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2006 OCT -3 AM: 11

October 3, 2006

By Facsimile

Lawrence M. Norton, Esquire
General Counsel
Ms. Mary Dove
Commission Secretary
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Comments of the National Republican Senatorial Committee and Democratic Senatorial Campaign Committee on FEC AOR 2006-24

Dear Mr. Norton and Ms. Dove:

The National Republican Senatorial Committee ("NRSC") and the Democratic Senatorial Campaign Committee ("DSCC"), through counsel, submit these comments on the draft Advisory Opinions circulated by the Office of General Counsel ("OGC") on September 29, 2006, in response to Advisory Opinion Request 2006-24 ("AOR 2006-24"). The OGC circulated two drafts reaching different holdings concerning recount funds established by Federal candidates and State party committees.

Initially, the NRSC and DSCC thank the Commissioners and OGC for producing the draft Advisory Opinions in a timely manner during this busy election period.

After reviewing OGC's two draft Advisory Opinions, the NRSC and DSCC urge the Federal Election Commission ("Commission") to adopt Draft B. As explained in response to Question 1 in Draft B, the Commission, relying on the language of the Act, promulgated regulations and issued Advisory Opinions before the enactment of the Bipartisan Campaign Reform Act of 2002 ("BCRA") providing that Federal candidates may raise monies in unlimited amounts from individuals and PACs for recount purposes. These Commission actions and precedents were well known to Congress when it debated and voted on BCRA. There is no indication in the plain language of BCRA, or its legislative history, that Congress intended the soft money ban to apply to recount funds. Moreover, the Commission reaffirmed its recount regulations after BCRA's enactment. This means there is no legal justification for changing the Commission's longstanding precedents on recount funds. Therefore, the NRSC and DSCC urge the Commission to adopt Draft B.

Please do not hesitate to contact us with any questions.

Respectfully submitted,



William McGinley
General Counsel

National Republican Senatorial Committee
425 Second Street, NE
Washington, DC 20002
Ph: (202) 675-6000
Email: wmcginley@nrsc.org



Marc Elias
Counsel to the Democratic Senatorial Campaign Committee
Perkins Coie LLP
607 14th Street, NW
Washington, DC 20005
Ph: (202) 628-6600
Email: MElias@perkins-coie.com