

June 4, 2022

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Office of General Counsel  
Attn: Lisa J. Stevenson, Esq.  
Federal Election Commission  
1050 First Street NE  
Washington, DC 20463

**RECEIVED**

By Office of the Commission Secretary at 11:46 am, Jun 17, 2022

**Re: Request for Advisory Opinion**

Dear Ms. Stevenson:

Pursuant to 52 U.S.C. § 30108 we seek an advisory opinion on behalf of State Democracy Defenders PAC (“**SDD PAC**”) to confirm that state parties and their chairs may solicit unlimited contributions for SDD PAC under the Federal Election Campaign Act of 1971 (the “**Act**”) and Federal Election Commission (“**FEC**” or the “**Commission**”) regulations.

SDD PAC is registered as a Carey PAC with the Commission.<sup>1</sup> It is also registered as a political committee in Michigan and Arizona and plans to register in other states as well, to the extent that is required by each state’s campaign finance laws.<sup>2</sup>

**I. FACTUAL BACKGROUND**

State political party committees – more commonly known as “state parties” – are an underappreciated institution in our democracy. They provide opportunities for volunteer grassroots engagement, recruiting candidates to run for state, legislative and local offices, and engaging with election officials to protect the right to vote. Because of their importance, state parties typically enjoy preferences under state election and campaign finance laws. State parties, for example, often enjoy a statutory allowance to have observers present when election officials ascertain the validity of ballots and tally them.<sup>3</sup> State campaign finance laws often allow state

<sup>1</sup> FEC Form 1, State Democracy Defenders PAC (Apr. 12, 2022), <https://docquery.fec.gov/pdf/655/202204129496069655/202204129496069655.pdf>.

<sup>2</sup> SDD PAC may also maintain an additional bank account that is registered with Internal Revenue Service (“IRS”) but does not register in any particular state (“IRS-Only Account”). The IRS-Only Account would be used solely to pay overhead expenses; it would not be used to pay for monetary or in-kind contributions to state parties. If the Commission answers Question 1 in the affirmative, state party committees and their chairs would not solicit funds or direct nonfederal funds to the IRS-Only Account.

<sup>3</sup> See, e.g., Va. Code Ann. § 24.2-604.4(A) (“The officers of election shall have discretion to permit up to three authorized representatives of each political party ... to remain in the room in which the election is being conducted.”); § 24.2-653.01 (“The electoral board shall permit one authorized representative of each political party ... to remain in the room in which the determination is being made as an observer.”); § 24.2-655 (“Before proceeding to ascertain the vote, the officers of election shall determine whether no more than two representatives of

parties to spend funds in coordination with state and local candidates in greater amounts – or for a greater scope of activities – than other non-party entities.<sup>4</sup>

And yet, state parties largely remain underfunded. State parties in presidential battleground states enjoy a quadrennial inflow of funds; state parties in states with competitive Senate and House seats enjoy similar episodic surges in contributions. But by the end of each election cycle, state party coffers are typically barren. As a result, they struggle to retain talented staff and their core functions – including state and local candidate recruitment, volunteer outreach, and voter protection – fall short of what they could be with a more sustained fiscal base. Without adequate and consistent funding, state parties are also less able to communicate with the public, and therefore with donors, about the critical work they are doing for candidates and national party organizations.

State parties may raise and spend both federal and nonfederal funds under the Act. SDD PAC’s mission is to raise funds from donors across the country and donate these funds to state party committee *nonfederal accounts* – consistent with state campaign finance laws – to facilitate their vital grassroots, pro-democracy work. While some national money inevitably flows to state party committee *federal accounts* through joint fundraising committees, state parties have not always succeeded in attracting *nonfederal* funds in states where limits are more generous. There are many reasons why this is the case: state parties tend not to have relationships with national donor networks; national donors do not have the time to meet separately with every state party that is doing valuable work; state campaign finance laws are confusing; and donors have difficulty measuring which state party programs are effective and which programs require more accountability to succeed.

SDD PAC seeks to address these problems as follows:

- As an organization founded by longtime national Democrats,<sup>5</sup> SDD PAC’s team of experienced colleagues and consultants have trusted relationships with national donors.
- SDD PAC allows donors to make a single contribution to SDD PAC which, in turn, will invest in the nonfederal accounts of state party committees of its choosing in accordance with state campaign finance laws.<sup>6</sup> This will reduce transaction costs for donors.
- In addition to making contributions to the nonfederal accounts of state party committees, SDD PAC will make monetary and in-kind contributions to state and local candidates in accordance with state campaign finance laws.

