



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Office of the Commission Secretary *LC*

DATE: September 27, 2022

SUBJECT: AO 2022-12 (Ready for Ron) Second Requestor's
Counsel Comment on Draft C

The following is a second requestor's counsel comment on AO 2022-12 (Ready for Ron) Draft C. This matter will be discussed on the Open Meeting of September 29, 2022.

Attachment



September 27, 2022

1
2 Office of the General Counsel
3 Attn: Lisa Stevenson
4 Federal Election Commission
5 1050 First Street N.E.
6 Washington, D.C. 20463
7

8 RE: Advisory Opinion Request 2022-12 (Ready for Ron)
9

10 Dear Ms. Stevenson,
11

12 Please accept this comment from Ready for Ron (“RFR”) in response to the public hearing
13 held concerning its advisory opinion request. This comment responds to several of the questions
14 raised by the Federal Election Commission (“Commission”) and presents additional legal analysis
15 the Commission should assess in considering a potential new draft Advisory Opinion.
16

17 **Binding precedent from the D.C. Circuit;¹ the legislative history of the FECA;² the**
18 **Commission’s approval of tens of millions of transactions totaling billions of dollars by**
19 **ActBlue, entailing the transmission of contributors’ contact information to candidates;³ and**
20 **its failure to prohibit cooperation between prospective candidates and political committees**
21 **supporting them ⁴ collectively demonstrate the Commission lacks the constitutional,**
22 **statutory, precedential, or regulatory authority to suppress Ready for Ron’s political speech.**

¹ *Federal Election Comm’n v. Machinists Non-Partisan Political League*, 655 F.2d 380 (D.C. Cir. 1981)

² *See, e.g., S. Comm. on Rules & Admin., Hearings on Proposed Amendments to the Federal Election Campaign Act of 1971*, S. Hrg. 99-709, at 122, 303, App. 1F, at 272 (Nov. 5, 1985; Jan. 22 & Mar. 27, 1986)

³ *ActBlue*, A.O. 2006-30 (Nov. 9, 2006), *ActBlue*, A.O. 2008-10 (Jan. 15, 2015)

⁴ *Senate Majority PAC*, A.O. 2015-09 (Nov. 13, 2015).



1 The drafts the Commission previously considered in this matter would have barred Ready
2 for Ron from providing Governor Ron DeSantis with a petition signed by his supporters
3 encouraging him to run for the Republican nomination for President in the 2024 election. Federal
4 campaign finance law cannot reasonably or constitutionally be construed to prohibit a person’s
5 supporters from banding together to encourage him or her to run for federal office. Nor does it
6 require any such communications to occur anonymously, without revealing the names or contact
7 information of the petition’s signatories. The Commission should not stretch the definition of “in-
8 kind contribution” so far as to include signed political petitions.

9
10 In general, contribution limits impose only limited burdens on constitutionally protected
11 speech because a contribution is, in general, only a symbolic token of support for a candidate. Here,
12 in contrast, the Commission is considering the unprecedented step of applying contribution limits
13 in a manner that bars pure political speech—a petition encouraging Governor DeSantis to run for
14 President, along with the identities of the people who wish to express that sentiment.

15
16 *First*, binding D.C. Circuit precedent prohibits the Commission from regulating transfers
17 to anyone other than a federal “candidate,” including transfers made by a draft committee for the
18 purpose of inducing someone to become a candidate. *Second*, this Commission’s precedents
19 concerning ActBlue demonstrate Ready for Ron may act as a conduit to provide a political message
20 from Governor DeSantis’ supporters to Governor DeSantis at least as easily as – if not more so –
21 it could provide financial support. If Ready for Ron were collecting monetary contributions from
22 the Petition signatories to forward on the signatories’ behalf to a future nominee fund, it would be
23 not only permitted, but *required* to provide information about the contributors to him. ActBlue—
24 whose activities concerning candidates, draft efforts, and other funding schemes—this
25 Commission has repeatedly approved over the years goes even further, gratuitously aggregating
26 and providing contributors’ contact information to candidates and other recipients, as well. The
27 Commission may not bar Ready for Ron from gathering such information from Governor
28 DeSantis’s supporters and providing it to him simply because it is gathering signatures for a



1 petition rather than monetary contributions. Such a perverse pay-to-play scheme would violate the
2 Equal Protection Clause and First Amendment by treating supporters’ ability to associate and
3 Ready for Ron’s ability to convey their identifying information to Governor DeSantis on their
4 willingness to make monetary payments. Truly, the Commission would turn the very notion of
5 free speech on its head by providing greater protection to contributions than purely expressive acts
6 – to make free speech contingent on payment.

7
8 **Third**, the legislative history of the Bipartisan Campaign Reform Act (“BCRA”) confirms
9 Congress rejected efforts to include candidate draft efforts within the scope of federal campaign
10 finance law. **Fourth**, the Commission’s deadlock in *Senate Majority PAC*, A.O. 2015-09 (Nov. 13,
11 2015), concerning outright cooperation among a prospective candidate, a SuperPAC established
12 to support that prospective candidate, and other committees supporting that candidate suggest a
13 draft group should be permitted to give a signed petition to a prospective candidate to encourage
14 him to run.

15
16 **Fifth**, Draft C overlooks the fundamental distinction between a signed petition, on the one
17 hand, and mailing lists, contributor lists, and distribution lists on the other. A petition is the
18 quintessential pure political communication that conveys a political message. Mailing, contributor,
19 and distribution lists, in contrast, are merely aggregations of data that do not convey any overall
20 message. Treating a signed petition as the equivalent to these other sorts of lists completely ignores
21 the fundamental communicative distinction between them. **Finally**, the Commission must
22 recognize that a person may engage in dialogue concerning the possibility of becoming a candidate
23 and consider the possibility of becoming a candidate without thereby being deemed to be either
24 “testing the waters” or a candidate.

25
26



1 **I. BINDING PRECEDENT ESTABLISHES THE FECA GENERALLY**
2 **DOES NOT REGULATE DRAFT COMMITTEES OR DISBURSEMENTS**
3 **MADE FOR THE PURPOSE OF ATTEMPTING TO PERSUADE**
4 **AN INDIVIDUAL TO BECOME A CANDIDATE**

5
6 Federal circuit courts have held the Federal Election Campaign Act is generally
7 inapplicable to draft committees. These courts confirm the Commission may not prevent a group
8 of people from joining together to encourage a person to run for federal office, particularly where
9 that person has not yet qualified as a federal candidate. The reasoning of these cases demonstrates
10 transfers to a person who has not yet decided to run for office cannot be subject to the FECA’s
11 contribution limits.

