



"Mitchell, Cleta" <CMitchell@foleylaw.com> on 11/12/2001 03:05:33 PM

To: transfers@FEC
cc:

Subject: Comments From Cleta Mitchell

<<108480_1.DOC>> Please add these comments to those regarding the referenced Notice 2001-15. Thank you.

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

November 12, 2001

Ms. Rosemary C. Smith, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: Proposed Statement of Policy Regarding Party Committee Transfers
of Nonfederal Funds for Payment of Allocable Expenses (Notice 2001-15)

Dear Ms. Smith:

I am writing in response to the request by the Federal Election Commission ("Commission" or "FEC") for comment on the proposed Statement of Policy referenced above ("Proposed Policy").

In particular, the Commission asked for comments regarding the impact of September 11, 2001 on the regulated community apart from the AOR 2001-16 from the Democratic National Committee ("DNC").

It is important the Commission note the difference between inconveniences such as those outlined in the DNC's request - and the actual impossibility of performance caused by circumstances related to or in the aftermath of the terrorist attack.

Specifically, candidates for the United States Senate are instructed by 11 C.F.R. §105.2 to file their Statements of Candidacy, Statements of Organization and other FEC Reports with the Secretary of the Senate as custodian for the Federal Election Commission, unlike all other candidates and committees which file directly with the FEC. The Secretary of the Senate, Senate Office of Public Records is located in the Hart Senate office building, which has now been closed for several weeks. Thus, it is *impossible* to file the documents at the location indicated in the rules and on the forms in compliance with 11 C.F.R. § 105.2.

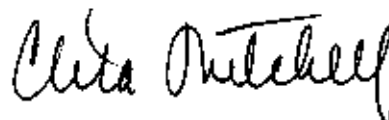
Thus, the FEC should establish in conjunction with the Senate a temporary filing procedure which would allow for timely and perfected filing of Senate forms and documents at a location other than that which is stated in the regulations until such time as the Hart building reopens and such an accommodation is no longer necessary.

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This is a situation in which compliance with the letter of the regulation *is* impossible – and if the Commission is interested in making an accommodation for that fact, this is certainly one to consider.

Please contact me at (202) 835-8072 if you have any questions.

Sincerely,



Cleta Mitchell, Esq.
Foley & Lardner