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each political party ... request to be present while the absentee ballots are cast, votes are counted, and returns are completed.”).

<sup>4</sup> See, e.g., Minn. Stat. § 10A.275; Me. Rev. Stat. tit. 21-A, § 1012(2)(B).

<sup>5</sup> SDD PAC is not established, financed, maintained, or controlled by any state party committees or their agents.

<sup>6</sup> SDD PAC will not accept funds earmarked for a particular state party committee but instead will decide on its own, based on its own priorities and goals, how to expend its funds. In some states, it is more efficient for donors to contribute directly to state party committee nonfederal accounts; SDDA therefore would encourage such direct donations in these states.

- To inform its spending decisions, SDD PAC will create a rubric to measure the effectiveness of state party programs. This will increase donor confidence, attract new contributions, and ensure that funds are well-spent.
- SDD PAC seeks to materially add to research and innovation. Accordingly, SDD PAC may choose to hire staff and run certain programs out of the PAC. SDD PAC does not anticipate that this will be a large share of the overall budget. To the extent that any SDD PAC program expenses – or other goods or services provided by SDD PAC – qualify as in-kind contributions under federal or state law, SDD PAC would either report these as in-kind contributions to the benefiting state party committee or require payment by the state party committee for the usual and normal rate of the service. If federal law requires the state party committee to pay for such an expense with some (or all) federal funds,<sup>7</sup> SDD PAC would ensure that the state party did so either by paying SDD PAC directly or by transferring an appropriate amount from the state party’s federal account to its nonfederal account.<sup>8</sup> We will refer to this as the “*federal funds escrow method*,” as the Commission did in Advisory Opinion 1992-33.

SDD PAC will *not* sponsor public communications that promote, support, attack, or oppose federal candidates (a “*PASO public communication*” herein). Nor can SDD PAC contributions to state party committees – all of which will qualify as nonfederal funds under 11 C.F.R. § 300.33 – be used for such purposes.<sup>9</sup> SDD PAC will not make contributions to any federal candidate or the federal account of any political party committee. If permitted by this advisory opinion, however, SDD PAC may make expenditures or disbursements in connection with an election for Federal office, including for Federal election activity (other than PASO public communications), as part of the programs that run out of SDD PAC. As noted above, any such disbursements that qualify as in-kind contributions under federal or state law would be reported as such and/or reimbursed at the usual and normal charge. They would also be subject to the federal funds escrow method.

To be successful, SDD PAC requires fundraising assistance from state party committees and their chairs. Until this opinion is granted, state party committees and chairs’ fundraising role for SDD PAC will be limited to appearing as special guests at events under 11 C.F.R. § 300.64 and soliciting federally permissible funds for SDD PAC’s contribution account. But such a circumscribed role for state party committees and their chairs, in the long run, will limit SDD PAC’s ability to carry out its functions. Accordingly, SDD PAC aims to structure its operation to allow state party committees and their chairs to solicit unlimited funds for SDD PAC’s non-contribution account just as they do for their own committees.<sup>10</sup>

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<sup>7</sup> See, e.g., 11 C.F.R. § 300.33.

<sup>8</sup> See FEC Adv. Op. 1992-33 (DNC/RNC).

<sup>9</sup> 11 C.F.R. § 300.33.

<sup>10</sup> SDD PAC would not accept or solicit contributions from federal contractors, foreign nationals, national banks, or corporations chartered by an act of Congress.

## II. QUESTIONS PRESENTED

1. Are state party committees and their chairs able to solicit and direct nonfederal funds to SDD PAC under 11 C.F.R. § 300.37(a)(3)(i) because SDD PAC is a “political committee” under 11 C.F.R. § 100.5?
2. If the answer to Question 1 is “no”:
  - a. Are state party committees and their chairs able to solicit and direct nonfederal funds to SDD PAC under 11 C.F.R. § 300.37(a)(3)(iv) if state party committees pay for an appropriate share of SDD PAC’s federal disbursements under the federal funds escrow method?
  - b. Alternatively, are state party committees and their chairs able to solicit and direct nonfederal funds to SDD PAC under 11 C.F.R. § 300.37(a)(3)(iv) if SDD PAC does not make any expenditures or disbursements in connection with an election for Federal office, including for Federal election activity?
3. Which of the proposed activities set forth in Section III.3 are “in connection with an election for Federal office”? The Commission only needs to answer this question if it does not answer Question 1 or 2(a) in the affirmative.

