



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2005 AUG 17 A 11: 29

MEMORANDUM

To: Commission Secretary

From: Commissioner Ellen L. Weintraub

EW

Date: August 17, 2005

Re: *Ex Parte* Communication  
Advisory Opinion 2005-10

Yesterday, I received telephone calls from Representatives Howard Berman, Nancy Pelosi, and Zoe Lofgren, with respect to Advisory Opinion Request 2005-10 and the draft response prepared by the Office of General Counsel. Each of these calls was brief and similar in substance. Each Member first wished to verify that the call was not improper or illegal. I explained that it was not, but that it was an *ex parte* contact that would have to be placed on the public record. Each Member understood and endorsed this process.

The Members then expressed their concern that the draft did not reflect their understanding or intent as supporters of BCRA. They pointed out that the request affects their advocacy on important issues (such as redistricting, parental notification, and an anti-union measure) that will be decided by a ballot initiative in a year when there are no Federal candidates on the ballot. Thus, they do not believe that their efforts on this ballot initiative would have any impact on their or any other Federal election and would not allow the introduction of soft money into any Federal election. They explained that the Governor was free to raise unlimited amounts of money to advocate for his positions on the ballot initiative and it would be unfair to limit their efforts in opposition. Representative Berman stated that he did not see the need for the Commission to abandon the entire rationale of the Advisory Opinion previously issued to Representative Flake, but that he saw the facts underlying his request as distinct.