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FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL
SEP 22 AM 11:17

September 21, 2006

VIA FACSIMILE
Amy Rothstein, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street N.W.
Washington, D. C. 20463

Supplement to
AOR 2006-20

Re: AOR 2006-20

Dear Amy:

This letter responds to the questions that you posed in our recent phone conversation.

A. What are the "organizational building efforts" referenced in Unity08's disclaimer on its donations page of the website?

Unity08 has added a disclaimer on the donations page of the website that states:
"Donations made on this website will not be used to support or oppose any federal candidates, but will be used to support Unity08's *organizational building efforts*." <http://www.unity08.com> (go to Donations page) (emphasis added). The disclaimer was added to address concerns expressed by the General Counsel that Unity08's donation page could be construed as seeking money for future federal candidates. Unity08 never had such an intention, and the disclaimer is intended to make that clear.¹ Unity08's principal organizational efforts at this stage are:

¹ As outlined in its previous filings, Unity08 believes that 11 C.F.R. § 100.57 (applies only to solicitations that clearly seek support or opposition of an *actual candidate* for federal office. See *FEC v. Survival Education Fund, Inc.*, 65 F.3d 285, 295 (2d Cir. 1995) (statement left "no doubt that the funds contributed would be used to *advocate President Reagan's defeat at the polls*") (emphasis added); 69 Fed. Reg. 225, 68057 (Nov. 23, 2004) (the Explanation and Justification examples all involve all solicitations for *actual candidates* like "the President" or "electing Joe Smith").

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1. **creation of its corporate status**, which includes development of corporate documents, registration to do business, application for tax exempt status, and submission of an Advisory Opinion Request to the FEC.
2. **ballot access** in those states that permit ballot access by a party without a candidate, which includes research of the state laws and regulations regarding ballot access as a party organization and evaluation of legal options in those states where access to the ballot as a party is unreasonably difficult. Unity08 intends to begin efforts shortly to comply with the requirements for ballot access as a party in the states that permit such access without a designated candidate. Such activities will include the organization of petition drives, which may be done by professionals, volunteers or a combination of the two.
3. **creation and operation of its website** to disseminate and encourage discussion of its idea that the country needs to focus on issues crucial to the nation.
4. **organization building**, which includes the identification of individuals who share Unity08's goals and the identification and organization of volunteers, *i.e.* people willing to help advance Unity08's ideas and to help Unity08 achieve ballot status in states where it can do so without a candidate.
5. Unity08 has done **public interviews** and **op-ed pieces** to define and promote Unity08's position.
6. Unity08 may commission polls to assess the public support for its position that the major parties do not adequately address the crucial issues.
7. Unity08 has arranged for high school students to circulate a "Unity Petition" to gather signatures of voters who believe that Congress is not adequately addressing the crucial issues America is facing. This petition will then be sent to the Congress. The petition **does not** reference Unity08 by name or the possibility of a Unity08 ticket in 2008, nor does it solicit funds for Unity08.

In connection with the above efforts, Unity08 maintains a small office in the District of Columbia and has contracted for the services of a law firm, a web consultant, and a public relations consultant, and a bookkeeper. Unity08 currently has a number of interns, most of whom are volunteers.

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B. *Has Unity 08 been doing anything differently with the money raised through the website before the disclaimer was placed on the website, i.e. has Unity 08 been segregating money raised before the disclaimer was placed on the website from money raised after?*

Unity08 has not segregated monies received prior to the addition of the disclaimer, nor has Unity08 changed, because it does not believe that 11 C.F.R. § 100.57 applies to an organization that has no candidate, no present ballot positions, and no history of having any candidate on the ballot in any state. *See, supra*, n.1. Unity08 has intended to use the money raised prior to the addition of the disclaimer in the same manner as money received after the addition of the disclaimer, i.e. to fund the organizational building efforts set forth above. Unity08 would segregate this money, return the money, or seek approval from the contributors for the use of these contributions for the organizational purposes set forth above, if the Commission believes that any of these steps was necessary to avoid the application of 11 CFR § 100.57.

C. *Is Unity 08 raising money currently other than through the website?*

Other than the website, Unity08 currently receives donations only through infrequent personal communications by principals to potential donors. In these conversations, Unity 08 's principal donors are aware that monies raised now will be used to support Unity08's organizational building efforts and not for the support of future federal candidates. Unity08 has not engaged in any other types of fundraising. Unity08 has imposed a \$5,000 limitation on donations from individuals. Unity08 does not accept donations from corporations, foreign nationals, or government contractors. Should Unity08 undertake to use other types of fundraising it will include a disclaimer that is in substance the same as the disclaimer used on the website.

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You also requested a copy of Unity08's bylaws, which were forwarded to you via email on September 18, 2006.

Do not hesitate to contact me if you have any further questions.

Sincerely,



John Duffy