## III. LEGAL DISCUSSION

1. State party committees and their chairs may solicit and direct nonfederal funds to SDD PAC because SDD PAC is a “political committee.”

Both the Act and Commission regulations expressly permit state party committees and their chairs to solicit and direct nonfederal funds to entities that qualify as “political committees” under the Act. The Act provides that a “State, district, or local committee of a political party...[or] an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to... an organization described in section 527 of such title (*other than a political committee*, a State, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).”<sup>11</sup> Likewise, Commission regulations prohibit state committees of a political party from “solicit[ing] any funds for, or mak[ing] or direct[ing] any donations of non–Federal funds, including Levin funds, to... [a]n organization described in 26 U.S.C. 527, unless the organization is: (i) [a] political committee under 11 C.F.R. 100.5;...[or] (iv) [a] political committee under State law, that supports only State or local candidates and that does not make expenditures or disbursements in connection with an election for Federal office, including expenditures or disbursements for Federal election activity.”<sup>12</sup>

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<sup>11</sup> 52 U.S.C. § 30125(d)(2) (emphasis added).

<sup>12</sup> 11 C.F.R. § 300.37(a)(3)(i), (iv) (emphasis added).

SDD PAC is a “political committee” under 11 C.F.R. § 100.5. SDD PAC filed a Form 1 with the Commission as a political committee on April 12, 2022.<sup>13</sup> As a political committee, SDD PAC will file a report disclosing its contributions and expenditures on July 15, 2022 and for each reporting period thereafter. These reports must conform with the Act and Commission regulations governing reports by political committees.<sup>14</sup> Failure to comply with these reporting provisions will subject SDD PAC to the full range of penalties prescribed by the Act and Commission regulations. SDD PAC, for example, must comply with Commission regulations governing the reporting and attribution of contributions by limited liability companies (“LLCs”) not taxed as corporations.<sup>15</sup> SDD PAC must also comply with Act provisions and Commission regulations governing the disclosure of the “true source” of contributions.<sup>16</sup> Likewise, SDD PAC must comply with the source restrictions that apply to political committees – even those with a noncontribution account – including the ban on contributions from “federal contractors.”<sup>17</sup>

Because SDD PAC is a “political committee” under 11 C.F.R. § 100.5, the plain language of section 30125(d)(2) permits state party committees and their chairs to solicit and direct funds to SDD PAC. No other provision in the Act dictates that these funds must comply with the Act’s source restrictions or amount limits. “Where a statute’s language carries a plain meaning, the duty of an administrative agency is to follow its commands as written, not to supplant those commands with others it may prefer.”<sup>18</sup>

As is evident from sections 30125(a)(1) and (e)(1)(A), Congress knows how to prohibit individuals and entities from soliciting funds that do not comply with the “limitations, prohibitions, and reporting requirements” of the Act.<sup>19</sup> Indeed, Congress could have used similar language in section 30125(d)(2) when it enacted the Bipartisan Campaign Reform Act in 2002 (“BCRA”).<sup>20</sup> It did not do so. Congress also could have amended section 30125(d)(2) in the 12

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<sup>13</sup> See *supra* note 1.

<sup>14</sup> 52 U.S.C. § 30104; 11 C.F.R. §§ 104.3, 104.5.

<sup>15</sup> 52 U.S.C. § 30104(a), (b); 11 C.F.R. § 110.1(g); Statement of Reasons of Chairman Dickerson, Vice Chair Walther, Commissioners Broussard and Weintraub, MUR 7454 (Blue Magnolia, *et al.*).

<sup>16</sup> *Id.*; see also Statement of Reasons, Chairman Dickerson, MUR 7454 (Blue Magnolia, *et al.*).

<sup>17</sup> Statement of Reasons, Chairman Dickerson, MUR 7454 (Blue Magnolia, *et al.*); see also 11 C.F.R. § 103.3(b).

