

**FEDERAL ELECTION COMMISSION****FIRST GENERAL COUNSEL'S REPORT****MUR 8020**

COMPLAINT FILED: June 27, 2022

NOTIFICATION DATE: July 5, 2022

LAST RESPONSE: July 20, 2022

ACTIVATION DATE: October 14, 2022

EARLIEST SOL: June 10, 2027

LATEST SOL: August 23, 2027

ELECTION CYCLES: 2020, 2022

**COMPLAINANT:**

William Gunnar Truit

**RESPONDENTS:**Pat Ryan for Congress and Wyatt Brown in his  
official capacity as treasurer  
Patrick Ryan**RELEVANT STATUTE  
AND REGULATIONS:**

52 U.S.C. § 30102(e)(1)

11 C.F.R. § 101.1(a)

11 C.F.R. § 102.12(a)

11 C.F.R. § 110.8(d)(1)

**INTERNAL REPORTS CHECKED:**

Disclosure Reports

**FEDERAL AGENCIES CHECKED:**

None

**I. INTRODUCTION**

From at least May 16, 2022, to August 23, 2022, Patrick Ryan simultaneously ran for the special election in New York's 19th Congressional District to complete the 2021-22 term and the primary election in New York's 18th Congressional District for the upcoming 2023-24 term. He won both elections on August 23, 2022. Although Ryan filed a Statement of Candidacy designating a principal campaign committee for the 18th District primary election, he did not file a Statement of Candidacy for the 19th District special election. The Complaint alleges that Patrick Ryan violated 52 U.S.C. § 30102(e)(1) of the Federal Election Campaign Act of 1971, as amended (the "Act"), and 11 C.F.R. §§ 101.1(a), 102.12(a) of the Commission's regulations, by

1 failing to file a Statement of Candidacy designating a principal campaign committee for the 19th  
2 District special election.<sup>1</sup> The Complaint further alleges that Ryan and Pat Ryan for Congress  
3 and Wyatt Brown in his official capacity as treasurer (the “Committee”),<sup>2</sup> which is Ryan’s  
4 designated principal campaign committee for election in New York’s 18th Congressional  
5 District, violated 11 C.F.R. § 110.8(d)(1) by using the same committee to simultaneously solicit  
6 contributions for Ryan’s concurrent campaigns in the 18th and 19th Districts.<sup>3</sup> Although Ryan  
7 did not file a response, the Committee states in its Response that it amended its Statement of  
8 Organization to indicate that it was Ryan’s designated campaign committee for both the 18th  
9 District primary election and the 19th District special election when Ryan became a candidate in  
10 the 19th District special election.<sup>4</sup>

11 As discussed below, the Act and Commission regulations require candidates to file  
12 Statements of Candidacy when they become a candidate for a federal election and Ryan failed to  
13 do so as to the 19th District special election. Although the Committee identified itself as Ryan’s  
14 principal campaign committee as to the 19th District special election, the Committee’s  
15 identification must occur after the candidate designates it as such in a Statement of Candidacy.  
16 Moreover, the Committee was explicitly advised by the Reports Analysis Division (“RAD”) that  
17 Ryan was required to amend his Statement of Candidacy to reflect his candidacy in the 19th

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<sup>1</sup> Compl. at 1 (June 27, 2022) (“Currently, Mr. Ryan has no active campaign committee to receive or expend funds for the special election in New York’s 19th Congressional District.”).

<sup>2</sup> Pat Ryan for Congress, Amended Statement of Organization at 3 (Oct. 11, 2022), <https://docquery.fec.gov/pdf/118/202210119532128118/202210119532128118.pdf>.

<sup>3</sup> Compl. at 2 (“[H]is [federal campaign committee] is actively pursuing and raising campaign funds for both offices through one single federal campaign account.”).

<sup>4</sup> Pat Ryan for Congress Resp. at 1 (July 20, 2022); *see also* Pat Ryan for Congress, Amended Statement of Organization at 5 (July 1, 2022), <https://docquery.fec.gov/pdf/326/202207019517782326/202207019517782326.pdf>; Pat Ryan for Congress, Amended Statement of Organization at 5 (June 23, 2022), <https://docquery.fec.gov/pdf/613/202206239517754613/202206239517754613.pdf>.

