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We are responding to your letter dated April 7, 2015 (?RFAI?) regarding the Post-General 2014 Report requesting either ?clarifying information? about, or an amendment to ?properly disclose,? four Committee disbursements disclosed on that report. This response is filed past the requested response date because the RFAI, which was emailed to the Committee, was inadvertently overlooked, and we did not become aware of it until a telephone call from the Reports Analysis Division on June 8 (which we appreciate). The Committee intends to amend its Form 1, Statement of Organization, in order to add a second email address for communications from the Commission in order to reduce the possibility of a recurrence.

The Committee reported the ?purpose? of each of the four disbursements at issue as ?[m]embership political mobilizations.? That appeared to be the best concise description (and still does) because all of the payments were made to the Committee?s connected organization, akin to grants, in order generally to defray expenses incurred by that organization during 2014 for its member-focused political program, which were neither contributions nor independent expenditures under the Federal Election Campaign Act but permissible spending otherwise by the Committee and the connected organization. These included expenses for organizational staff salaries; administration of the Committee and the organization?s other separate segregated funds; administration of the political department; staff and membership political training and development; membership communications regarding federal and nonfederal elections, registration, voting and related matters; and professional fees. The payments were reported evenly between Lines 21(b) and 29 because that is a fair approximation of the apportionment of the reimbursement between ?operating expenses? (21(b)) and ?other disbursements? (29), insofar as the meanings of those reporting categories are discernible from the Form 3X instructions and the Commission?s explications of them elsewhere.

The RFAI specifically requests further information about membership communications concerning federal candidates that these disbursements paid for. Please be advised that the payments were not so tied to particular expenses incurred by the connected organization that they could be said to have financed any particular membership communication, and the connected organization?s overall membership mobilization political program costs exceeded the amounts disbursed to it by the Committee.

Moreover, this request does not seek information that the Committee must disclose under the statutory or regulatory requirements, and the request is unsupported by Commission Advisory Opinion (AO) 2000-03, which the RFAI cites. We are aware that your office has made similar information requests to other committees at different times, but as far as we are aware there has never been a legal explanation by your office or the Commission otherwise as to the basis for such requests.

AO 2000-03 concluded that a political committee that was the separate segregated fund (SSF) of an Internal Revenue Code ? 501(c)(6) membership organization could pay the costs of appearances by federal candidates before the organization?s restricted class members and the SSF could expressly advocate the candidate?s election and solicit members to contribute to the candidates. The Commission advised that in these circumstances the SSF was acting on behalf of the organization, and the disbursements therefore were exempt from the Act?s definitions of ?contribution? and ?expenditure.?

The Commission also stated that because the SSF would be the reporting entity, the reporting threshold for reports by a membership organization under 11 C.F.R. ? 104.6 did not apply, and the Commission cited instead the ordinary statutory and regulatory provisions governing a political committee?s reporting, namely, 2 U.S.C.

A-G79 @B9CI G'H9LH'fl 97 : cfa '- - Ł

? 434(b)(6)(B)(v) and 11 C.F.R.

? 104.3(b)(1)(ix)(B), which require that a committee report a disbursement?s ?purpose.?

AO 2000-03 advised the inquiring SSF to ?state the type of expense, the candidate making the appearance, and a statement that this is an expense for an internal communication to the members.? The Commission?s previous (June 2001) and current (January 2007) ?Campaign Guide For Corporations and Labor Organizations? describe AO 2000-03 in identical terms

with respect to ?a candidate appearance,? and neither suggests that the advice in that opinion would pertain to other kinds of disbursements; and, to our knowledge the Commission has not otherwise addressed the reporting issue with respect to other disbursements by a political committee that involve membership outreach.

Even assuming that AO 2000-03 ? which the Commission has not since cited in any other advisory opinion for its substance or incorporated in its regulations ? reflects the Commission?s current view, none of the Committee payments under inquiry were tied to any federal candidate appearance before the connected organization?s restricted class. Moreover, in any event an advisory opinion neither has the force of law nor can require the requesting committee to do anything, let alone require conduct by an unrelated committee like the Committee here that is not even engaged in materially identical activity to that of the requester. See generally 2 U.S.C. ? 437f(c); 11 C.F.R. ? 112.5.

As explained above, the Committee accurately described the purpose of its four disbursements in the very limited space that Form 3X provides for doing so. We note that the Commission?s publicly available ?Examples of Adequate Purposes? informal guidance provides a variety of recommended 1-to-3-word descriptions, none of which refers to membership communications or reflects AO 2000-03.

Moreover, even if the requirements of 11 C.F.R. ? 104.6 applied here, which they do not, they would require reports only of disbursements for express advocacy communications that are not primarily about other subjects. The RFAI does not even mention express advocacy as a prerequisite to further itemization. Nor do the instructions for Form 3X, Schedule B.

Finally, even if there were an extant requirement that the Committee itemize and explain certain membership communications as the RFAI requests, it is unclear why doing so on Line 29 would be appropriate. Your request plainly pertains only to Committee membership communications about federal candidates, but the instructions for Line 29 specify that it is for ?[s]eparate segregated funds?that use their federal accounts to pay for any portion of a public communication or voter drive that refers to nonfederal candidates (but not federal candidates) or to nonfederal candidates or a party (but not federal candidates)?.? (emphases added).

The Committee relied upon the Commission?s longstanding rules in filing its report. If there has been a change of reporting policy with respect to such matters, then the Commission must inform the regulated community at large, or, as seems more appropriate, either undertake a rulemaking or issue a policy statement, in either case with appropriate public notice and opportunity to comment. None of that has occurred.

Accordingly, we request that the Commission accept this response, not refer this matter to the Office of General Counsel, and take no further action with respect to the reporting entries at issue, including but not limited to any determination that any such entry detracts from the Committee?s satisfaction of ?the threshold requirements for substantial compliance with the Act? under 2 U.S.C. ? 439(b) or 11 C.F.R. ? 104.16. We request written assurance from your office that no such referral or action will occur.

Thank you for your consideration.