<sup>18</sup> *SAS Inst., Inc. v. Iancu*, 584 U.S. \_\_\_, 138 S. Ct. 1348, 1355 (2018); see also *Eagle Pharms., Inc. v. Azar*, 952 F.3d 323, 336 (D.C. Cir. 2020) (“In light of an unambiguous statutory directive, it is not our place to second-guess how the Congress chose to effectuate the policy goals underlying the statute as a whole”).

<sup>19</sup> 52 U.S.C. § 30125(a)(1), (e)(1)(A) (“A national committee of a political party (including a national congressional campaign committee of a political party) may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act... A candidate, individual holding Federal office, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not--(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.”).

<sup>20</sup> *Id.* §30125(d)(2) (“A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to--... an organization described in section 527 of such title (other than a political committee, a State, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).”).

years since the *Citizens United* and *Speech Now* decisions to prohibit state party committees from soliciting or directing nonfederal funds to political committees. It has not done so. Therefore, the Commission is left with the plain language of the statute, which clearly permits state party committees and their chairs to solicit and direct funds – including nonfederal funds – to political committees.

Even if *arguendo* the Commission had the statutory authority to craft a regulation to bar state parties and their chairs from soliciting or directing nonfederal funds to Super PACs or Carey PACs, it has failed to do so. Section 300.37(a)(3)(i) of the Commission’s regulations – which plainly allows state party chairs to solicit funds and direct nonfederal funds to political committees – has remained undisturbed since *Citizens United* and *Speech Now*.<sup>21</sup> No other Commission regulation purports to regulate the types of funds that a state party committee or chair may solicit for a political committee.<sup>22</sup> The Commission did not tweak section 300.37(a)(3)(i) when it amended other regulations in 2014 to conform to judicial developments.<sup>23</sup> Nor did it seek to amend sections 300.10, 300.61, or 300.62 – provisions that restrict the source and amount of funds that other regulated actors may solicit – to cover state party committees and their chairs. The Commission simply left its existing regulatory regime in place, indicating that section 300.37(a)(3)(i) applied to these new types of political committees as well.

That approach is consistent with how the Commission has applied its regulations governing “political committees” to Super PACs and Carey PACs. In resolving a recent enforcement matter, the Commission pronounced that “contributions from LLCs to committees must be attributed pursuant to Commission regulations, *and those regulations apply to all committees, including [Super PACs and Carey PACs].*”<sup>24</sup> Writing separately in support of this decision, Commissioner Dickerson articulated the principle that is dispositive on this question:

At the heart of these matters is a simple question: where the Act or Commission regulations speak of “committees,” does that term encompass new vehicles, such as IEOPCs or Hybrid Committees, that arise from judicial decisions? In my view, the answer is “yes.” And this is for an equally simple reason: a committee, like an IEOPC, is not some new thing under the sun. It is simply a committee, created and regulated pursuant to FECA, that has chosen to exercise certain First Amendment rights acknowledged by the courts. The committee remains subject to existing rules except insofar as those rules conflict with a course of conduct blessed by the judiciary.<sup>25</sup>

As a political committee, SDD PAC “remains subject to existing rules” – including section 300.37(a)(3)(i) – with the exception that it has “establish[ed] a separate bank account to deposit and withdraw funds raised in unlimited amounts from individuals, corporations, labor

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<sup>21</sup> 11 C.F.R. § 300.37(a)(3)(i) (“A State, district or local committee of a political party must not solicit any funds for, or make or direct any donations of non-Federal funds, including Levin funds, to:... An organization described in 26 U.S.C. 527, unless the organization is: A political committee under 11 CFR 100.5”).

<sup>22</sup> *Cf.* 11 C.F.R. §§ 300.10, 300.61, 300.62.

<sup>23</sup> *See, e.g.*, Final Rules on Independent Expenditures and Electioneering Communications by Corporations and Labor Organizations, 79 Fed. Reg. 62797 (Oct. 21, 2014), <https://sers.fec.gov/fosers/showpdf.htm?docid=305685>.

<sup>24</sup> Statement of Reasons of Chairman Dickerson, Vice Chair Walther, Commissioners Broussard and Weintraub, MUR 7454 (Blue Magnolia, *et al.*) (emphasis added).

