



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

July 30, 2024

The Honorable Joseph D. Morelle
Ranking Member
Committee on House Administration
U.S. House of Representatives
1216 Longworth House Office Building
Washington, D.C. 20515

Dear Ranking Member Morelle,

I write in response to your recent letter asking me to cease speaking about recent matters of public concern related to campaign-finance law.

Your letter takes issue with two public statements I have made recently on campaign-finance issues related to President Biden's decision to end his candidacy for reelection and Vice President Harris's decision to seek the Democratic Party's nomination in his place using President Biden's principal campaign committee. The first is a social media post that merely quotes federal regulations.¹ As you correctly point out in your letter, "[a] reasonable person could interpret [11 C.F.R. § 110.1(b)(3)] ... to imply that Vice President Harris may not be entitled to the finances from" the Biden for President committee.² My post, however, does not go as far as you do in that claim, and I fail to understand your concern with an accurate quotation of federal law.

Secondly, your letter objects to an interview with National Public Radio on this same issue, which, you say, "seem[ed] to invite administrative challenges and litigation concerning this issue."³ Again, your interpretation does not follow from my actual statements. In my interview, I noted the disagreement among legal experts on the novel campaign finance issue raised, as well as my predictions about what outside parties might do in response.⁴ This too is entirely accurate.

I reject your claim that any of my statements "will fuel uncertainty and mistrust in our campaign finance system specifically and our democracy generally."⁵ As you know, Commissioners on the Federal Election Commission often speak on matters of public concern both

¹ @SeanJCooksey, X (July 21, 2024, 2:21 P.M.), <https://twitter.com/SeanJCooksey/status/1815089842365321563>.

² Letter to Chairman Sean Cooksey from Ranking Member Joseph Morelle (July 23, 2024).

³ *Id.*

⁴ Michel Martin, Biden dropped his reelection plans. What happens to his campaign war chest?, NPR (July 22, 2024), <https://www.npr.org/2024/07/22/nx-s1-5048037/biden-dropped-his-reelection-plans-what-happens-to-his-campaignwar-chest>.

⁵ Letter to Chairman Sean Cooksey from Ranking Member Joseph Morelle (July 23, 2024).

inside and outside the Commission's jurisdiction. And like every American, I maintain a constitutional right to speak openly on issues of the day—or anything else. Doing so is entirely consistent with my legal and ethical obligations as a Commissioner.

Should you or your staff members wish to communicate further on these or any other matters at any time, please do not hesitate to contact me directly or through Duane Pugh, the Commission's Director of Congressional Affairs.

Sincerely,

A handwritten signature in black ink that reads "Sean J. Cooksey". The signature is written in a cursive, flowing style.

Sean J. Cooksey
Chairman

cc:

The Honorable Bryan Steil
Chairman