

# National Republican Senatorial Committee

William J. McGinley  
General Counsel

March 28, 2005

By Electronic Mail: [statepartyfr@fec.gov](mailto:statepartyfr@fec.gov)

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

Re: Comments on Notice of Proposed Rulemaking:  
Candidate Solicitation at State, District, and Local Party  
Fundraising Events

Dear Ms. Dinh:

The National Republican Senatorial Committee ("NRSC"), through counsel, submits the following comments on the Notice of Proposed Rulemaking ("NPRM") listed above. 70 Fed. Reg. 9013 (Feb. 24, 2005). The NRSC appreciates the opportunity to submit written comments on the NPRM and hereby requests an opportunity testify if the Commission holds a hearing on this matter.

As an initial matter, the NRSC opposes any efforts to limit the ability of Federal officeholders and candidates to attend and speak at state and local political party committee events. Federal officeholders and candidates should be permitted to remain active supporters of their state and local party committees.

The NRSC opposes replacing current 11 C.F.R. § 300.64 with a rule that imposes additional speech restrictions on Federal officeholders and candidates who participate in state and local political party committee fundraising events. Nothing in the plain language of 2 U.S.C. § 441i(e)(3) or the U.S. District Court opinion in *Shays v. FEC* requires the Commission to adopt any further restrictions. Accordingly, the Commission should leave the existing rules in effect and adopt the proposed revisions to the explanation and justification for current 11 C.F.R. § 300.64.

In addition, the Commission should not revisit Advisory Opinions 2003-03 and 2003-36 for the purpose of placing further restrictions on the ability of Federal officeholders and candidates to attend and speak at state and local candidate fundraising events or fundraising events for state and local candidate organizations. Any additional restrictions beyond those already contained in the Advisory Opinions would raise serious constitutional concerns.

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COUNSEL  
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The NRSC reserves the right to supplement these comments. Please do not hesitate to contact me with any questions or if you need additional information.

Respectfully submitted,

*/s/ William J. McGinley*

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