<sup>25</sup> Statement of Reasons, Chairman Dickerson, MUR 7454 (Blue Magnolia, *et al.*).

organizations, and/or other political committees” and that “[t]he funds maintained in this separate account will not be used to make contributions, whether direct, in-kind, or via coordinated communications, or coordinated expenditures, to federal candidates or committees.”<sup>26</sup> The Commission may not use its regulations governing political committees as a *sword* against Carey PACs – requiring compliance with reporting requirements and source restrictions, for example – while denying those PACs the *shield* that political committee status offers in other regulations. Because SDD PAC is a political committee under the Act, section 300.37(a)(3)(i) allows state party committees and their chairs to solicit and direct nonfederal funds to SDD PAC.

2. State party committees and their chairs may solicit and direct nonfederal funds to SDD PAC if they pay for an appropriate share of SDD PAC’s federal disbursements under the federal funds escrow method. Alternatively, state party committees and their chairs may solicit and direct nonfederal funds to SDD PAC if SDD PAC does not make any expenditures or disbursements in connection with an election for Federal office.

In addition to the allowance afforded to federally-registered political committees under subparagraph (i), section 300.37(a)(3)(iv) provides that state party committees and their chairs may solicit funds and direct nonfederal funds to a section 527 organization that is a “political committee under State law, that supports only State or local candidates and that does not make expenditures or disbursements in connection with an election for Federal office, including expenditures or disbursements for Federal election activity.”<sup>27</sup> During the notice and comment period for section 300.37, a commenter argued that “permitting State and local party committees to fundraise for, or donate to, State political committees ‘would be contrary to the letter and spirit of BCRA.’”<sup>28</sup> The cosponsors of BCRA disagreed, explaining that 11 C.F.R. § 300.37(a)(3) was consistent with the intent of BCRA so long as the entity does not make expenditures and disbursements in connection with an election for Federal office, including expenditures and disbursements for Federal election activity.<sup>29</sup> After considering the comments, the Commission concluded that it

agree[d] with the sponsors and other commenters that this new [11 C.F.R. § 300.37(a)(3)] is consistent with the major purpose of BCRA—to prohibit non-Federal funds from being used in connection with Federal elections. As long as the section 527 organization for which funds are being raised exclusively supports non-Federal candidates and does not finance activities that could benefit Federal candidates, such as get-out-the-vote activities in connection with an election in which a Federal candidate appears on the ballot, BCRA’s intent is preserved.<sup>30</sup>

***Political committee under state law:*** SDD PAC is a section 527 political organization that is registered as a political committee in at least two states. SDD PAC intends to maintain one account that is registered with the IRS but is not registered with any state – the IRS-Only

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<sup>26</sup> See *supra* note 1 at 5.

<sup>27</sup> 11 C.F.R. § 300.37(a)(3)(iv).

<sup>28</sup> Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money; Final Rule, 67 Fed. Reg. 49064, 49016 (Jul. 29, 2002), <https://sers.fec.gov/fosers/showpdf.htm?docid=3328#page=43>.

<sup>29</sup> *Id.* at 49106.

<sup>30</sup> *Id.*

Account – because certain donors prefer that their contributions not be used for electoral purposes. Funds in this account would only be used to cover SDD PAC’s overhead expenses. The presence of this account does not change the fact that SDD PAC is a “political committee under state law” and nothing in the regulation purports to require that *every* account maintained by a qualifying section 527 organization report to a state campaign finance agency.<sup>31</sup> Nonetheless, if the Commission determines that *every* account of a qualifying section 527 organization must register with and report to a state campaign finance agency, SDD PAC will comply with that directive.

***Support for state and local candidates:*** SDD PAC plans to make contributions to the nonfederal accounts of state party committees and to make monetary and in-kind contributions to state and local candidates. SDD PAC will not make contributions to any federal candidate or the federal account of any state party committee. SDD PAC will also not sponsor any PASO Public Communications. These restrictions are consistent with the admonition that a qualifying organization under section 300.37(a)(3)(iv) “support[] only State or local candidates.” While SDD PAC’s funding would go into the state parties’ nonfederal accounts, the primary purpose of these accounts is to support state and local candidates; moreover, it would be illogical to allow state party committees to solicit funds for their *own* nonfederal accounts while barring them from soliciting funds into section 527 organizations that contribute to those same nonfederal accounts.