12
13 The FECA does not regulate efforts to “draft” candidates for federal office. “[A]t the time
14 [the FECA] was written and amended in 1971, 1974, and 1976, ‘draft’ groups were either unheard
15 of, or else not considered as a factor of sufficient importance in the political process to warrant
16 concern by Congress.” *Federal Election Comm’n v. Machinists Non-Partisan Political League*,
17 655 F.2d 380, 382 (D.C. Cir. 1981) [hereinafter, “*Machinists*”]. Noting that the FECA “nowhere
18 mentions ‘draft’ groups,” the U.S. Court of Appeals for the D.C. Circuit has refused to read the
19 statute to “imply coverage for such groups.” *Id.* at 394; *see also id.* (declining to “stretch the
20 statutory language, or read into it oblique references of Congressional intent to include ‘draft’
21 groups”).

22
23 Throughout the 1970s, the Commission itself repeatedly cautioned draft committees are
24 not covered by FECA, and disbursements made for the purpose of inducing someone to run for
25 federal office could not be “contributions” because the recipient was not yet a “candidate.” For
26 example, in 1976, the Commission stated, “Congress may wish to consider amending the Act to
27 bring draft movements within the reporting provisions and contribution limits.” FEC, Annual
28 Report 1976, at 74 (quoted in *Machinists*, 655 F.3d at 395), <https://www.fec.gov/resources/cms->



1 [content/documents/ar76.pdf](#). It explained, “[P]ersons or committees supporting a draft movement
2 on behalf of an individual who is not a candidate within the meaning of the Act may not have any
3 reporting requirements.” *Id.* The Commission further recognized FECA’s limits on contributions
4 to candidates were inapplicable during the “draft” stage before a person satisfied the statutory
5 definition of “candidate”. It recommended Congress change the law to specify someone who
6 contributes to a draft committee knowing a “substantial portion” of the contribution “will be
7 expended on behalf of a clearly identified individual . . . be considered to have made a contribution
8 to a ‘candidate.’” *Id.* at 75; *see also* FEC, Annual Report 1975, at 77 (“Thought should be given
9 to amending the law to make the contribution limitations applicable to draft movements. Under
10 the present law, an individual is not a candidate unless he [satisfies the statutory requirements].”) (quoted in *Machinists*,
11 655 F.2d at 395), [https://www.fec.gov/resources/cms-](https://www.fec.gov/resources/cms-content/documents/ar75.pdf)
12 [content/documents/ar75.pdf](#).

13
14 In 1979, Congress followed only part of the Commission’s advice. It amended the FECA’s
15 reporting provisions to require draft committees to disclose their receipts and disbursements.
16 *Machinists*, 655 F.3d at 395. The House committee report accompanying the amendments to the
17 reporting provisions declared, “The change was made to ensure that organizations set up to ‘draft’
18 individuals who are not actually candidates will be required to report.” *Machinists*, 655 F.2d at 395
19 (quoting H. Rpt. No. 96-422, at 15 (1979), *reprinted in* 1979 U.S.C.C.A.N. 2860, 2874). The D.C.
20 Circuit observed, “[T]here is no indication from the 1979 Amendments or the legislative history
21 that such ‘draft’ groups were to be bound by the contribution limitations. . . . Congress has never
22 acted expressly to bring ‘draft’ groups within the coverage of contribution limitations.” *Id.*

23
24 In *Machinists*, 655 F.2d at 382, the Machinists Non-Partisan Political League (“the
25 League”) was a registered, unauthorized multicandidate political committee. It had supported
26 President Jimmy Carter in the 1976 election, but became “disenchanted” with him and began
27 “encouraging and assisting the formation of ‘draft-Kennedy’ groups in several states” for the 1980
28 election. *Id.* at 382-83. As the D.C. Circuit pointed out in subsequent cases discussing *Machinists*,



1 these draft groups “had the purpose of building a draft movement for a particular, named individual
2 to run for a specific office in a specific federal election.” *Unity08 v. FEC*, 596 F.3d 861, 868 (D.C.
3 Cir. 2010). From May to November 1979, when Senator Ted Kennedy formally announced his
4 candidacy for President, the League spent approximately \$30,000 in connection with those draft
5 groups. *Machinists*, 655 F.2d at 382-83; *see also FEC v. Florida for Kennedy Comm.*, 681 F.2d
6 1281, 1282 (11th Cir. 1982) (noting the Florida draft committee “labored throughout the summer
7 on [Kennedy’s] behalf”).

8
9 The Carter campaign filed an administrative complaint with the Commission against the
10 League and its draft groups. It alleged the draft-Kennedy groups qualified as political committees
11 and, accordingly, the League’s disbursements to them violated applicable contribution limits.
12 *Machinists*, 655 F.2d at 383, 390. In response, the Commission opened an investigation into those
13 groups’ “‘draft-Kennedy’ activities” and issued a subpoena for information to the League. *Id.* at
14 384. The D.C. Circuit held the FEC lacked jurisdiction to issue the subpoena because draft
15 committees were neither “political committees” under the FECA nor subject to the FECA’s
16 contribution or expenditure restrictions. *Id.* at 397.

17
18 The *Machinists* Court began by declaring the FEC’s “investigation into ‘draft Kennedy’
19 groups **represents an unprecedented assertion of subject matter jurisdiction for the FEC.**” *Id.*
20 at 386 (emphasis Added). The Commission was investigating “political activity and association”
21 which had “never before [been] subject to bureaucratic scrutiny.” *Id.* It was targeting “the very
22 heart of the organism which the first amendment was intended to nurture and protect: political
23 expression and association concerning federal elections and officeholding.” *Id.* at 388; *see also id.*
24 at 390 (holding draft committees’ activities involve “centrally important first amendment
25 associational and advocacy interests”).