1 District special election. Thus, we recommend that the Commission find reason to believe that  
2 Ryan violated 52 U.S.C. § 30102(e)(1) and 11 C.F.R. §§ 101.1(a), 102.12(a) by failing to file a  
3 Statement of Candidacy as to the 19th District and authorize pre-probable cause conciliation.

4 As to whether candidates for more than one federal “office” must designate separate  
5 principal campaign committees, the Commission has advised that, for the purposes of the Act,  
6 different congressional districts within the same state are considered the same office and that  
7 different congressional terms for the same district are considered the same office. Therefore, in  
8 light of these advisory opinions, we recommend that the Commission find no reason to believe  
9 that Ryan violated 11 C.F.R. § 110.8(d)(1) by failing to designate separate committees to solicit  
10 contributions for his two campaigns; and find no reason to believe that the Committee violated  
11 11 C.F.R. § 110.8(d)(1) by concurrently soliciting contributions for two different campaigns.

## 12 **II. FACTUAL BACKGROUND**

13 On May 3, 2022, the Governor of New York appointed Rep. Antonio Delgado, from New  
14 York’s 19th Congressional District, to be New York’s new lieutenant governor, which resulted  
15 in a vacancy in the district for the remainder of the 2021-22 term.<sup>5</sup> By May 15, 2022, Ryan  
16 raised more than \$5,000 in contributions for the 19th District special election campaign.<sup>6</sup>

17 On May 16, 2022, Ryan filed a Statement of Candidacy as to New York’s 18th  
18 Congressional District for the upcoming 2023-24 term and designated the Committee for that

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<sup>5</sup> Luis Ferré-Sadurní & Nicholas Fandos, *Hochul Chooses Antonio Delgado as New Lieutenant Governor*, N.Y. TIMES (May 3, 2022), <https://www.nytimes.com/2022/05/03/nyregion/antonio-delgado-new-york-lieutenant-governor-hochul.html>.

<sup>6</sup> Pat Ryan for Congress, Amended 2022 July Quarterly Report at 284-85 (Nov. 28, 2022), <https://docquery.fec.gov/pdf/872/202211289547063872/202211289547063872.pdf> (reflecting two contributions of \$2,900 dated May 15, 2022, for a special primary election).

1 campaign.<sup>7</sup> The Committee also filed a Statement of Organization indicating that it was Ryan's  
2 principal campaign committee for the 18th District.<sup>8</sup>

3         The next day, on May 17, 2022, Ryan publicly announced, that in addition to his  
4 candidacy in the New York 18th Congressional District, he also would be a candidate in the  
5 upcoming special election for New York's 19th Congressional District to complete the remainder  
6 of the term for the vacancy created by Rep. Delgado's resignation.<sup>9</sup> On May 26, 2022, the  
7 Committee asked RAD for guidance on how to indicate that Ryan would be running in both the  
8 18th District primary election and the 19th District special election.<sup>10</sup> On May 27, 2022, RAD  
9 advised that the Committee would need to amend its Statement of Organization to reflect that  
10 Ryan would be simultaneously running in the 18th District primary election and the 19th District  
11 special election.<sup>11</sup> RAD also advised that Ryan would need to amend his Statement of  
12 Candidacy to indicate that he would be running in the 19th District special election.<sup>12</sup>

13         On June 23, 2022, the Committee filed an amended Statement of Organization stating  
14 that it was the principal campaign committee for Ryan's campaign "for office in the New York

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<sup>7</sup> Patrick Ryan, Amended Statement of Candidacy (May 16, 2022), <https://docquery.fec.gov/pdf/379/202205169512364379/202205169512364379.pdf> (reflecting Ryan's candidacy in New York's 18th Congressional District which designated the Committee as his principal campaign committee for that district).

<sup>8</sup> Pat Ryan for Congress, Statement of Organization at 2 (May 16, 2022), <https://docquery.fec.gov/pdf/375/202205169512364375/202205169512364375.pdf>.

