



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Commission Secretary's Office 

DATE: October 8, 2014

**SUBJECT: Comments on Draft AO 2014-12
(Democratic National Committee and
Republican National Committee)**

Attached are late submitted comments received from counsel on behalf of the Democratic National Committee and the Republican National Committee. This matter is on the October 9, 2014 Open Meeting Agenda.

Attachment

October 8, 2014

Office of General Counsel
Attn: Adav Noti, Esq., Acting Associate General Counsel For Policy
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: Advisory Opinion Request 2014-12

Dear Mr. Noti:

These comments are submitted on behalf of the Democratic National Committee and the Republican National Committee (collectively, the "National Party Committees").

The National Party Committees' submission of this request was prompted by Congress's sudden and unexpected termination of the National Party Committees' entitlement to receive public funds to pay for convention expenses, at a time when planning for the 2016 national nominating conventions was already well underway. We urge the Commission to approve Agenda Document No. 14-50-B ("Draft B"), because it provides a modest step in addressing the gap in convention funding the parties now face, consistent with the Commission's approach in similar matters in the past.

Draft B correctly applies the law as set forth in the Federal Election Campaign Act of 1971, as amended ("the Act") – which prohibits national party committees from raising and spending funds that are not subject to the Act's contribution limits, source prohibitions, and reporting requirements – and concludes that Convention Committees are national committees under existing law and Commission precedent. Accordingly, under Draft B, funds used for convention expenses would come from "hard money" sources, would be subject to "hard money" limits, and would be fully disclosed in accordance with the Act and applicable Commission regulations. As such, it would be in error to conclude that the approach taken in Draft B is "contrary to law" or in any way involves "soft money". To be sure, granting this request would not allow a single dollar into the system from a source that is not already permitted to contribute to party committees, candidate committees, and PAC's.

Furthermore, Draft B rightfully recognizes the particular importance of party committees and national nominating conventions in the American political process. As we explained in our request, these conventions are critical to party committee self-governance, such as through the adoption of the party platform and party rules, and in the formal nomination of Presidential candidates chosen through the primary process. Whether or not one supports public financing of campaigns, and irrespective of whether Congress has or will appropriate funds from the de-authorized public funding program for medical research (an issue far outside the Commission's purview and wholly irrelevant to this request), national nominating conventions play an important and valuable role – as demonstrated by the large audiences attracted to the televised proceedings of convention activities, and the party membership and leadership who gather at convention locations from all parts of the country to participate.

In conclusion, by approving Draft B, the Commission will be providing clear and immediate guidance to the National Party Committees as planning for our respective 2016 national nominating conventions moves forward. We appreciate the Commission's prompt attention to this important issue.

Sincerely,



Robert Bauer
Marc Elias
Graham Wilson
Counsel to the Democratic National Committee
700 Thirteenth Street, N.W. Suite 600
Washington D.C. 20005
202-434-1602

John R. Phillippe, Jr.
Ashley K. Stow
Counsel to the Republican National
Committee
310 First Street, S.E.
Washington D.C. 20003
202-863-8638