26
27 *Machinists* went on to hold draft committees do not “fall within the Court’s limited
28 definition of political committees.” *Id.* at 392. “Draft groups . . . aim to produce some day a



1 candidate acceptable to them, but they have not yet succeeded. Therefore none is promoting a
2 ‘candidate’ for office, as Congress uses that term in FECA.” *Id.* Moreover, because a draft
3 committee’s activities “are not related in any way to a person who has decided to become a
4 candidate,” it has no “potential for corruption” that has been “specifically identified by Congress.”
5 *Id.*; *see also id.* at 394 (noting a draft committee’s “contributions and expenditures do not relate to
6 an identifiable ‘candidate’”). *Machinists* concluded, “In this delicate first amendment area, there
7 is no imperative to stretch the statutory language, or read into it oblique references of
8 Congressional intent to include ‘draft’ groups. . . . [W]e must decline to extend [FECA] to cover
9 such groups.” *Id.*; *accord FEC v. Citizens for Democratic Alternatives in 1980*, 655 F.2d 397, 398
10 (D.C. Cir. 1981); *see also Florida for Kennedy Comm.*, 681 F.2d at 1287 (“[U]nauthorized groups
11 electioneering on behalf of someone who is not yet a candidate for federal office cannot be covered
12 by the Act.”). The D.C. Circuit went on to reaffirm and apply *Machinists* as late as 2010. *See*
13 *Unity08*, 596 F.3d at 867.

14
15 Draft C is inconsistent with *Machinists* and its progeny in numerous respects. **First**,
16 *Machinists*’ overall analysis requires the Commission to be cautious in regulating private efforts
17 to draft potential federal candidates, since such efforts not only involve the exercise of core First
18 Amendment rights, *id.* at 388, but generally lie beyond FECA’s bounds, *id.* at 394. **Second**, the
19 Court repeatedly emphasized the difference between “activities [to] support an existing ‘candidate’”
20 and “attempts to convince the voters or [the individual himself] that he would make a good
21 ‘candidate’ or should become a ‘candidate.’” *Id.* at 396. Since a person who has not yet qualified
22 as a candidate—including a person who may be “testing the waters”—is (by definition) not a
23 candidate, disbursements made in the course of attempting to convince him “that he would make
24 a good ‘candidate’ or should become a ‘candidate’” cannot qualify as “contributions” under FECA
25 and are not subject to regulation. *Id.*; *see also id.* at 392 (emphasizing the target of a draft campaign
26 is not a “candidate . . . as Congress uses that term in FECA”).

27



1 *Third, Machinists* rejected the notion that efforts to draft a candidate carry a “potential for
2 corruption.” *Id.* The Supreme Court has expressly emphasized preventing actual or apparent
3 corruption are the only constitutionally permissible justifications for contribution limits.
4 *McCutcheon v. FEC*, 572 U.S. 185, 191 (2014) (plurality op.) (“Congress may regulate campaign
5 contributions to protect against corruption or the appearance of corruption.”); *Fed. Election*
6 *Comm’n v. Nat’l Conservative Political Action Comm.*, 470 U.S. 480, 496-97 (1985)
7 (“[P]reventing corruption or the appearance of corruption are the only legitimate and compelling
8 government interests thus far identified for restricting campaign finances.”). Given the D.C.
9 Circuit’s binding conclusions concerning the absence of corruption in efforts to draft a potential
10 federal candidate, the First Amendment bars the Commission from applying contribution limits to
11 prevent RFR from providing its signed petition to Governor DeSantis.

12
13 **II. THE COMMISSION’S PRECEDENTS CONCERNING ACTBLUE**
14 **ALLOW RFR TO ACT AS A CONDUIT TO PROVIDE IDENTIFYING**
15 **INFORMATION FROM PETITION SIGNATORIES TO GOVERNOR DESANTIS**

16
17 Draft C—particularly pages 9-10—overlooks perhaps the most basic reason RFR may
18 provide the signed petition to Governor DeSantis: RFR is providing people’s signatures and
19 identifying information to Governor DeSantis on their behalf, at their request, as a conduit. Even
20 if this identifying information in the petition, either individually or in aggregate, constitutes a
21 “thing of value,” the source of this information is the petition signatories themselves, not RFR.
22 RFR’s acts as a conduit through which identifying information about a person’s supporters is
23 provided to that person are fully justified under this Commission’s opinions concerning ActBlue.
24 Indeed, it is far more innocuous than ActBlue’s system, because people are not required to pay to
25 sign RFR’s petition.

26
27 ActBlue is a nonconnected political committee formed to support Democratic candidates.
28 *ActBlue*, A.O. 2006-30, at 2 (Nov. 9, 2006). It solicits contributions through its website,



1 www.actblue.com. When a person makes a contribution through ActBlue to a candidate, ActBlue
2 collects that contributor’s identifying information, *including* contact information such as phone
3 number and e-mail address. As ActBlue itself explains, in addition to information “[r]equired by
4 federal law,” it *also* “pass[es] along [a contributor’s] email address, as well as your phone number
5 if you choose to provide it, to the group [the contributor] gave to . . . so they can stay in touch.”
6 *Does ActBlue Share My Personal Information, Including Email Address and Phone Number?*,
7 ACTBLUE (last referenced Sept. 26, 2022), <https://support.actblue.com/donors/about-actblue/does-actblue-share-my-personal-information-including-email-address-and-phone-number/>.
8

9
10 Federal regulations generally require a conduit committee to forward an earmarked
11 contribution, along with the name and address of the contributor, within ten days of receipt. 52
12 U.S.C. § 30102(b)(1)-(2); 11 C.F.R. § 102.8(a)-(b); *see, e.g., ActBlue*, A.O. 2006-30, at 6-7 (Nov.
13 9, 2006) (discussing ActBlue’s legal obligation to forward the names and addresses of each person
14 who made a contribution through ActBlue to the recipient candidate). ActBlue, however, transmits
15 not only the contribution and the contributor’s identifying information, but also the contributor’s
16 phone number and e-mail address—which are not legally required—to the designated recipient
17 candidate. This Commission has repeatedly upheld such arrangements. A.O. 2006-30, at 6-7; *see*
18 *also* Skimmerhat, A.O. 2012-22, at 3, 5 (Aug. 2, 2012) (approving skimmerhat’s website which
19 allowed a user to make a contribution to candidates she designates, and skimmerhat would
20 “forward all contributions within ten days of receipt along with certain identifying information” to
21 those candidates); *cf.* ActBlue, A.O. 2007-27, at 7 (Dec. 17, 2007) (approving ActBlue’s use of
22 password-protected sites to solicit conduit contributions from the restricted classes of corporations’
23 and unions’ separate segregated funds to those funds).

