC's most recent advisory opinions or in its Notice of Inquiry and Request for Comments (64 Fed. Reg. 60360-60368, Nov. 5, 1999) on the use of the Internet in federal elections.

Our questions concern the use of ACB's webpage. ACB is in the process of redesigning its existing webpage to create an informational, members-only page for COMPAC. As part of that page, COMPAC proposes to place the permission to solicit form to allow members to download and print the form. The form would not be interactive -- a member could not fill the form out on the web and send it to COMPAC. A member would have to print the form and return it, with his or her signature to COMPAC. An introductory paragraph explaining the purpose of the form and the necessity of the form would be on the COMPAC page.

The introductory paragraph would state:

ACB's political action committee, COMPAC, was created with the stated purpose of providing individuals interested in the future of the savings and community bank

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business with an avenue to contribute to the support of worthy candidates for federal office. Participation is voluntary and contributions are not tax-deductible. In order to allow COMPAC to solicit your contribution for federal election campaigns, we must receive your permission. You may click on the form icon below and print the form. Because we need your signature, we ask that you fax or mail the form to us at the noted address.

We encourage you to be an active participant in the legislative process and to be an example to your senior staff and board of directors. By returning a completed consent form below, you take up the challenge of democracy and make your voice heard. If you have any questions, feel free to contact me at e-mail [msmyth@acbankers.org](mailto:m Smyth@acbankers.org) or by telephone at (202) 857-5578.

[Picture of form icon to be placed here. Pop up form attached to letter.]

This type of activity would not trigger the disclaimer requirement of Section 441d of the FECA as the solicitation would not request specific contributions for the purpose of electing or defeating any particular candidate. It would also not qualify as an in-kind contribution as again, no particular candidate would be the focus of the solicitation and no hyperlinks to candidate-specific sites would be included.

The solicitation would differ from Advisory Opinion 1995-9 in that no contributions would be received as a result of the solicitation. Because of this, it is our belief that the screening procedures described in AO 1995-9 and 1999-9 would not be required. Rather, a member of ACB with access to the "members-only," passworded portion of the website would be required to select the COMPAC area and download the solicitation consent form for execution and return via the U.S. mail or facsimile transmission.

COMPAC could receive improper contributions or inquiries in three ways: telephone inquiries, e-mail, and through the U.S. mail. It is COMPAC's policy and practice to inform individuals of the need to execute a consent-to-solicit form in advance of any contribution. This has been COMPAC's practice and policy and it will continue to be COMPAC's policy and practice. Checks received from improper sources will be returned with an explanation including the need to execute an authorization/consent-to-solicit form. The check will not be deposited, nor will it be held until the consent form is received. The check will be returned to the sender.

In the alternative or as an adjunct to the above activity, COMPAC proposes to place an informational notice on the ACB website accessible to the general, web-browsing public that would direct COMPAC inquiries to me. This notice would read as follows:

If you are a member of ACB and would like more information about COMPAC, ACB's political action committee, please contact:

Matthew Smyth, Director
America's Community Bankers
telephone: (202) 857-5578, fax: (202) 296-8716
e-mail: msmyth@acbankers.org

Again, it is our belief that as no active solicitation on behalf of any particular candidate and no contributions are solicited by the informational listing, the quoted language should not trigger FECA disclosures or restrictions. A number of previously issued Advisory Opinions address Internet issues; however none appears to consider the rather small steps outlined in this opinion request. Indeed, it appears that the FEC has moved beyond COMPAC's requested activities, i.e., AO 1999-10 which would allow the Nationwide Political Participation Committee to solicit voluntary contributions from insurance policyholders or AO 1999-25 which would allow candidate specific information and linking to candidate sites from the League of Women Voters and Center for Governmental Studies joint website.

We appreciate the Commission's consideration of our request, and look forward to receiving your response. If you have any questions, please me at (202) 857-5578.

Sincerely,



Matthew D. Smyth
Director

P.S. It was a pleasure meeting you and hearing you discuss the Commission's latest developments at ASAE's breakfast meeting on May 3rd.

Enclosure: Pop-up Solicitation Consent Form

MIAMI
2000

*The Political Action Committee for
America's Community Bankers*

COMPAC

Authorization Form

America's Community Bankers Political Action Committee (COMPAC) can only solicit voluntary contributions from the executive, administrative personnel and directors of member institutions. Authorization of such a solicitation can be given to only one trade association-affiliated, federal political action committee per calendar year. **In order to authorize ACB-COMPAC to solicit your directors and employees, please complete the following.**

Managing Officer

ACB Member Institution

Address

City, State, Zip

Authorized Signatures

Federal Election law requires a separate signature for each year. Please sign in each space listed below.

2000 _____
Signature of Managing Officer

2001 _____
Signature of Managing Officer

2002 _____
Signature of Managing Officer

2003 _____
Signature of Managing Officer

2004 _____
Signature of Managing Officer

- Attached is a list of names of the executive, administrative personnel and directors employed by my Institution.
- Please send _____ copies of COMPAC solicitation materials. I will seek contributions to COMPAC from the executive, administrative employees and directors of my Institution.

**Please return to:
COMPAC**

America's Community Bankers
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Washington, DC 20006
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E-mail: msmyth@acbankers.org