<sup>9</sup> *Pat Ryan to Run in Special 19th Congressional Election Before Pursuing 18th Seat*, POUGHKEEPSIE J. (May 17, 2022), <https://www.poughkeepsiejournal.com/story/news/politics/elections/2022/05/17/ulsters-pat-ryan-announces-special-congressional-election-run/9811900002/>.

<sup>10</sup> Patrick Harkins, RAD Analyst, Pat Ryan for Congress Communication Logs (May 26, 2022); Pat Ryan for Congress Resp. at 2 n.9 ("On or about May 26, 2022, Cassie Tinsmon, of Evans & Katz (committee compliance firm) called the FEC Reports Analysis Division and received guidance on the proper way to disclose the fact that Mr. Ryan was a candidate in two elections on the same date.").

<sup>11</sup> Patrick Harkins, RAD Analyst, Pat Ryan for Congress Communication Logs (May 27, 2022).

<sup>12</sup> *Id.*

1 18th district special election and the 19th district primary and general elections.”<sup>13</sup> In this filing,  
2 the Committee mistakenly referred to the 18th district elections as the “special election” and the  
3 19th district election as the “primary and general” when it should have been the other way  
4 around. On July 1, 2022, the Committee filed another Amended Statement of Organization  
5 correcting the error and correctly stating that the Committee was the principal campaign  
6 committee for Ryan’s campaigns “for office in the New York 19th district special election and  
7 the 18th district primary and general elections.”<sup>14</sup> During the relevant period, the Committee  
8 collected contributions and functioned as the principal campaign committee for both  
9 campaigns.<sup>15</sup>

10 Ryan, however, did not amend or file a Statement of Candidacy indicating that he was a  
11 candidate in the 19th District special election.<sup>16</sup>

### 12 III. LEGAL ANALYSIS

#### 13 A. The Commission Should Find Reason to Believe that Ryan Failed to File a 14 Statement of Candidacy Designating a Principal Campaign Committee

15 The Act and Commission regulations define a candidate as “an individual who seeks  
16 nomination for election, or election, to Federal office.”<sup>17</sup> An individual shall be deemed to seek  
17 nomination for election, or election, when he or she receives contributions or makes expenditures

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<sup>13</sup> Pat Ryan for Congress, Amended Statement of Organization at 5 (June 23, 2022), <https://docquery.fec.gov/pdf/613/202206239517754613/202206239517754613.pdf>.

<sup>14</sup> Pat Ryan for Congress, Amended Statement of Organization at 5 (July 1, 2022), <https://docquery.fec.gov/pdf/326/202207019517782326/202207019517782326.pdf>.

<sup>15</sup> See Pat Ryan for Congress, 2022 30-Day Post-Special Election Report at 21 (Sept. 22, 2022), <https://docquery.fec.gov/pdf/256/202209229531813256/202209229531813256.pdf> (reporting contributions for both the special general election in the 19th district and the general election in the 18th district).

<sup>16</sup> See *FEC Ryan, Patrick: Candidate Filings*, FEC.GOV, <https://www.fec.gov/data/candidate/H8NY19223/?tab=filings> (reflecting Ryan’s filings before the Commission, which do not include a Statement of Candidacy as to New York’s 19th Congressional District for the special election held on August 23, 2022).

<sup>17</sup> 52 U.S.C. § 30101(2); *see also* 11 C.F.R. § 100.3(a).

1 in excess of \$5,000, or authorizes someone else to do so on his or her behalf.<sup>18</sup> The Act and the  
2 Commission's regulations require candidates for federal office, except the nominees for the  
3 office of vice president, to file a Statement of Candidacy designating a political committee to  
4 serve as their principal campaign committee within 15 days of becoming a candidate.<sup>19</sup>  
5 Candidates are required to submit a Statement of Candidacy on FEC Form 2, which includes,  
6 among other things, the candidate's name, mailing address, and party affiliation; office sought;  
7 state and district if applicable.<sup>20</sup> Within 10 days of the candidate's designation of a principal  
8 campaign committee, the designated committee must file a Statement of Organization to register  
9 with the Commission.<sup>21</sup>