24
25 *ActBlue*, A.O. 2008-10 (Jan. 15, 2015), is even more closely on point. ActBlue wished to
26 establish a “draft fund” where “users would make contributions earmarked for specific women
27 who are potential candidates for President in 2016 but who have not yet formed authorized
28 presidential campaign committees.” *Id.* at 2. ActBlue would forward any contributions earmarked



1 for an individual to that person if she formed a presidential candidate committee by a specified
2 deadline. *Id.* The Commission concluded ActBlue could accept contributions from people on
3 behalf of individuals who are not yet federal candidates, to forward to those individuals once they
4 become candidates. *Id.* at 4; *see also id.* at 5 (“ActBlue may act as a conduit or intermediary for
5 contributions earmarked for prospective candidates”); *see also* A.O. 2006-30, at 3 (“ActBlue
6 may solicit and receive contributions from individuals earmarked for Prospective Candidates” and
7 “forward the earmarked contributions to the candidates”). “Contributions that ActBlue
8 transfers . . . to the designated candidate . . . would be attributed to the persons who contributed
9 [those funds], and not to ActBlue.” A.O. 2008-10, at 4; *see also* A.O. 2006-30, at 6; *Pro-Life*
10 *Democratic Candidate PAC*, A.O. 2019-11, at 2, 6 (July 25, 2019) (allowing a draft fund to accept
11 conduit contributions to provide to a pro-life Democratic presidential candidate who met certain
12 “experience and endorsement criteria” if one were drafted).

13
14 Both ActBlue’s draft funds and RFR are designed to help induce a particular specified
15 person to start testing the waters or become a federal candidate. ActBlue’s draft funds collect
16 money from a person’s supporters, and then forward those funds, the contributors’ legally required
17 information, and other, additional contact information for each contributor to the recipients once
18 they became federal candidates. For high-profile candidates, ActBlue may collect tens of millions
19 of dollars from hundreds of thousands of people; it provides those contributors’ legally required
20 identifying information, as well as other, additional contact information for each contributor, to
21 the recipient candidates. For example, in the 2020 election cycle, ActBlue processed 15,672,773
22 contributions totaling \$647,286,951 to Joe Biden alone; it provided Biden not only with the funds,
23 but the identifying information and contact information for each contributor.⁵ It likewise provided
24 over two-and-a-quarter million contributions totaling over \$88 million to Democratic Senate

⁵ *ActBlue*, A.O. 2006-30 (Nov. 9, 2006), *ActBlue*, A.O. 2008-10 (Jan. 15, 2015) (specifying data for ActBlue’s payments to Joe Biden in the 2020 election cycle), <https://www.opensecrets.org/campaign-expenditures/vendor?cycle=2020&vendor=BIDEN+FOR+PRESIDENT>



1 candidate Jon Ossoff.⁶ In the 2022 election cycle currently underway, it has provided over a
2 million contributions totaling nearly \$30 million to Warnock for Georgia⁷ and nearly 1.1 million
3 contributions totaling over \$28.5 million to Val Demings.⁸ In each of these cases, ActBlue
4 provided names, addresses, and contact information for each contributor—likely hundreds of
5 thousands of people—to each candidate.

6
7 Draft C would prohibit RFR from providing its signed petition to Governor DeSantis
8 simply because it contains contact information for the signatories. Yet ActBlue is permitted to
9 provide both legally mandated identifying information as well as other contact information for
10 contributors to their designated recipient candidates. RFR provides a way for people to join
11 together in collective political expression free of charge, without having to provide a monetary
12 contribution. ActBlue, in contrast, solely accepts contributions for candidates. If RFR required
13 people to provide a conduit contribution through its account to Governor DeSantis as a condition
14 for signing the petition, then like ActBlue it would be required and permitted to gather the
15 contributors’ personal information and provide it to Governor DeSantis. A person who chooses to
16 make a monetary contribution through ActBlue can have ActBlue combine their contact
17 information with that of the recipient candidate’s other contributors and provide it to the candidate
18 to facilitate future interactions. Under Draft C, in contrast, a person who instead engages in pure
19 political communication by signing RFR’s petition is barred from having RFR combine their
20 contact information with that of other petition signatories and provide it to Governor DeSantis.
21 Adopting Draft C in light of the Commission’s ActBlue and related precedents would create a

⁶ *Vendor/Recipient Profile: Jon Ossoff for Senate*, OPEN SECRETS (Sept. 26, 2022) (specifying data for ActBlue’s payments to Jon Ossoff in the 2020 election cycle), <https://www.opensecrets.org/campaign-expenditures/vendor?cycle=2020&vendor=Jon+Ossoff+for+Senate>.

⁷ *Vendor/Recipient Profile: Warnock for Georgia*, OPEN SECRETS (Sept. 26, 2022) (specifying data for ActBlue’s payments to Raphael Warnock in the 2022 election cycle), <https://www.opensecrets.org/campaign-expenditures/vendor?cycle=2022&vendor=Warnock+for+Georgia>.

⁸ *Vendor/Recipient Profile: Val Demings for Congress*, OPEN SECRETS (Sept. 26, 2022) (specifying data for ActBlue’s payments to Val Demings in the 2022 election cycle), <https://www.opensecrets.org/campaign-expenditures/vendor?cycle=2022&vendor=Val+Demings+for+Congress>



1 perverse pay-to-play system, where an intermediary may gather and provide a recipient with
2 identifying information about his or her supporters only if those supporters make a financial
3 contribution. Intermediaries facilitating conduit monetary contributions may amass information
4 about a candidate’s supporters and provide it to that candidate, while an intermediary preparing a
5 draft petition is barred from providing comparable information about the petition’s signatories to
6 the petition’s target (who is not yet even a candidate). R4R should be permitted to provide the
7 signed petition to Governor DeSantis without having to charge signatories for the privilege of
8 signing and treating it as an ActBlue-like conduit contribution to Governor DeSantis’ prospective
9 future campaign. *Cf.* A.O. 2006-30, at 6-7; A.O. A.O. 2008-10, at 5.

