

Recent FEC Opinions

November 2003

Without any guidance as of yet from the Supreme Court, the Federal Election Commission (FEC or Commission) continues to work its way through advisory opinion requests in order to clarify the meaning of the Bipartisan Campaign Reform Act of 2002 (BCRA). Two of the FEC's recent Advisory Opinions are discussed below.

Senator in State Candidate's Ad

In FEC Advisory Opinion 2003-25, the FEC, after reviewing the advertisement in question, allowed Senator Evan Bayh to appear in a television ad and to endorse a candidate for mayor of Evansville, Indiana. The Commission found that the advertisement did not "promote, support, attack, or oppose" any federal candidate and, therefore, could be made with nonfederal funds. The Commission also found that the ad was not an in-kind contribution to Senator Bayh because the ad did not amount to a coordinated communication under the Commission's post-BCRA regulations.

Trade Association PAC Fundraising

In Advisory Opinion 2003-22 issued to the American Banker's Association, the FEC stated that executives of member corporations could collect and forward contributions to the trade association's PAC as long as the procedures regarding trade association solicitations were observed. The Commission found that the collecting and forwarding of these trade association PAC checks did not amount to illegal corporate "facilitation" of contributions.

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