10 Here, Ryan became a candidate in New York's 19th Congressional District as early as  
11 May 15, 2022, when he received more than \$5,000 in contributions for that district's campaign.<sup>22</sup>  
12 As such, Ryan was required to file a Statement of Candidacy with the Commission by May 30,  
13 2022, 15 days later, designating a principal campaign committee.<sup>23</sup> Moreover, Ryan, through the

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<sup>18</sup> 52 U.S.C. § 30101(2)(A)-(B); 11 C.F.R. § 100.3(a)(1)-(2).

<sup>19</sup> 52 U.S.C. § 30102(e)(1) ("Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate."); 11 C.F.R. §§ 101.1(a) ("A candidate shall designate his or her principal campaign committee by filing a Statement of Candidacy"), 102.12(a) ("Each candidate for Federal office (other than a nominee of a political party to the Office of Vice President) shall designate in writing a political committee to serve as his or her principal campaign committee in accordance with 11 CFR 101.1(a) no later than 15 days after becoming a candidate.").

<sup>20</sup> 11 C.F.R. § 101.1(a); see *Registering a Candidate*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/filing-reports/registering-candidate/> (last visited Feb. 9, 2023); *FEC Form 2: Statement of Candidacy*, FEC.GOV, <https://webforms.fec.gov/webforms/form2/index.htm> (last visited Feb. 9, 2023).

<sup>21</sup> 11 C.F.R. §§ 102.1(a) ("Each principal campaign committee shall file a Statement of Organization in accordance with 11 CFR 102.2 no later than 10 days after designation pursuant to 11 CFR 101.1."); 102.12(a) (stating that after the candidate designates a principal campaign committee, "[e]ach principal campaign committee shall register, designate a depository and report in accordance with 11 CFR parts 102, 103 and 104.").

<sup>22</sup> See Pat Ryan for Congress, Amended 2022 July Quarterly Report at 284-85 (Nov. 28, 2022), <https://docquery.fec.gov/pdf/872/202211289547063872/202211289547063872.pdf> (reflecting two contributions of \$2,900 dated May 15, 2022, for a special primary election).

<sup>23</sup> 52 U.S.C. § 30102(e)(1); 11 C.F.R. §§ 101.1(a), 102.12(a).

1 Committee, was specifically advised by RAD to amend his Statement of Candidacy to reflect his  
2 candidacy in the 19th District special election.<sup>24</sup> Despite this, Ryan did not amend or file such a  
3 Statement of Candidacy.<sup>25</sup> Although the Committee identified itself as the principal campaign  
4 committee for Ryan's campaign in the 19th District special election in an amended filing, Ryan's  
5 failure to file a Statement of Candidacy deprived the public of easily accessible information as to  
6 his special election candidacy and had the potential to cause confusion as to the identity of his  
7 authorized campaign committee for that special election. Accordingly, we recommend that the  
8 Commission find reason to believe the allegations that Ryan violated 52 U.S.C. § 30102(e)(1)  
9 and 11 C.F.R. §§ 101.1(a), 102.12(a) by failing to file a Statement of Candidacy and authorize  
10 pre-probable cause conciliation.<sup>26</sup>

11 **B. The Commission Should Find No Reason to Believe that Separate Principal**  
12 **Campaign Committees were Required**

13 "If an individual is a candidate for more than one Federal office . . . he or she must  
14 designate separate principal campaign committees and establish completely separate campaign  
15 organizations."<sup>27</sup> According to the Act, "'Federal office' means the office of President or Vice  
16 President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the  
17 Congress."<sup>28</sup>

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<sup>24</sup> Patrick Harkins, RAD Analyst, Pat Ryan for Congress Communication Logs (May 27, 2022).

<sup>25</sup> See *FEC Ryan, Patrick: Candidate Filings*, FEC.GOV, <https://www.fec.gov/data/candidate/H8NY19223/?tab=filings> (reflecting Ryan's filings before the Commission, which do not include a Statement of Candidacy indicating candidacy in New York's 19th Congressional District for the special election held on August 23, 2022).

