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MEMORANDUM

**AGENDA ITEM**

For Meeting of: 11-06-03

**SUBMITTED LATE**

DATE: July 24, 2003

TO: The Commission

FROM: Commissioner Michael E. Toner *MET by [signature]*

RE: Proposed Amendments to Agenda Document 03-78 Revised Draft AO 2003-23 WE LEAD PAC

Attached please find amendments that I am considering offering on November 6, 2003 to amend Agenda Document 03-78.

- page 5, lines 11-12: delete comma at end of line 11, delete "limited" on line 12
- page 6, line 4: insert "10 Day forwarding" before "requirements"
- page 6, line 6: delete "it does not appear that"
- page 6, lines 7-8: rewrite so that sentence reads: "WE LEAD will not exercise any direction or control over the choice of the recipient candidate, which will be the presumptive Democratic presidential nominee, no matter who that person is. (footnote: At least one Democratic candidate, General Wesley Clark, was not even in the presidential race when WE LEAD submitted its advisory opinion request to the Commission in July. Nevertheless, if General Clark wins the Democratic nomination for president, WE LEAD will forward the earmarked contributions it has collected to General Clark's campaign.)"
- page 6, line 8: insert "Accordingly, WE LEAD will exercise no discretion over which candidate receives the earmarked contributions." before "Your request"
- page 6, line 20: insert after "102.8(a)" the following: "The 10 day forwarding rule is designed to prevent individuals and entities from being able to influence or manipulate cash-on-hand figures by holding onto contributions for designated candidates."
- page 6, lines 20-23 through page 7, lines 1-2: rewrite the sentence so that it reads: "however, the Commission concluded that the 10 day forwarding requirement of 11 CFR 102.8(a) did not apply until such time that the Republican congressional candidate for the 24th congressional district of New York was determined. Like the requester in that advisory opinion, WE LEAD will not know, and has no way of knowing, the identity of the Democratic Party's nominee when it solicits and receives earmarked contributions until the DNC certifies that a candidate has become the party's presumptive nominee."
- page 7, line 3: change "will" to "are" and strike "be"
- page 7, line 6: insert after the period: "See AO 1982-23 (applying the same rule in the context of congressional elections)."
- page 9, line 2: insert " and certified by the DNC" after "determined"