



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: THE COMMISSION
STAFF DIRECTOR
GENERAL COUNSEL
CHIEF COMMUNICATIONS OFFICER
FEC PRESS OFFICE
FEC PUBLIC DISCLOSURE

FROM: COMMISSION SECRETARY *MWP*

DATE: AUGUST 21, 2008

SUBJECT: COMMENT ON DRAFT AO 2008-06
Democratic Party of Virginia

Transmitted herewith is a timely submitted comment from Marc E. Elias and Caroline Goodson Parker, regarding the above-captioned matter.

Proposed Advisory Opinion 2008-06 is on the agenda for Thursday, August 21, 2008.

Attachment

FEDERAL ELECTION
COMMISSION
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2008 AUG 21 A 9:19

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August 21, 2008

BY HAND DELIVERY

Ms. Mary Dove
Secretary
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Ms. Dove:

We are writing on behalf of the Democratic Party of Virginia to respectfully request that the Commission adopt Draft B of Advisory Opinion Request 2008-06.

Draft A, though well meaning, is simply impractical and unworkable. Party workers would have to muzzle themselves, should a voter who receives a slate card deign to show curiosity about the candidates for which the slate card – unquestionably – expressly advocates. It is unclear, under the draft opinion, how the party worker should respond. “I’d love to help you be a better-informed voter, but that could take two minutes, and I do not have any 441ad authority with me today, so sorry, please don’t ask me any additional questions.” The draft leaves unaddressed how a party is to predict and account for conversations that take place with voters. Is the party expected to use its 441ad authority in advance – in order to account for the possibility that some conversation will take place during a worker’s canvassing day? How is this to be tracked, documented and valued? We respectfully request that the Commission recognize the nature of free-wheeling political discourse at the grassroots level and refrain from imposing limitations on political speech.

Draft A also unnecessarily restricts the content of slate cards. A slate card is a two-sided piece, and the idea that there is a tipping point for photographic images of candidates is entirely without merit. We respectfully request that the Commission reject this narrow approach and adopt a more functional approach to graphic design and layout on a two-sided campaign piece that is already permitted to expressly advocate for all the candidates included in the slate card.

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* * * Journal (Aug. 21. 2008 9:11AM) * * *

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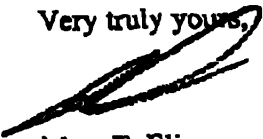
L : Send later
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Ms. Mary Dove
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In contrast, Draft B is consistent with the law and current party practices. It is also practical and workable interpretation of the law. We therefore strongly urge the Commission to reject Draft A and adopt Draft B.

Very truly yours,



Marc E. Elias
Caroline Goodson Parker
Counsel to the Democratic Party of Virginia

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