<sup>26</sup> See *generally* Certification ("Cert.") (July 11, 2014), MUR 6735 (Joseph A. Sestak, *et al.*) (solely finding reason to believe that the candidate failed to file a statement of candidacy and authorizing the Office of General Counsel to conciliate that issue).

<sup>27</sup> 11 C.F.R. § 110.8(d)(1).

<sup>28</sup> 52 U.S.C. § 30101(3); *accord* 11 C.F.R. § 100.4.

1           The Commission has not squarely addressed whether separate principal campaign  
2 committees are required when a candidate simultaneously runs for office for two different  
3 congressional terms and in two different congressional districts within the same state.<sup>29</sup>  
4 However, we interpret the Commission's prior advisory opinions to indicate that forming a  
5 separate principal campaign committee is not required in these circumstances.

6           In Advisory Opinion 1982-22 (Bartlett), the Commission advised that a candidate was  
7 not required to establish a separate principal campaign committee when he initially ran for office  
8 in Texas's 5th Congressional District and then switched to running for office in Texas's 3rd  
9 Congressional District during the same election cycle.<sup>30</sup> The Commission explained that both  
10 congressional offices were considered one "federal office" under the Act and Commission  
11 regulations because they were in the same state:

12           [N]either the Act nor the Commission's regulations identify Congressional seats  
13 as separate Federal offices. Moreover, those portions of the Constitution of the  
14 United States and Federal law which provide for the election of United States  
15 Representatives indicate that each Congressional seat within a State does not  
16 constitute a separate Federal office. The Fourteenth Amendment to the  
17 Constitution directs that Representatives be apportioned among the States  
18 according to their population. Since 1842, Federal statutes have provided that  
19 where a State was entitled to more than one Representative, the election should be  
20 by district. See 2 U.S.C. [ §§ ] 2a, 2b, 2c. However, as the Supreme Court  
21 observed, "It has never been doubted that representatives in Congress thus chosen  
22 [by district] represented the entire people of the State acting in their sovereign

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<sup>29</sup> The Committee appears to suggest that the New York's 19th Congressional District for the 2020 term and New York's 18th Congressional District for the 2022 term are actually the same district due to "the shifting of district lines in accordance with 2022 congressional redistricting." *See* Pat Ryan for Congress Resp. at 1. We disagree that the districts could be considered the same given the partial geographic overlap between the districts. *See Redistricting in New York After the 2020 Census*, BALLOTPEdia, [https://ballotpedia.org/Redistricting\\_in\\_New\\_York\\_after\\_the\\_2020\\_census](https://ballotpedia.org/Redistricting_in_New_York_after_the_2020_census) (last visited Feb. 9, 2023); *cf.* Chris McKenna, *Pat Ryan Triumphs over Colin Schmitt in Tight 18th Congressional Race*, TIMES HERALD-RECORD, Nov. 9, 2022, <https://news.yahoo.com/pat-ryan-triumphs-over-colin-090419725.html> (characterizing Ryan's win in the 18th Congressional District as "his second win in less than three months after claiming a vacant seat in a *neighboring House district* in a special election in August.") (emphasis added).

<sup>30</sup> Advisory Opinion 1982-22 at 3 (Bartlett). The advisory opinion refers to 11 C.F.R. § 110.8(d)(11), rather than 11 C.F.R. § 110.8(d)(1), *id.*, which appears to be a typo as there was not a 11 C.F.R. § 110.8(d)(1) in 1982.



