



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: THE COMMISSION
STAFF DIRECTOR
GENERAL COUNSEL
CHIEF COMMUNICATIONS OFFICER
FEC PRESS OFFICE
FEC PUBLIC DISCLOSURE

FROM: COMMISSION SECRETARY *MWD*

DATE: DECEMBER 13, 2007

SUBJECT: COMMENT ON DRAFT AO 2007-31
John Edwards for President

Transmitted herewith is a timely submitted comment from Edrie E. Irvine regarding the above-captioned matter.

Proposed Advisory Opinion 2007-31 is on the agenda for Friday, December 14, 2007.

Attachment

FACSIMILE

EDRIE E. IRVINE

4364 N. Pershing Dr., Apt. 3
Arlington, VA 22203-2833
202 262 3047 edgery@gmail.com

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2007 DEC 13 11:28
202-219-0174

Date:	December 12, 2007	No. of Pages (including cover):	13
To:	Office of the General Counsel Federal Election Commission	Fax Number:	202-219-0174
		Contact Number:	

Re: Draft Advisory Opinion 2007-31

I write to urge the Federal Elections Commission (FEC) to reject Draft Advisory Opinion 2007-31, which would run counter to the general intent of the Federal Election Campaign Act of 1971, as amended, and the Presidential Primary Matching Payment Account Act. While this issue has been raised by one candidate (John Edwards, Democrat), it has implications for candidates of all parties who may elect to participate in the presidential public financing system.

New technologies such as the Internet have enabled the participation of millions of Americans into our election process in ways not contemplated as little as 10 years ago. Act Blue, an on-line clearinghouse of political contributions, is one tool used by political campaigns at all levels to attract the participation of small-dollar donors. Act Blue is a different kind of "animal" from the typical political action committee. It receives only earmarked funds from individuals. Each contribution through Act Blue must be by credit card, and each individual donating through Act Blue must provide all personal identification information and must respond appropriately to the qualification statements required by the FEC, regardless of the size of the donation. Act Blue does not disburse funds independent of any donor's specific instructions.

Campaign finance regulations should make it easier for small donors to participate and have their voices amplified in the presidential nominating process via matching funds. Draft Opinion 2007-31 does the opposite.

One of the greatest dangers to our election system today is the dominance of large donors in the financing of presidential campaigns. Act Blue allows my voice and my small dollar donations to be heard as loudly as those of anyone else. Denying matching funds to a candidate based solely on my use of the Act Blue website rather than that of the candidate is both unfair and lacking in an understanding of today's technological and political realities.

I understood the intent of the law and the regulations was to ensure adequate tracking of contributors and to encourage greater public participation by small donors in the presidential election process. Advances in technology now allow committees like ActBlue and candidates to

Arlington, VA

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track and monitor contributions in very efficient, timely and accurate ways; such was not the case when the regulation was originally put in place. Advances in technology also now allow for the exponential growth in the participation of small donors like myself; again, such was not the case when the regulation was put in place.

If the FEC adopts Draft Advisory Opinion 2007-31, it will be ignoring both these unanticipated advances in technology and the dramatic role that large contributions have come to play. Since 2000, more candidates each year choose to opt-out of the very public financing system that was put in place to reduce the role of large contributions. Ignoring this fact and the original intent of the legislation putting the current public financing system in place would be a travesty, and would discourage other small donors like myself from further participation.

Please reject the Draft Advisory Opinion 2007-31 and allow donations contributed online through committees like ActBlue to be eligible for matching funds.