



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**ADVISORY OPINION 2023-03  
(COLORADO REPUBLICAN STATE CENTRAL COMMITTEE)**

**CONCURRING STATEMENT OF CHAIR DARA LINDENBAUM, VICE CHAIRMAN  
SEAN J. COOKSEY, AND COMMISSIONERS ALLEN J. DICKERSON AND JAMES E.  
“TREY” TRAINOR, III**

We voted to approve the Draft in response to this advisory opinion request, which concludes that the Colorado Republican State Central Committee (the “Committee”) may establish a new legal fund to receive donations and make disbursements in order to challenge the constitutionality of Proposition 108, a Colorado state law requiring major political parties to nominate candidates for a general election either through a semi-open primary or a closed convention process. We supported this conclusion because, under the facts presented, donations to and disbursements by the Committee’s legal fund in furtherance of its efforts to overturn Proposition 108 would not be made for the purpose of influencing an election for federal office, and therefore would not qualify as contributions or expenditures under the Federal Election Campaign Act of 1971, as amended, or the Commission’s regulations. Nor would any disbursements by the fund to support litigation challenging Proposition 108 constitute federal election activity or otherwise be made “in connection with a federal election.”

The Committee’s proposal to establish an independent governing board to manage operations of the legal fund was not necessary, in our view, to the Commission’s conclusion. While the Committee’s creation of an independent board to oversee its legal fund provides an additional safeguard, we approved this request based on the Committee’s representations that the sole purpose of the fund will be to finance a forthcoming lawsuit in which it will seek to challenge the constitutionality of Colorado’s law, and that the fund will not be used, directly or indirectly, to influence any election for federal office.

  
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Dara Lindenbaum  
Chair

May 4, 2023  
Date

  
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Sean J. Cooksey  
Vice Chairman

May 4, 2023  
Date



Allen J. Dickerson  
Commissioner

May 4, 2023  
Date



James E. "Trey" Trainor, III  
Commissioner

May 4, 2023  
Date