10
11 **III. BCRA’S LEGISLATIVE HISTORY CONFIRMS CONGRESS DECLINED**
12 **TO PROHIBIT CANDIDATE “DRAFT” ACTIVITIES**

13
14 The Commission should not construe the term “contribution” to include disbursements to
15 a person who has not yet become a candidate because Congress considered and rejected
16 amendments to that effect. The Supreme Court has consistently cautioned against interpreting
17 statutes in ways reflecting proposals or amendments Congress failed to adopt. *See, e.g., West*
18 *Virginia v. EPA*, 142 S. Ct. 2587, 2614 (2022) (“Congress, however, has consistently rejected
19 proposals to amend the Clean Air Act to create such a program.”); *City of Maui v. Haw. Wildlife*
20 *Fund*, 140 S. Ct. 1462, 1472 (2020) (“Congress did not accept these requests for general EPA
21 authority over groundwater.”); *Fourth Estate Pub. Ben Corp. v. Wall-street.com LLC*, 139 S. Ct.
22 881, 891 (2019) (“Despite proposals to repeal § 411(a)’s registration requirement entirely,
23 however, Congress maintained the requirement for domestic works.” (citations omitted)); *see also*
24 *Kimble v. Marvel Entm’t LLC*, 576 U.S. 446, 458 n.4 (2015) (“Congress declined to enact bills
25 that would have modified . . . tying doctrine . . .”).

26
27 In the course of drafting the Bipartisan Campaign Reform Act (“BCRA”), Pub. L. No. 107-
28 155 (Mar. 27, 2002), Congress expressly considered and rejected the possibility of limiting



1 disbursements to a person for the purpose of influencing them to become a federal candidate. In
2 1999, Representative Steny Hoyer, who is presently Majority Leader of the U.S. House of
3 Representatives, introduced H.R. 1818, 106th Cong., 1st Sess. (May 14, 1999), as part of Congress’
4 effort to amend the FECA. Section 106 of his bill would have amended the definitions of
5 “contribution” to include “any gift, subscription, loan, advance, or deposit of money or anything
6 of value made by any person for the purpose of influencing any clearly identified individual *to*
7 *seek nomination or election to Federal office.*” It similarly would have amended the definition of
8 “expenditure” to include any “purchase, payment, distribution, loan, advance, deposit, or gift”
9 made for that purpose. *Id.* § 106(a)(2). Congress had previously considered and failed to adopt
10 similar proposals. *See, e.g.,* S. Comm. on Rules & Admin., *Hearings on Proposed Amendments to*
11 *the Federal Election Campaign Act of 1971*, S. Hrg. 99-709, at 122, 303, App. 1F, at 272 (Nov. 5,
12 1985; Jan. 22 & Mar. 27, 1986) (reprinting S. 1891, 99th Cong., § 3(a), 3(d) (Dec. 3, 1985)
13 (amending 2 U.S.C. §§ 431(8)(A)(i), 431(9)(A)(i))) (redefining “contribution” and “expenditure”
14 to include payments or disbursements “for the purpose of expressly advocating that a clearly
15 identified individual become a candidate for Federal office”).

16
17 Rep. Hoyer’s precursor to BCRA was also consistent with the Commission’s legislative
18 proposals dating back over a decade. The Commission had repeatedly asked Congress to expand
19 the definition of “contribution” to include funds provided in the course of attempting to influence
20 a person to run for federal office. *See* FEC, *Legislative Recommendations—1987, reprinted in*
21 *House Subcomm. on Elections, Comm. on House Admin., Hearings on Campaign Finance*, 100th
22 *Cong., 1st Sess.*, at 869 (May 21, June 2, June 16, June 30, and July 14, 1987) (suggesting Congress
23 amend the definitions of “contribution” and “expenditure” to include “funds contributed by
24 persons ‘for the purpose of influencing a clearly identified individual to seek nomination for
25 election or election to federal office’”). The Commission warned these changes were necessary
26 because “a nonauthorized group organized to support someone who has not yet become a candidate
27 may operate completely outside the strictures of the Federal Election Campaign Act.” *Id.*

28



1 R4R seeks to provide a signed petition to Governor DeSantis—who is not yet a federal
2 candidate—to attempt to persuade him to run for President. Assuming for the sake of argument a
3 signed petition could properly be considered a “thing of value” for purposes of federal campaign
4 finance law (though R4R strenuously rejects any such conclusion), R4R’s proposed actions fall
5 squarely within the legislative proposal the FEC advocated, Representative Hoyer introduced, and
6 Congress failed to adopt. Draft C inappropriately subjects R4R’s proposed conduct to contribution
7 limits as if these legislative changes had been adopted. Accordingly, the Commission should
8 decline to bar R4R from providing its signed petition to Governor DeSantis for the purpose of
9 attempting to influence him to seek the Republican Party’s nomination for President.

10
11 **IV. THE COMMISSION’S ADVISORY OPINIONS GOVERNING**
12 **“TESTING THE WATERS” CONFIRM IT LACKS AUTHORITY**
13 **TO REGULATE DISBURSEMENTS MADE TO PERSUADE A**
14 **PERSON TO BECOME A CANDIDATE**

15
16 Prohibiting RFR from providing a signed petition to Governor DeSantis, either before he
17 has begun testing the waters or before he has become a candidate, would be inconsistent with the
18 Commission’s deadlocks in *Senate Majority PAC*, A.O. 2015-09, at 1-2 (Nov. 13, 2015) (quotation
19 marks omitted; alterations in original). In *Senate Majority PAC*, two SuperPACs (the “Requestors”)
20 proposed working “closely with [prospective candidates] and/or their agents,” including by
21 “establishing single-candidate SuperPACs” to “solicit, transfer, and spend funds” on behalf of
22 those prospective candidates. A prospective candidate would “participate fully” in his or her
23 single-candidate SuperPAC’s formation, including “select[ing] and appoint[ing] the individuals
24 who would control [that SuperPAC].” *Id.* at 2 (quotation marks omitted). Each potential candidate
25 would put his or her “direct imprimatur” on the new SuperPACs. *Id.*

26
27 As part of this project, the Requestors “would ask prospective candidates to share
28 information about their strategic plans, projects, activities, or needs” with both the Requestors



1 themselves and the prospective candidate’s new single-candidate SuperPAC. *Id.* (quotation marks
2 omitted). Among other things, each prospective candidate would provide “input regarding whether
3 Requestors and the single candidate Committees should sponsor positive advertising or negative
4 advertising.” *Id.* (quotation marks omitted). Prospective candidates would also “share their
5 campaign messaging and scheduling plans” so the Requestor and the new single-candidate
6 SuperPACs would “effectively complement the campaigns’ strategies with their own.” *Id.*
7 (quotation marks omitted). If a prospective candidate became an actual candidate under the FECA,
8 the Requestor and the single-candidate SuperPAC associated with that person would use that
9 information in public communications. *Id.* The Requestors and new single-candidate SuperPACs
10 would also film the prospective candidates discussing “their achievements, experiences, and
11 qualifications for office” and, if those people become candidates, “use that footage in public
12 communications.” *Id.*

13

14 The Requestors asked the Commission a series of questions, including whether:

15

16 • a single-candidate SuperPAC formed to support a person’s prospective candidacy
17 (apparently with the active involvement of that prospective candidate) may raise and spend soft
18 money after that person becomes a candidate;

19

20 • the Requestors and a single-candidate Super PAC may use information provided
21 by a prospective candidate who is supported by that single-candidate Super PAC to create public
22 communications after that person becomes a candidate; and

23

24 • the Requestors and a single-candidate SuperPAC may film footage of a prospective
25 candidate discussing that person’s “achievements, experiences, and qualifications for office” and
26 use it in public communications.

