



April 14, 2003

VIA E-MAIL

Lawrence H. Norton
General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

Comment on
AOR 2003-10

Re: AOR 2003-10 Nevada State Democratic Party and Rory Reid

Dear Mr. Norton:

We are writing on behalf of the Center for Responsive Politics and its campaign finance law project FEC Watch to comment on AOR 2003-10, an advisory opinion request submitted by Nevada State Democratic Party and Rory Reid.

The request states that Mr. Reid is local officeholder in Clark County, Nevada and plans to be a prominent participant in the nonfederal fundraising efforts of the Nevada State Democratic Party. Mr. Reid is also the son of United States Senator Harry Reid (D-NV), and has "at times in the past, raised money on Senator Reid's behalf." The request seeks confirmation that Mr. Reid is not precluded from raising nonfederal funds for the state party solely because he is Senator Reid's son. It also seeks confirmation that Mr. Reid may raise nonfederal funds for the state party even if Senator Reid has given him actual authority to raise federal funds on the Senator's behalf.

We do not believe the Federal Election Campaign Act (FECA) or the Bipartisan Campaign Reform Act (BCRA) preclude Mr. Reid from raising nonfederal funds for the state party solely because of his familial relationship with Senator Reid.

However, if Senator Reid authorizes Mr. Reid to raise federal funds on his behalf during a two-year election cycle in which the Senator will seek reelection, we believe BCRA should be interpreted to prohibit Mr. Reid from raising nonfederal funds for the Nevada state party during that two-year election cycle. This rule should apply to the Nevada state party, and to any district, local or subordinate committee in the state of Nevada.

This interpretation would have only a minimal impact on Mr. Reid's fundraising activities. He would not be precluded from raising federal funds for any party committee in Nevada, nor would he be precluded from raising nonfederal funds for a party committee in a state other than Nevada.

Furthermore, if raising nonfederal funds for the Nevada state party is essential, he could decline to raise funds for Senator Reid. This would leave him free to raise nonfederal funds for any state, district, local or subordinate party committee. Thus, he could continue wearing nearly all of the multiple hats he seeks to wear.

This modest limitation on his fundraising activities is essential to give force and effect to BCRA's prohibition on nonfederal fundraising by the agents of federal candidates and officeholders. Without this limitation, agents of federal candidates who raise nonfederal funds would be able to disclaim liability under BCRA simply by saying that the nonfederal funds were not raised on behalf of the federal candidate. Similarly, a federal candidate would be able to avoid liability by saying that he or she did not authorize the agent to raise nonfederal funds. The ease with which liability could be avoided would essentially nullify the impact of this statutory provision. Only those agents foolish enough to explicitly solicit nonfederal funds on the candidate's behalf, and those candidates foolish enough to authorize these solicitations, would be liable.

Therefore, we urge the FEC not to confirm the second interpretation of BCRA set forth in the advisory opinion request. Instead, we urge the Commission to adopt an advisory opinion that interprets BCRA as outlined above.

Thank you for the opportunity to comment on the request.

Respectfully submitted,



Lawrence Noble
Executive Director
Center for Responsive Politics



Paul Sanford
Director
FEC Watch