

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
)
The Leadership Forum, et al.) MUR 5338
)

**STATEMENT OF REASONS
OF
COMMISSIONER MICHAEL E. TONER**

I voted to approve the recommendations of the General Counsel in MUR 5338 because I concurred with the ultimate disposition regarding all of the respondents in this matter – to close the file and take no further action.

However, I share the jurisdictional concerns identified in the Statement of Reasons issued by Vice Chairman Smith; accordingly, I concur with the jurisdictional portion of the Vice Chairman’s Statement of Reasons. I agree that a complaint must allege that a violation has actually occurred for the Commission to have jurisdiction over the matter under 2 U.S.C. § 437g(a)(1). I also agree that speculative allegations that a person may violate the law at some later date are insufficient to confer jurisdiction upon the Commission.

Here, the complaint did not allege that the Democratic State Parties Organization (“DSPO”) and the Leadership Forum had actually violated the law. Rather, the complaint alleged that the DSPO and the Leadership Forum were affiliated with the Democratic National Committee and the National Republican Congressional Committee, respectively, and speculated that at some time in the future the DSPO and the Leadership Forum might raise and spend non-federal funds in violation of the Federal Election Campaign Act (“FECA”), as amended by the Bipartisan Campaign Reform Act (“BCRA”).

I do not believe that Congress, in either FECA or BCRA, authorized the Commission to entertain freewheeling complaints based on speculation that a party may violate the law at some future date. Accordingly, I supported closing the file and taking no further action against all of the respondents in this matter.

Michael E. Toner, Commissioner

Date