27



1 The Commission failed to approve a response to any of these questions. *Id.* at 9. The
2 Commission’s refusal to prohibit any of these practices confirms a sharp distinction between a
3 person’s activities before they become a candidate (including when they are “testing the waters”),
4 and their activities when they become a candidate—even when such prior activities directly
5 concern and benefit their candidacy. The Commission has declined to bar potential federal
6 candidates from assisting in the creation of SuperPACs to assist their potential candidacy,
7 providing information about their anticipated campaign strategies to such SuperPACs, or even
8 filming footage discussing their achievements, experiences, and qualifications for those
9 SuperPACs. It would be completely inconsistent, incongruous, and inexplicable for the
10 Commission to nevertheless prohibit a draft committee from providing a signed petition to a
11 potential candidate on the grounds that the signatory information associated with such petition
12 might be useful to such person if and when they later choose to become a candidate. This
13 Commission has chosen to tolerate a sweeping range of political cooperation between potential
14 candidates and committees that support them; prohibiting a political committee from providing a
15 signed petition encouraging such a person to become a candidate would be bizarre.

16

17 **V. A SIGNED PETITION IS DISTINGUISHABLE FROM**
18 **DISTRIBUTION, MAILING, OR CONTRIBUTOR**
19 **LISTS BECAUSE IT CONTAINS A CONSTITUTIONALLY**
20 **PROTECTED POLITICAL MESSAGE**

21

22 A fundamental premise of Draft C is a signed petition should be treated as materially
23 indistinguishable from a contributor list, mailing list, or other distribution list, simply because it
24 contains contact information for its signatories. Because contributor, mailing, and distribution lists
25 are treated as “things of value” and therefore are subject to contribution limits under the FECA,
26 Draft C incorrectly reasons, RFR’s signed petition must be treated as a “contribution” as well.
27 Draft C at 7, lines 6-8, 13-15; *id.* at 8, lines 1-6; *id.* at 12, lines 12-17; *id.* at 13, lines 1-14.

28



1 Draft C overlooks the three fundamental distinctions between RFR’s signed petition and
2 such other types of lists, however. **First**, the petition contains “political expression . . . concerning
3 federal elections and officeholding.” *Machinists*, 655 F.2d at 388. The petition expressly conveys
4 a political message to Governor DeSantis, attempting to persuade him to run for President. *Cf.*
5 *Meyer v. Grant*, 486 U.S. 414, 421 (1988) (“[T]he circulation of a petition involves the type of
6 interactive communication concerning political change that is appropriately described as ‘core
7 political speech.’”). Contributor, mailing, and distribution lists, in contrast, are simple
8 amalgamations of data that do not involve, convey, or communicate any political message.
9 Indiscriminately lumping a signed petition with such other lists is a categorical error which
10 overlooks the petition’s fundamental purpose and constitutionally protected message.

11
12 Consider a handwritten note from then-President George H.W. Bush to a young boy, Billy,
13 who was suffering from a serious illness. It stated, “Your Dad is my friend. He told me you’re
14 fighting hard. Get well quick. I’m thinking about you. Good luck.” In ordinary parlance, such a
15 letter would not be deemed a “thing of value” or a “good.” Particularly at the time of its
16 transmission, it was primarily a communication intended to convey warm sentiments to the
17 recipient. The letter is currently available for sale for \$5,000. *See* Raab Collection,
18 <https://www.raabcollection.com/presidential-autographs/george-hw-bush-child>. Nevertheless,
19 calling that letter a “thing of value” or a “good” would be a misnomer that inaccurately ignores
20 both its original intention and fundamentally communicative aspects.

21
22 **Second**, the petition reflects voluntary political and expressive association of Governor
23 DeSantis’ supporters. “[T]he practice of persons sharing common views banding together to
24 achieve a common end is deeply embedded in the American political process. . . . [I]n the political
25 process it can focus on a candidate” *Citizens Against Rent Control / Coal. For Fair Hous. v.*
26 *Berkeley*, 454 U.S. 290, 294 (1981). The Court explained, “[B]y collective effort individuals can
27 make their views known, when, individually, their voices would be faint or lost.” *Id.* at 295; *see*
28 *also Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984) (“An individual’s freedom to speak . . .



1 could not be vigorously protected from interference by the State [if] a correlative freedom to
2 engage in group effort toward those ends were not also guaranteed.”). The Petition is a voluntary
3 association of Governor DeSantis’s supporters who have affirmatively asked to join together to
4 petition him to become a candidate. People’s names and contact information can wind up on many
5 mailing or distribution lists, in contrast, without their knowledge or consent, and their inclusion
6 does not constitute joint association to further political goals. Allowing people to individually
7 encourage Governor DeSantis to run and provide him with their contact information, while
8 prohibiting them from joining together and doing so in the context of a petition, seriously burdens
9 associational rights in a way that is completely absent from restrictions on mailing, contribution,
10 or distribution lists. *See Eu v. San Francisco Democratic Cent. Comm.*, 489 U.S. 214, 224-25
11 (1989) (“[I]mposing limitations ‘on individuals wishing to band together to advance their views
12 on a ballot measure, while placing none on individuals acting alone, is clearly a restraint on the
13 right of association.’” (quoting *Citizens Against Rent Cont.*, 454 U.S. at 296)).

