



**Republican
National
Committee**

Counsel's Office

March 28, 2005

Ms. Mai T. Dinh
Assistant General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

VIA ELECTRONIC MAIL: statepartyfr@fec.gov

Dear Ms. Dinh:

By and through the undersigned counsel, the Republican National Committee ("RNC") submits the following comments regarding the Commission's Notice of Proposed Rulemaking on Candidate Solicitation at State, District and Local Party Fundraising Events, 70 Fed. Reg. 9013 (Feb. 24, 2005). We thank the Commission for the opportunity to comment in writing on this Proposed Rulemaking, and in the event that the Commission elects to hold a hearing on this matter, we ask that we be given the opportunity to testify.

The RNC supports maintaining the current regulatory approach to federal candidate and officeholder appearances at state, district and local party fundraising events, as set forth at 11 C.F.R. § 300.64, and encourages the Commission to adopt an expanded Explanation and Justification in support of the current rule. Judge Kollar-Kotelly's opinion made clear that the current rule at 11 C.F.R. § 300.64(b) is a permissible construction of the Bipartisan Campaign Reform Act ("BCRA"), 2 U.S.C. § 441i(e)(3). See Shays v. Federal Election Commission, 337 F.Supp.2d 28, 88-92 (D.D.C. 2004) (finding that the regulation survives Chevron review). This being the case, the RNC urges the Commission to revise the Explanation and Justification to satisfy the District Court's Administrative Procedure Act concerns.

Maintaining the current rule will enable federal candidates and officeholders to remain active leaders and members of their respective political parties, which of course extend down to the local level. The implementation of speech restrictions on federal candidates and officeholders, as contemplated by the alternative proposal, would likely have a chilling effect on those candidates' and officeholders' willingness to participate in such grassroots events, which of course would negatively impact state, district and local political party organizations by placing a barrier between those organizations and their

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elected leaders and candidates. The ability of federal candidates and officeholders to participate at the state and local level, and to maintain active roles in their parties, should not be further restricted, and is not compelled by the language of BCRA, the McConnell decision, or Shays.

The RNC would be happy to address any questions the Commission may have, and reserves the right to expand on these written comments at a later date.

Respectfully submitted,

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