

jurisdictions. Further, individual citizens operating under these rules are not small entities.

To the extent that any political committee may fall within the definition of "small entities," their numbers are not substantial, particularly the number that would coordinate expenditures with candidates or political party committees in connection with a Federal election.

In addition, the small entities to which the rules apply will not be unduly burdened by the proposed rules because there is no significant extra cost involved, as any new potential recordkeeping responsibilities would be minimal and optional. Any commercial vendors whose clients include campaign committees or political party committees were previously subject to different rules regarding coordination, and will not experience a significant economic impact as a result of the new rules because the requirements of these new rules are no more than what is necessary to comply with the new statute enacted by Congress.

Derivation Table

The following derivation table identifies the new sections in parts 100, 109, and 110 and the corresponding pre-BCRA rules that addressed those subject areas.

New section	Old section
100.16(b)	109.1(e).
109.1	New.
109.3	109.1(b)(5).
109.11	109.3.
109.20	109.1(c).
109.21	New.
109.22	New.
109.23	109.1(d).
109.30	New.
109.31	New—Reserved.
109.32(a)	110.7(a) (except para. (a)(4) and para. (a)(5)).
109.32(b)	110.7(b).
109.33	110.7(a)(4) and (c).
109.34	110.7(d).
109.35	New.
109.36	110.7(a)(5).
109.37	New.
110.1(n)	New.
110.2(k)	New.
110.8(a)(2)	New.
110.8(a)(3)	New.
110.18	110.9(d).

List of Subjects

11 CFR Part 100

Elections.

11 CFR Part 102

Political committees and parties, reporting and recordkeeping requirements.

11 CFR Part 109

Elections, reporting and recordkeeping requirements.

11 CFR Part 110

Campaign funds, political committees and parties.

11 CFR Part 114

Business and industry, elections, labor.

For the reasons set out in the preamble, subchapter A of chapter 1 of title 11 of the Code of Federal Regulations is amended as follows:

PART 100—SCOPE AND DEFINITIONS

1. The authority citation for part 100 is revised to read as follows:

Authority: 2 U.S.C. 431, 434, and 438(a)(8).

2. Section 100.16 is revised to read as follows:

§ 100.16 Independent expenditure (2 U.S.C. 431(17)).

(a) The term *independent expenditure* means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate that is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents. A communication is "made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents" if it is a coordinated communication under 11 CFR 109.21 or a party coordinated communication under 11 CFR 109.37.

(b) No expenditure by an authorized committee of a candidate on behalf of that candidate shall qualify as an independent expenditure.

(c) No expenditure shall be considered independent if the person making the expenditure allows a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents to become materially involved in decisions regarding the communication as described in 11 CFR 109.21(d)(2), or shares financial responsibility for the costs of production or dissemination with any such person.

§ 100.23 [Reserved.]

3. Remove and reserve § 100.23.

PART 102—REGISTRATION, ORGANIZATION, AND RECORDKEEPING BY POLITICAL COMMITTEES (2 U.S.C. 433)

4. The authority citation for Part 102 continues to read as follows:

Authority: 2 U.S.C. 432, 433, 434(a)(11), 438(a)(8), and 441d.

5. Section 102.6(a)(1)(ii) is revised to read as follows:

§ 102.6 Transfers of funds; collecting agents.

(a) * * *

(1) * * *

(ii) Subject to the restrictions set forth at 11 CFR 109.35(c), 300.10(a), 300.31 and 300.34(a) and (b), transfers of funds may be made without limit on amount between or among a national party committee, a State party committee and/or any subordinate party committee whether or not they are political committees under 11 CFR 100.5 and whether or not such committees are affiliated.

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6. Part 109 is revised to read as follows:

PART 109—COORDINATED AND INDEPENDENT EXPENDITURES (2 U.S.C. 431(17), 441a(a) and (d), and Pub. L. 107–155 sec. 214(c))

Sec.

Subpart A—Scope and Definitions

109.1 When will this part apply?

109.2 [Reserved]

109.3 Definitions.

Subpart B—Independent Expenditures

109.10 How do political committees and other persons report independent expenditures?

109.11 When is a "non-authorization notice" (disclaimer) required?

Subpart C—Coordination

109.20 What does "coordinated" mean?

109.21 What is a "coordinated communication"?

109.22 Who is prohibited from making coordinated communications?

109.23 Dissemination, distribution, or republication of candidate campaign materials.

Subpart D—Special Provisions for Political Party Committees

109.30 How are political party committees treated for purposes of coordinated and independent expenditures?

109.31 [Reserved]

109.32 What are the coordinated party expenditure limits?

109.33 May a political party committee assign its coordinated party expenditure authority to another political party committee?