14
15 ***Finally***, even beyond the rights of Governor DeSantis’ supporters to engage in political
16 expression and communication, RFR’s petition implicates Governor DeSantis’ fundamental First
17 Amendment right to receive information. *Va. State Bd. of Pharmacy v. Va. Citizens Cons. Council*,
18 425 U.S. 748, 757 (1976) (acknowledging the “First Amendment right to receive information and
19 ideas, and that freedom of speech necessarily protects the right to receive” (quotation marks
20 omitted)); *Stanley v. Georgia*, 394 U.S. 557, 564 (1969) (“It is now well established that the
21 Constitution protects the right to receive information and ideas.”); *see also Martin v. Struthers*,
22 319 U.S. 141, 143, 148-49 (1943) (discussing the “right to receive” information). Draft C infringes
23 Governor DeSantis’ right to receive political communications and learn the identities of supporters
24 who affirmatively wish to encourage him to run.

25
26 In short, Draft C errs by mechanistically assuming a signed political petition with its
27 signatories’ contact information should be treated as an ordinary distribution, contact, or mailing
28 list. Unlike such barren aggregations of information, a signed political petition conveys a political



1 message implicating fundamental First Amendment expression rights; arises from the knowing,
2 voluntary consent of the petition’s supporters to join together to expressive political association;
3 and implicates the First Amendment right of the petition’s intended recipient to receive the
4 political communication involved. Distribution, mailing, and contributor lists generally lack any
5 of those fundamental features. Accordingly, Draft C fails to provide a valid basis for treating a
6 signed political petition as both a “gift” and a “thing of value” for purposes of contribution limits.

7
8 **VI. GOVERNOR DESANTIS MAY ACCEPT RFR’S SIGNED**
9 **PETITION WITHOUT “TESTING THE WATERS”**

10
11 During the Commission’s recent hearing in this matter, some Commissioners suggested
12 the mere act of Governor DeSantis accepting RFR’s signed petition would automatically trigger
13 “testing the waters” status. Likewise, Draft C declines to address “whether there is a period before
14 Governor DeSantis begins testing the waters during which R4R may provide the contact
15 information from its petition to Governor DeSantis.” Draft C at 5, lines 16-19; *see also id.* at 15,
16 lines 4-14. To the contrary, Governor DeSantis may accept RFR’s signed petition at any time—
17 including before he has begun testing the waters—without triggering either “testing the waters” or
18 “candidate” status.

19
20 Assuming it is valid and enforceable despite the absence of any statutory foundation or
21 ambiguity triggering *Chevron* deference, *see Chevron, U.S.A., Inc. v. Natural Res. Defense Coun.*,
22 467 U.S. 837 (1984), 11 C.F.R. § 100.72 sets forth the standards governing “testing the waters”
23 status. A person is testing the waters when they are “determining whether [they] should become a
24 candidate.” 11 C.F.R. § 100.72(a); *Askew*, A.O. 1981-32, at 4 (Oct. 2, 1981) (noting the testing the
25 waters regulation applies to “activities designed to determine whether to run”). Section 100.72(a)
26 “permit[s] an individual to finance a variety of activities to assist in making” that determination.
27 A.O. 1981-32, at 3. Examples of “testing the waters” activities include “conducting a poll,
28 telephone calls, and travel.” 11 C.F.R. § 100.72(a); *accord Grassley*, A.O. 1979-26, at 2 (June 18,



1 1979) (explaining the purpose of the testing the waters period is “to determine political support for
2 a potential candidacy through activities such as polling”).

3
4 A petition seeks to encourage a person to become a candidate or, at the very least, consider
5 the possibility of becoming a candidate. Merely accepting a signed petition does not, without more,
6 mean a person has begun the process of determining whether to become a candidate. The fact that
7 a person is frequently mentioned in the press as a potential presidential candidate—particularly
8 when that person already holds a prominent public office—does not mean that person is testing
9 the waters. *Fund for America’s Future*, A.O. 1986-6, at 2 (Mar. 14, 1986). Officeholders such as
10 President Joe Biden and other public figures such as Stacey Abrams, the self-proclaimed governor⁹
11 of what she terms the “worst state” in the nation,¹⁰ are frequently asked about whether they intend
12 to declare their candidacy for President in an upcoming election, publicly discuss the issue at length,
13 and even admit their intention to run.¹¹ The Commission does not appear to treat such

⁹ See Marquise Francis, *Stacey Abrams Stands by Her Refusal to Concede in 2018, Rejects Trump Comparisons*, YAHOO! NEWS (Aug. 8, 2022), <https://news.yahoo.com/stacey-abrams-stands-by-her-refusal-to-concede-in-2018-rejects-trump-comparisons-215209479.html>; David Marchese, *Why Stacey Abrams is Still Saying She Won*, N.Y. TIMES MAG. (Apr. 28, 2019), <https://www.nytimes.com/interactive/2019/04/28/magazine/stacey-abrams-election-georgia.html>.

¹⁰ Jessica Chasmer, *Stacey Abrams Says Georgia “the Worst State in the Country to Live,” Despite Owning Multiple Houses There*, FOX NEWS (May 23, 2022), <https://www.foxnews.com/politics/stacey-abrams-georgia-worst-state-despite-owning-multiple-houses-there>. Abrams has also served as the fictional President of Earth. *Star Trek: Discovery, Coming Home* (Paramount Plus streaming Mar. 17, 2022); see Rebecca Kaplan, *Stacey Abrams is the President of Star Trek: Discovery’s United Earth*, MOVIEWEB (Mar. 18, 2022), <https://movieweb.com/stacey-abrams-cameo-president-star-trek-discovery-united-earth/>.

¹¹ For Biden, see, e.g., Brett Samuels, *Biden Says He Intends to Run in 2024, Has Not Made a “Firm Decision,”* THE HILL (7:49 P.M. ET, Sept. 18, 2022) (quoting President Biden as saying, “Look, my intention as I said to begin with is that I would run again. But it’s just an intention. But is it a firm decision that I run again? That remains to be seen.”), <https://thehill.com/homenews/administration/3649720-biden-says-he-intends-to-run-in-2024-has-not-made-a-firm-decision/>; Sebastian Smith, *Biden Warns China and Russia, Hedges on Seeking Reelection*, BARRON’S (Sept. 18, 2022) (explaining Biden “surprised many by hedging on whether he’ll seek reelection”), <https://www.barrons.com/news/biden-hedges-on-seeking-reelection-01663552807>; see also Carol E. Lee, et al., *Biden Aides are Quietly Assembling a 2024 Campaign as They Await a Final Decision on His Political Future*, FOX NEWS (Sept. 16, 2022), <https://www.nbcnews.com/politics/joe-biden/biden-aides-are-quietly-assembling-2024-campaign-await-final-decision-rcna48005>.

