



FEDERAL ELECTION COMMISSION
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MEMORANDUM

TO: COMMISSION SECRETARY

FROM: VICE CHAIRMAN TONER MT

DATE: AUGUST 16, 2005

SUBJECT: *Ex Parte* COMMUNICATION
RE : Advisory Opinion 2005-10

Transmitted herewith is a summary of a communication received by Vice Chairman Toner regarding the above-captioned matter.

Attachment

Congressman John Doolittle of California called today, August 16, 2005, to discuss Advisory Opinion 2005-10. Congressman Doolittle indicated that he believed it would be a bad idea for the Commission to conclude that ballot initiatives and referenda are in connection with an election under Section 441i(e) of the McCain-Feingold law. Congressman Doolittle noted that under California law, Governor Schwarzenegger and other state officials are permitted to raise unlimited contributions on behalf of the redistricting initiative and the other initiatives that will be on the ballot this fall. Congressman Doolittle further noted that if the Commission concluded that ballot initiatives and referenda are in connection with an election under Section 441i(e) of the McCain-Feingold law, members of Congress who oppose the redistricting initiative would be limited to raising only federally permissible funds regarding the initiative solely because they are members of Congress. Congressman Doolittle argued that such a result would create an unequal financial playing field and would work to the advantage of supporters of the redistricting initiative.

Congressman Doolittle contended that Governor Schwarzenegger does not speak for the Republican Party in advocating passage of the redistricting initiative and that Governor Schwarzenegger's position was contrary to the views of the White House, the Republican National Committee, and the Republican House delegation in California.

I indicated that I do not believe ballot initiatives and referenda should be considered in connection with an election under Section 441i(e) of the McCain-Feingold law and that I intend to vote accordingly when the Commission takes up this Advisory Opinion on August 18, 2005.