Under the Commission’s regulations, state party committees may not use nonfederal funds to support federal candidates.<sup>32</sup> SDD PAC’s representation that it will not make contributions to any federal candidate or the federal account of any state party committees and will not sponsor PASO Public Communications provide additional protection against these funds being used to support federal candidates – the purpose underlying section 300.37(a)(3)(iv).

***Expenditures or disbursements in connection with an election for federal office, including federal election activity:*** If state party committees use the federal funds escrow method to reimburse SDD PAC for any disbursements made in connection with an election for Federal office, SDD PAC should maintain its status as a qualifying section 527 organization under section 300.37(a)(3)(iv). For example, if SDD PAC pays for an expense that would have been paid on the administrative split if the state party had paid for it, SDD PAC would report an in-kind contribution to the state party’s nonfederal account for the full amount of the expense and the state party would transfer the federal portion of the expense from its federal account to its nonfederal account. This transaction would leave the state party with the same amount of federal funds if it had paid for the expense directly and no additional nonfederal funds would flow to the state party. This approach is also consistent with Advisory Opinion 1992-33.<sup>33</sup> Nonetheless, if the Commission determines that the use of the federal funds escrow method is insufficient for SDD PAC to qualify under section 300.37(a)(3)(iv), SDD PAC would refrain from making any expenditures or disbursements in connection with an election for Federal office, including any Federal election activity.

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<sup>31</sup> 11 C.F.R. § 300.37(a)(3)(iv).

<sup>32</sup> 11 C.F.R. § 300.32(a)(2).

<sup>33</sup> FEC Adv. Op. 1992-33 (DNC/RNC).



3. Determination whether certain activities are in connection with an election for Federal office.

If the Commission does not answer Question 1 or 2(a) in the affirmative, SDD PAC seeks guidance on whether any of its proposed activities (collectively, the “*Proposed Activities*”) are “in connection with an election for federal office, including federal election activity.” The Proposed Activities include:

- Tracking and combating disinformation that is disseminated with respect to the election process and state and local candidates in states. This program would not track or combat disinformation with respect to federal candidates.
- Tracking physical and cyber threats to the security of the election process, and combatting such threats.
- Providing cybersecurity protection services to state party committees, to guard against hacks and other intrusions into state party committee emails and records.
- Recruiting individuals to serve as election officials, poll workers, and observers of various election processes.
- Communicating with election officials to ensure that elections are administered in accordance with applicable federal and state laws.
- Paying legal fees to ensure that elections are administered in accordance with applicable federal and state laws. The PAC would not pay for legal fees associated with a recount or election contest in a federal election.
- Recruiting individuals to run for state and local office. The PAC would not pay to recruit candidates for federal office.

SDD PAC does not believe that any of the Proposed Activities is “in connection with an election for Federal office, including ... Federal election activity.” There are four types of federal election activity set forth in the Act and Commission regulations, and none of the Proposed Activities is among the four FEA types.<sup>34</sup> None of the Proposed Activities relates to a clearly identified federal candidate. Instead, the Proposed Activities generally fall into two categories: activities to uphold the rules under which elections are held and administrative costs. The Commission has recognized on multiple occasions that legal activities aimed at challenging or upholding the rules under which elections are held are not in connection with an election *at all*, let alone a *federal* election.<sup>35</sup> Finally, because Commission regulations generally prohibit state party committees from using their nonfederal account to make “[d]isbursements, contributions, and expenditures ... wholly or in part in connection with Federal elections” but *do* allow them to use their nonfederal account to pay for a share of administrative costs (other than those directly

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<sup>34</sup> 52 U.S.C. § 30101(20); 11 C.F.R. § 100.24(a).

<sup>35</sup> See FEC Adv. Ops. 1982-35, 1983-30, 1983-37, 1996-39, 2003-15, 2010-03.

attributable to a clearly identified federal candidate), the administrative costs set forth above are not “in connection with a federal election.”<sup>36</sup>

Thank you for your time and prompt consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon S. Berkon".

Jonathan S. Berkon  
Courtney T. Weisman  
Counsel to State Democracy Defenders PAC

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<sup>36</sup> 11 C.F.R. §§ 106.7(c)(2), 300.30(b)(1).