For Abrams, see, e.g., Tia Mitchell, et al., *The Jolt: Does Stacey Abrams Have Plans for 2022 or 2024?*, ATL. J.-CONST. (Nov. 11, 2021) (quoting Abrams advisor stating, “She plans to become the first Black woman governor in the United States next year. And



1 conversations or declarations as sufficient to constitute “testing the waters.” Although receiving a
2 signed petition may be an important factor in convincing a person to begin testing the waters, it is
3 not the sort of affirmative act—generally involving the expenditure of funds—sufficient under
4 § 100.72(a) to trigger “testing the waters” status.

5
6 The Commission further inquired why the Petition would include the signatories’ contact
7 information. **First**, Governor DeSantis’ supports should not be required to engage in anonymous
8 political speech. The decision about whether or not to engage in one’s political communications
9 anonymously is itself protected by the First Amendment. *See McIntyre v. Ohio Elections Comm’n*,
10 514 U.S. 334, 342 (1995) (“[A]n author’s decision to remain anonymous . . . is an aspect of the
11 freedom of speech protected by the First Amendment.”). Moreover, affixing their names and
12 contact information to the petition is itself an important form of expressive political association.
13 *Meyer*, 486 U.S. at 421; *see also Doe v. Reed*, 561 U.S. 186, 232 (2010) (Thomas, J., dissenting)
14 (“[S]igning a referendum petition amounts to political association protected by the First
15 Amendment.”). **Second**, providing signatories’ contact information helps establish the authenticity
16 of the signatures and allows Governor DeSantis to confirm they are not fraudulent.

17
18 **Third**, in the event Governor DeSantis decides to begin testing the waters either before or
19 after receiving the signed petition, the Commission’s precedents would allow him to gather more
20 information from his potential supporters as part of his “deliberative process of deciding to become
21 a candidate.” A.O. 1981-32, at 5. In *Askew*, former Florida Governor Reubin Askew sought an
22 advisory opinion from the Commission about whether he could prepare and use “letterhead
23 stationery and correspondence with persons who have indicated an interest in a possible campaign
24 by the Governor,” so long as it did not rise to the level of the “dissemination of information through

then run for president in 2024 if Biden does not, or in 2028 if he does.”), <https://www.ajc.com/politics/politics-blog/the-jolt-does-stacey-abrams-have-plans-for-2022-and-2024/6566XFPHNNB33JDWE6Q532QBD4/>
Ryan Shepard, *Stacey Abrams Says She’ll “Absolutely” Run for President in the Future*, BLACK INFO. NETWORK (May 10, 2021)
 (“During a recent interview, Abrams said she’ll absolutely run for President in the coming months.”),
<https://www.binnews.com/content/2021-05-10-voting-rights-activist-stacey-abrams-teases-run-at-the-white-house/>.



1 mailings to the general public.” *Id.* at 2; *see also id.* at 5 (reiterating “continued correspondence
2 would be directed to individuals who initially indicated an interest in a possible campaign by
3 Governor Askew”).

4
5 The Commission concluded such communications with potential supporters is a
6 permissible “testing the waters” activities which does not trigger candidacy. *Id.* at 4. It explained
7 correspondence must be “oriented to ascertaining whether there is an initial base of political
8 support adequate to launch a campaign effort,” rather than “shoring up a base already identified
9 that will sustain an actual campaign effort.” *Id.*; *see also id.* at 4 (noting a person may engage in
10 testing the waters activities “to determine ‘political support’ for a potential candidacy . . . [and]
11 determine whether one should become a candidate”). In any such correspondence, the governor
12 could neither refer to himself as a presidential candidate, nor use phrases such as “Askew for
13 President” or “Askew in ’84.” *Id.* Moreover, he could not engage in “general public political
14 advertising” under the guise of “testing the waters.” *Id.* Correspondence could trigger candidacy
15 if it “indicat[es] that Governor Askew has moved beyond the deliberative process of deciding to
16 become a candidate, and into the process of planning and scheduling public activities designed to
17 heighten his political appeal to the electorate.” *Id.* at 5; *see also Cranston*, A.O. 1982-3, at 2, 4
18 (Mar. 15, 1982) (concluding Senator Cranston may “test the waters” for a potential presidential
19 run by “[c]ompiling and maintaining information concerning persons who indicate an interest in
20 [his] possible candidacy” so long as he makes no “expenditures for mass mailings to such persons
21 or to the general public”). The Commission emphasized the “distinction between activities directed
22 to an evaluation of the feasibility of one’s candidacy, as distinguished from conduct signifying that
23 a private decision to become a candidate has been made.” A.O. 1981-32, at 4.

24
25 Thus, the Commission should address RFR’s questions about providing its signed petition
26 to Governor DeSantis before he begins testing the waters, while he is testing the waters, and once
27 he becomes a candidate. Merely providing the signed petition to Governor DeSantis does not



1 trigger “testing the waters” status, and the Commission should not interfere with Governor
2 DeSantis’ supporters’ political speech by compelling RFR to strip their identifying information.

3
4 **CONCLUSION**

5
6 This Commission, undeterred by a lack of any constitutional, statutory, or regulatory grant
7 of power to regulate draft committees at all, has asked RFR for precedent justifying an action the
8 Commission itself lacks precedent for prohibiting. The Committee has now afforded the
9 Commission the benefit of precisely that binding D.C. Circuit precedent, the consistent rejection
10 by Congress of the Commission’s repeated requests and proposals for such power, and the
11 Commission’s own advisory opinions permitting precisely this activity. The Commission cannot
12 ignore the reality it has approved tens of millions of political transactions accounting for billions
13 of dollars in federal political activity – potentially as much as a third of all federal political
14 contributions – in which contact information is conveyed from a contributor, through a conduit, to
15 a candidate. It would grossly pervert the protection of the core constitutional rights of free
16 expression and political association for this Commission to hold RFR could provide its signed
17 petition to Governor DeSantis only if it forced signatories to make a monetary contribution to a
18 draft fund to be transmitted to him for the privilege of signing.

19
20 For these reasons, the Commission should reject Draft C and issue an advisory opinion
21 confirming RFR may, at any time, provide signed petitions to Governor DeSantis to encourage
22 him to seek the Republican nomination for President.

23
24 Respectfully submitted,

25 
26 _____

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28 Lilian Rodriguez-Baz, esq.



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