1 capacity.” McPherson v. Blacker, 146 U.S. 1, 26 (1892). Thus, the office of  
2 Representative of the United States is defined not by the geographical boundaries  
3 of the particular district which elects it but rather by the State it represents.<sup>31</sup>

4 In addition, in Advisory Opinion 1980-80 (Crockett), the Commission advised that a  
5 candidate was not required to establish separate principal campaign committees where the  
6 candidate was concurrently a candidate in a primary election in Michigan’s 13th Congressional  
7 District for the upcoming 1981-82 congressional term and in a special election in the same  
8 district for the remainder of the 1979-80 congressional term.<sup>32</sup> The Commission explained that  
9 the definition for the term “federal office” under the Act “makes no reference to the term during  
10 which the office is held” and thus concluded that the candidate was “running for the same office  
11 (i.e., Representative in Congress for the 13th Congressional District of Michigan), albeit for  
12 separate terms of that office.”<sup>33</sup>

13 In sum, Advisory Opinion 1982-22 (Bartlett) indicates that different congressional  
14 districts within the same state are considered the same “office” under the Act and Advisory  
15 Opinion 1980-80 (Crockett) indicates that different congressional terms of the same district are  
16 also considered the same “office” under the Act. Taken together, any congressional district  
17 within the same state, regardless of term, is one “office” under the Act.

18 Here, Ryan was concurrently a candidate in the special election for New York’s 19th  
19 Congressional District for the remainder of the 2021-22 congressional term and a candidate in  
20 the primary election for New York’s 18th Congressional District for the 2023-24 congressional

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<sup>31</sup> *Id.* (internal footnotes omitted); see also *Registering a Candidate*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/filing-reports/registering-candidate/> (last visited Feb. 9, 2023) (stating that “seek[ing] a different federal office . . . does not include running in another district” and referring to “a different district in the same state [as] the same office.”).

<sup>32</sup> Advisory Opinion 1980-80 at 2 (Crockett).

<sup>33</sup> *Id.*

1 term.<sup>34</sup> In addition, the Committee, which was designated for the 18th District, operated as  
2 Ryan's principal campaign committee for both elections.<sup>35</sup> Although the elections were for  
3 congressional offices elected by people residing in different districts within the same state and  
4 for different terms, in the opinions described above, the Commission has advised that neither of  
5 those qualities render the offices sought by Ryan as separate for the purposes of 11 C.F.R.  
6 § 110.8(d)(1). Thus, we recommend the Commission find no reason to believe that Ryan  
7 violated 11 C.F.R. § 110.8(d)(1) by failing to designate separate committees to solicit funds for  
8 his two campaigns; and no reason to believe that the Committee violated 11 C.F.R. § 110.8(d)(1)  
9 by concurrently soliciting contributions for two different campaigns.

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<sup>34</sup> *Supra* notes 6, 7, 9.

<sup>35</sup> *Supra* notes 7, 14, 15.

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3 **V. RECOMMENDATIONS**

4 1. Find reason to believe that Patrick Ryan violated 52 U.S.C. § 30102(e)(1) and  
5 11 C.F.R. §§ 101.1(a), 102.12(a) by failing to file a Statement of Candidacy as to  
6 the 19th District;

7 2. Find no reason to believe that Patrick Ryan violated 11 C.F.R. § 110.8(d)(1) by  
8 failing to designate separate committees to solicit funds for his two campaigns;

9 3. Find no reason to believe that Pat Ryan for Congress and Wyatt Brown in his  
10 official capacity violated 11 C.F.R. § 110.8(d)(1) by concurrently soliciting  
11 contributions for two different campaigns;

12 4. Approve the attached Factual and Legal Analyses;

13 5. Authorize pre-probable cause conciliation with Patrick Ryan;

