

FEC Leaves Candidate and Officeholder Non-Federal Fundraising Unchanged ... for Now

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At its June 23, 2005 public meeting, the Federal Election Commission (FEC) left unchanged its rule allowing federal candidates and officeholders to speak and solicit funds without limitation at state and local party fundraising events. The FEC also kept in place a series of previously issued Advisory Opinions that allow federal candidates and officeholders to speak at other types of non-federal fundraising events (e.g., those benefiting state candidates or section 527 organizations), provided a disclaimer is issued stating that the federal candidates or officeholders are not raising funds in excess of federal limits or from federally impermissible sources.

The FEC was under a court order to better justify its rule allowing unlimited federal candidate and officeholder fundraising solicitations at state and local party events. The FEC, nonetheless, sought comments on whether the rule itself as well as its Advisory Opinions addressing non-party, non-federal fundraising by federal candidates and officeholders should be modified.

After Commissioners solicited comments, took testimony and engaged in a somewhat contentious debate at the June 23, 2005 meeting, the FEC ultimately left the rule and Advisory Opinions unchanged and issued a new Explanation and Justification for the rule to comply with the court order.

Nonetheless, three of the six FEC Commissioners expressed doubt as to the wisdom of the Advisory Opinions and suggested that they would challenge them in a subsequent rulemaking proceeding. Stay tuned.

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