

Diverse Group Petitions FEC for Protection of Grassroots Lobbying Activity

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Looking to the FEC for an Exception before This Year's Elections

On March 9, 2006, the Federal Election Commission (FEC) put out for comment a petition for rulemaking proposed by a diverse set of organizations that engage in grassroots lobbying. The petition, filed on February 16, 2006, by a group of nonprofits that included the U.S. Chamber of Commerce and the AFL-CIO, asks the FEC for a rule change to protect certain types of grassroots lobbying from displacement by federal campaign finance laws. The petition comes on the heels of *Wisconsin Right to Life, Inc. v. FEC*, in which the U.S. Supreme Court remanded the case back to the district court to consider an as-applied challenge to the federal "electioneering communication" corporate and union prohibitions.

The petition asks the Commission to promulgate an exception to the electioneering communication prohibition, a provision that bans corporations and labor unions from paying for television and radio advertisements that mention or feature a federal candidate if those advertisements effectively can be received in the member's state or Congressional district and the ads air within 30 days of a primary or within 60 days of a general election. The petition seeks an exception to this blackout period for television and radio ads that call upon an incumbent to take a particular action or position with respect to a particular current legislative or executive branch matter, or for ads that call upon the general public to contact the incumbent and urge him or her to take a position or action.

The FEC rejected a lobbying exception when it first promulgated the electioneering communication regulations in 2002, but the recent

Authors

D. Mark Renaud
Partner
202.719.7405
mrenaud@wiley.law

Andrew G. Woodson
Partner
202.719.4638
awoodson@wiley.law

Wisconsin Right to Life decision, although not on the merits, gives the petitioners hope that their grassroots lobbying efforts will not continue to be squelched in the name of campaign finance reform. The full petition can be found on the FEC's website at www.fec.gov/agenda/2006/mtgdoc06-13.pdf. WRF represents the U.S. Chamber of Commerce in this proceeding.