14 6. Approve the attached proposed Conciliation Agreement; and



**FEDERAL ELECTION COMMISSION****FACTUAL AND LEGAL ANALYSIS****RESPONDENT:** Patrick Ryan**MUR 8020****I. INTRODUCTION**

From at least May 16, 2022, to August 23, 2022, Patrick Ryan simultaneously ran for the special election in New York’s 19th Congressional District to complete the 2021-22 term and the primary election in New York’s 18th Congressional District for the upcoming 2023-24 term. He won both elections on August 23, 2022. Although Ryan filed a Statement of Candidacy designating a principal campaign committee for the 18th District primary election, he did not file a Statement of Candidacy for the 19th District special election. The Complaint alleges that Patrick Ryan violated 52 U.S.C. § 30102(e)(1) of the Federal Election Campaign Act of 1971, as amended (the “Act”), and 11 C.F.R. §§ 101.1(a), 102.12(a) of the Commission’s regulations, by failing to file a Statement of Candidacy designating a principal campaign committee for the 19th District special election.<sup>1</sup> The Complaint further alleges that Ryan violated 11 C.F.R. § 110.8(d)(1) by using Pat Ryan for Congress and Wyatt Brown in his official capacity as treasurer (the “Committee”),<sup>2</sup> which is Ryan’s designated principal campaign committee for election in New York’s 18th Congressional District, to simultaneously solicit contributions for Ryan’s concurrent campaigns in the 18th and 19th Districts.<sup>3</sup> During the relevant period, the Committee amended its Statement of Organization to indicate that it was Ryan’s designated

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<sup>1</sup> Compl. at 1 (June 27, 2022) (“Currently, Mr. Ryan has no active campaign committee to receive or expend funds for the special election in New York’s 19th Congressional District.”).

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1 campaign committee for both the 18th District primary election and the 19th District special  
2 election when Ryan became a candidate in the 19th District special election.<sup>4</sup> Ryan did not file a  
3 response.

4 As discussed below, the Act and Commission regulations require candidates to file  
5 Statements of Candidacy when they become a candidate for a federal election and Ryan failed to  
6 do so as to the 19th District special election. Although the Committee identified itself as Ryan's  
7 principal campaign committee as to the 19th District special election, the Committee's  
8 identification must occur after the candidate designates it as such in a Statement of Candidacy.  
9 Moreover, the Committee was explicitly advised by the Reports Analysis Division ("RAD") that  
10 Ryan was required to amend his Statement of Candidacy to reflect his candidacy in the 19th  
11 District special election. Thus, the Commission finds reason to believe that Ryan violated  
12 52 U.S.C. § 30102(e)(1) and 11 C.F.R. §§ 101.1(a), 102.12(a) by failing to file a Statement of  
13 Candidacy as to the 19th District.

14 As to whether candidates for more than one federal "office" must designate separate  
15 principal campaign committees, the Commission has advised that, for the purposes of the Act,  
16 different congressional districts within the same state are considered the same office and that  
17 different congressional terms for the same district are considered the same office. Therefore, in  
18 light of these advisory opinions, the Commission finds no reason to believe that Ryan violated  
19 11 C.F.R. § 110.8(d)(1) by failing to designate separate committees to solicit contributions for  
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<sup>4</sup> Pat Ryan for Congress, Amended Statement of Organization at 5 (July 1, 2022), <https://docquery.fec.gov/pdf/326/202207019517782326/202207019517782326.pdf>; Pat Ryan for Congress, Amended Statement of Organization at 5 (June 23, 2022), <https://docquery.fec.gov/pdf/613/202206239517754613/202206239517754613.pdf>.

## 1 II. FACTUAL BACKGROUND

2 On May 3, 2022, the Governor of New York appointed Rep. Antonio Delgado, from New  
3 York's 19th Congressional District, to be New York's new lieutenant governor, which resulted  
4 in a vacancy in the district for the remainder of the 2021-22 term.<sup>5</sup> By May 15, 2022, Ryan  
5 raised more than \$5,000 in contributions for the 19th District special election campaign.<sup>6</sup>

6 On May 16, 2022, Ryan filed a Statement of Candidacy as to New York's 18th  
7 Congressional District for the upcoming 2023-24 term and designated the Committee for that  
8 campaign.<sup>7</sup> The Committee also filed a Statement of Organization indicating that it was Ryan's  
9 principal campaign committee for the 18th District.<sup>8</sup>

10 The next day, on May 17, 2022, Ryan publicly announced, that in addition to his  
11 candidacy in the New York 18th Congressional District, he also would be a candidate in the  
12 upcoming special election for New York's 19th Congressional District to complete the remainder  
13 of the term for the vacancy created by Rep. Delgado's resignation.<sup>9</sup> On May 26, 2022, the  
14 Committee asked RAD for guidance on how to indicate that Ryan would be running in both the  
15 18th District primary election and the 19th District special election. On May 27, 2022, RAD

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<sup>5</sup> Luis Ferré-Sadurní & Nicholas Fandos, *Hochul Chooses Antonio Delgado as New Lieutenant Governor*, N.Y. TIMES (May 3, 2022), <https://www.nytimes.com/2022/05/03/nyregion/antonio-delgado-new-york-lieutenant-governor-hochul.html>.

