



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**MEMORANDUM**

**TO:** The Commission

**FROM:** Commission Secretary's Office *leg*

**DATE:** June 12, 2014

**SUBJECT:** Comment on AOR 2014-04  
(Enterprise Holdings, Inc.)

**Attached is a timely submitted comment from David M. Mason, Senior Vice President, Aristotle International, Inc. This matter is on the June 12, 2014 Open Meeting agenda.**

**Attachment**

A R I S T O T L

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2014 MAY -3 A 7 55

205 Pennsylvania Avenue, S.E.  
Washington, D.C. 20003

June 11, 2014

Re: Comment on draft responses to Advisory Opinion Request 2014-04

Shawn Woodhead Wertin  
Secretary  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Dear Madam Secretary:

The question at issue in this request is whether New York Labor Law §193 might prohibit use of a payroll deduction plan including New York employees by a Federal PAC which makes contributions to state and local candidates and committees in states other than New York.

Drafts A and B clearly present the requestor's non-New York state and local contribution activity as a fact material to the request and its disposition. However, the draft close out letter and Draft B do not address New York's concession on this point sufficiently to inform persons reviewing the Opinion (or close out letter) of the scope of activity covered by the State's comment.

Specifically, the draft close out letter and Draft B quote the New York State Department of Labor comment to the effect that "New York does not prohibit the specific payroll deductions at issue," with additional quotations referring to Federal law and the requestor. This could leave a future reader puzzled about what specific payroll deductions are at issue. The New York DOL comment also specifies that New York Labor Law §193 does not apply a Federal PAC that "does not make contributions to New York State non-federal candidates or political committees."

The Commission should quote the State's disavowal of application of §193 to PACs that do not contribute to New York state non-federal candidates or political committees in Draft B or the close out letter should it choose either of those options.

Future readers of an issued Draft B or close out letter might identify this concession by referring to the New York DOL comment directly. But requiring future readers to piece together a conclusion by reference to background documents could create

unnecessary confusion or uncertainty which could be resolved by including this additional excerpt from the State's comment in the Commission's response.

Between Draft B and a close out letter, the Commission should choose Draft B for similar reasons. Draft B and the draft close out letter similarly decline to reach the pre-emption question in light of the State's concession. Future readers will readily identify an advisory opinion as a reliable Commission statement. With all due respect to the Acting Associate General Counsel, readers could be less certain about the status of a close out letter.

Sincerely,

*David M. Mason*

David M. Mason  
Senior Vice President  
Aristotle International, Inc.