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Jodi Winship
Senior Campaign finance Analyst
Reports Analysis division
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Amended February Monthly Report (1/1/07-1/31/07)

Dear Ms. Winship:

I am responding to your letter dated July 13, 2007, requesting that disbursement entries for "Member GOTV" Salaries and Expenses "that indicate payment for contact with the CWA restricted class be amended by adding an explanation of the following regarding its "purpose": "the type of expense, the name, office sought, state, and district, if applicable; [sic] of each federal candidate identified in the communication, and a statement that the expense is for an internal communication to the restricted class (Advisory Opinion 2000-03)."

We are amending the reports to reflect all of these disbursements on Line 29, as you separately request, but we do not believe that the additional information sought is required by the Act , the regulations or AO 2000-03.

That advisory opinion acknowledged that a political committee that was the separate segregated fund (SSF) of a Section 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." However, 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. 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." The AO 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."

Even assuming that AO 2000-03 - - which the Commission has not since cited in any other advisory opinion or incorporated in its regulations - - reflects the Commission s current view, none of the costs incurred by the Committee that are reflected on its amended February 2007 Monthly Report pertain to a candidate appearance before the restricted class, and even for that event this advisory opinion did not require identification of the state, district and office sought of any candidate. On its February report here, the Committee paid for salaries and the costs of written and oral communications to CWA s restricted class. The descriptions of the expense on that report already adequately describe the "type of expense" involved. They also fully conform with the Commission s recent guidance to political committees, including of course SSF s, which states that "Salary" is a sufficient description of the purpose of a disbursement. "Statement of Policy: Purpose of Disbursement Entries for Filings With the Commission," 72 Fed. Reg. 887 (January 9, 2007). The Commission s Instructions for Schedule B require nothing more.

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. In fact, your request doesn t even mention express advocacy as a prerequisite to further itemization. Indeed, both the Commission s previous (June 2001) and revised (January 2007) Campaign Guide For Corporations and Labor Organizations describe AO 2000-03 in

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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 never addressed the reporting issue with respect to other disbursements that involve membership outreach.

On April 20, 2007, I responded to your office's identical inquiry about the Committee's 2006 Year-End Report, which was the first time since AO 2000-03 was issued seven years ago that your office had requested such additional information from the Committee concerning a disbursement it made for membership outreach not involving a candidate appearance before the restricted class. But the Committee in previous reports had described similar disbursements for "member" outreach, see, e.g., 2004 Year-End Report, Schedule B, pg. 900, entry C, filed January 31, 2005, and your office had never asked for the information sought now or invoked that advisory opinion. And, when your office had inquired as to whether a particular "GOTV" payment involved an independent expenditure, in-kind contribution, public communication or voter drive activity, we responded that the payment instead was for a member communication, and your office accepted that explanation and our reporting of the disbursement without inquiring further. See, e.g., FEC RFAI re March 2005 Monthly Report (December 2, 2005), and CWA COPE PCC Miscellaneous Report (January 3, 2006). We have received no response to my April 20 letter, yet you now reiterate the position with respect to the later, February report without addressing my letter or, indeed, acknowledging it.

We have relied upon these long-time reporting rules, practices and understandings. If there has been a change of reporting policy with respect to such matters, we respectfully suggest that the Commission inform the regulated community at large, or, as seems more appropriate, either issue a policy statement or undertake a rulemaking, in either case with appropriate public notice and opportunity to comment.

Thank you for your consideration.

Laurence E. Gold
Lichtman, Trister & Ross, PLLC
Suite 500
1666 Connecticut Avenue, NW
Washington, DC 20009
(202)328-1666, ext. 1352

Counsel to CWA COPE PCC
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