



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**MEMORANDUM**

**TO:** The Commission

**FROM:** Office of the Commission Secretary *LC*

**DATE:** April 21, 2025

**SUBJECT:** AOR 2025-06 (Campaign Legal Center) Comment

The following is an AOR 2025-06 (Campaign Legal Center) Comment.

**Attachment**

**RECEIVED**

By Office of the Commission Secretary at 9:06 am, Apr 21, 2025

Received by OGC on Apr. 18, 2025



April 18, 2025

Lisa J. Stevenson, Esq.  
Acting General Counsel  
Federal Election Commission  
1050 First St. NE  
Washington, DC 20463  
ao@fec.gov

**Re: Advisory Opinion Request 2025-06 (Campaign Legal Center)**

Dear Ms. Stevenson:

Campaign Legal Center (“CLC”) respectfully asserts that the Federal Election Commission (the “FEC” or “Commission”) unlawfully issued Advisory Opinion 2025-06 (Campaign Legal Center) before the end of the legally-required 10-day public comment period, and without providing any opportunity for public comment on a draft opinion.<sup>1</sup> In so doing, the Commission violated the Federal Election Campaign Act (“FECA” or the “Act”), as well as its own regulations and policies, deprived the public of its rights, and denied itself the benefit of a complete public record.

Under the Act, the Commission must publish requests for advisory opinions, and “[b]efore rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public.”<sup>2</sup> The Commission’s regulations further provide that, “[b]efore it issues an advisory opinion the Commission shall accept and consider all written comments submitted within the 10 day comment period or any extension thereof.”<sup>3</sup>

<sup>1</sup> See AO 2025-06, FEC, <https://www.fec.gov/data/legal/advisory-opinions/2025-06/> (last visited Apr. 17, 2025) (stating that comments on the request were due April 17<sup>th</sup>, and showing that the final opinion was posted online on April 17<sup>th</sup> with an April 16<sup>th</sup> date on it); AO 2025-06: Campaign Legal Center May File a Complaint with the Commission, FEC, <https://www.fec.gov/updates/ao-2025-06/> (stating, in a Commission press release, that the Commission issued the opinion on April 16<sup>th</sup>).

<sup>2</sup> 52 U.S.C. § 30108(d) (emphases added).

<sup>3</sup> 11 C.F.R. § 112.3(e) (emphasis added).

Furthermore, the Commission’s own policy on “Advisory Opinion Procedure” clearly indicates that the public will have the opportunity to comment not only on advisory opinion requests, but also on draft opinions: “[T]he Commission will provide at least one draft response to the Requester and public no later than one week prior” to when the Commission plans to consider the opinion.<sup>4</sup>

The Commission’s handling of this advisory opinion request plainly violated all of these requirements. CLC’s advisory opinion request was published on the Commission’s website on April 8th.<sup>5</sup> As reflected on the FEC website, members of the public had ten full calendar days from April 8th—*i.e.* 11:59 p.m. on April 17th—to file comments on the request.<sup>6</sup>

Nevertheless, it appears that the Commission voted to prematurely adopt a final advisory opinion on April 16th—the day *before* the comment period ended—and published the final opinion on its website before noon on April 17th.<sup>7</sup> CLC is aware of at least one comment that was submitted on April 17th, which the Commission plainly did not consider before issuing its final opinion.<sup>8</sup> Further, at no point did the Commission publish a draft for public comment—thus failing to “provide the public meaningful opportunity to submit comments on the draft and for the Commission to properly consider any such comments.”<sup>9</sup>

We are deeply concerned by the Commission’s disregard for the law, its own procedural requirements, and the public’s rights. Public comments play a crucial

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<sup>4</sup> Advisory Op. Procedure, 74 Fed. Reg. 32,160, 32,161 (Jul. 7, 2009), [https://www.fec.gov/resources/cms-content/documents/policy-guidance/fedreg\\_notice\\_2009-11.pdf](https://www.fec.gov/resources/cms-content/documents/policy-guidance/fedreg_notice_2009-11.pdf); *see id.* at 32,160 (“Members of the public have two distinct opportunities to participate in the advisory opinion process. First, they may submit written comments on the advisory opinion request, which is released to the public and posted on the Commission’s website as soon as it becomes complete. 11 CFR 112.2; 112.3. Second, they may submit written comments on a draft advisory opinion, which typically is provided to the Requestor and made available to the public prior to the Commission meeting at which the advisory opinion will be considered.”).

<sup>5</sup> *AO 2025-06*, FEC, *supra* note 1.

<sup>6</sup> *Id.*

<sup>7</sup> *See id.*

<sup>8</sup> *See* Comment on AOR 2025-06, Brennan Ctr. for Justice (Apr. 17, 2025), [https://www.fec.gov/files/legal/aos/2025-06/202506C\\_2.pdf](https://www.fec.gov/files/legal/aos/2025-06/202506C_2.pdf).

<sup>9</sup> 74 Fed. Reg. at 32,161.

role in all agencies' work, and the FEC is legally obligated to accept and consider public comments before making decisions.

Respectfully submitted,

/s/ Saurav Ghosh

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