



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Office of the Commission Secretary *LC*

DATE: July 18, 2022

SUBJECT: AO 2022-15 (Rouda for Congress) Comment

The following is a comment for AO 2022-15 (Rouda for Congress).

Attachment

July 15, 2022

RECEIVED

By Office of the Commission Secretary at 8:08 am, Jul 18, 2022

Lisa J. Stevenson
Acting General Counsel
Office of General Counsel
Federal Election Commission
1050 First Street NE
Washington, D.C. 20463

Re: Advisory Opinion Request 2022-15

Dear Ms. Stevenson:

We write on behalf of Rep. Vicente Gonzalez and Vicente Gonzalez for Congress (the “Committee”) in support of the Requestors in Advisory Opinion 2022-15.

Rep. Gonzalez is similarly situated to Mr. Rouda. In the 2016 election cycle, Rep. Gonzalez made a total of \$1,850,000 in loans to the Committee for his Primary and Primary Runoff elections. He subsequently forgave \$1,350,000 of those loans and repaid \$500,000 (\$250,000 for the 2016 primary and \$250,000 for the 2016 primary runoff) in future election cycles all pursuant to 11 C.F.R. § 116.11 and 52 U.S.C. § 30116(j). But for the law and regulations at the time, Rep. Gonzalez would have sought full repayment of his loans from the Committee and wishes to reinstate those loans now for repayment.

Given the U.S. Supreme Court’s decision in *Federal Election Commission v. Ted Cruz for Senate* (“*FEC v. Cruz*”),¹ the Commission should provide equitable relief to candidates and federal officeholders who made loans to their campaigns and subsequently were required to convert those loans into contributions due to an unconstitutional law. As the Requestors note, the Supreme Court reasserted that there is “only one permissible ground for restricting political speech: the prevention of ‘quid pro quo’ corruption or its appearance.”² The Court correctly observed that “[i]ndividual contributions to candidates for federal office . . . are already regulated in order to prevent corruption or its appearance. Such contributions are capped at \$2,900 per election, see 86 Fed. Reg. 7869, and nontrivial contributions must be publicly disclosed, see 52 U. S. C. §§30104(b)(3)(A), (c)(1).”³ The Court goes on to note that “influence and access ‘embody a central feature of democracy—that constituents support candidates who share their beliefs and interests, and candidates who are elected can be expected to be responsive to those

¹ *Fed. Election Comm’n v. Cruz et al.*, 596 U.S. ___, 142 S. Ct. 1638 (2022) [hereinafter “*FEC v. Cruz*”].

² *FEC v. Cruz*, 142 S. Ct. at 1652.

³ *Id.*

concerns.”⁴ The Court ultimately found that that the restriction on repayment of a candidate’s loan furthers “the impermissible objective of simply limiting the amount of money in politics” and more broadly “burdens core political speech without proper justification.”⁵

In light of this decision, the Commission should grant Requestor’s request to reinstate his loans and seek repayment from his campaign committee.

If you have any questions or need additional information in connection with this Comment, please contact me by email at reiff@sandlerreiff.com or by phone at (202) 479-1111.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil Reiff".

Neil Reiff
Erin Tibe
Aaron Barden
Counsel to Vicente Gonzalez for Congress

⁴ *Id.* at 1653 (citing *McCutcheon v. Fed. Election Comm’n*, 572 U.S. 185, 192 (2014)).

⁵ *Id.* at 1656.