<sup>6</sup> Pat Ryan for Congress, Amended 2022 July Quarterly Report at 284-85 (Nov. 28, 2022), <https://docquery.fec.gov/pdf/872/202211289547063872/202211289547063872.pdf> (reflecting two contributions of \$2,900 dated May 15, 2022, for a special primary election).

<sup>7</sup> Patrick Ryan, Amended Statement of Candidacy (May 16, 2022), <https://docquery.fec.gov/pdf/379/202205169512364379/202205169512364379.pdf> (reflecting Ryan's candidacy in New York's 18th Congressional District which designated the Committee as his principal campaign committee for that district).

<sup>8</sup> Pat Ryan for Congress, Statement of Organization at 2 (May 16, 2022), <https://docquery.fec.gov/pdf/375/202205169512364375/202205169512364375.pdf>.

<sup>9</sup> *Pat Ryan to Run in Special 19th Congressional Election Before Pursuing 18th Seat*, POUGHKEEPSIE J. (May 17, 2022), <https://www.poughkeepsiejournal.com/story/news/politics/elections/2022/05/17/ulsters-pat-ryan-announces-special-congressional-election-run/9811900002/>.

1 advised that the Committee would need to amend its Statement of Organization to reflect that  
2 Ryan would be simultaneously running in the 18th District primary election and the 19th District  
3 special election. RAD also advised that Ryan would need to amend his Statement of Candidacy  
4 to indicate that he would be running in the 19th District special election.

5 On June 23, 2022, the Committee filed an amended Statement of Organization stating  
6 that it was the principal campaign committee for Ryan’s campaign “for office in the New York  
7 18th district special election and the 19th district primary and general elections.”<sup>10</sup> In this filing,  
8 the Committee mistakenly referred to the 18th district elections as the “special election” and the  
9 19th district election as the “primary and general” when it should have been the other way  
10 around. On July 1, 2022, the Committee filed another Amended Statement of Organization  
11 correcting the error and correctly stating that the Committee was the principal campaign  
12 committee for Ryan’s campaigns “for office in the New York 19th district special election and  
13 the 18th district primary and general elections.”<sup>11</sup> During the relevant period, the Committee  
14 collected contributions and functioned as the principal campaign committee for both  
15 campaigns.<sup>12</sup>

16 Ryan, however, did not amend or file a Statement of Candidacy indicating that he was a  
17 candidate in the 19th District special election.<sup>13</sup>

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<sup>10</sup> Pat Ryan for Congress, Amended Statement of Organization at 5 (June 23, 2022), <https://docquery.fec.gov/pdf/613/202206239517754613/202206239517754613.pdf>.

<sup>11</sup> Pat Ryan for Congress, Amended Statement of Organization at 5 (July 1, 2022), <https://docquery.fec.gov/pdf/326/202207019517782326/202207019517782326.pdf>.

<sup>12</sup> See Pat Ryan for Congress, 2022 30-Day Post-Special Election Report at 21 (Sept. 22, 2022), <https://docquery.fec.gov/pdf/256/202209229531813256/202209229531813256.pdf> (reporting contributions for both the special general election in the 19th district and the general election in the 18th district).

<sup>13</sup> See *FEC Ryan, Patrick: Candidate Filings*, FEC.GOV, <https://www.fec.gov/data/candidate/H8NY19223/?tab=filings> (reflecting Ryan’s filings before the Commission, which do not include a Statement of Candidacy as to New York’s 19th Congressional District for the special election held on August 23, 2022).



### 1 III. LEGAL ANALYSIS

#### 2 A. The Commission Finds Reason to Believe that Ryan Failed to File a 3 Statement of Candidacy Designating a Principal Campaign Committee

4 The Act and Commission regulations define a candidate as “an individual who seeks  
 5 nomination for election, or election, to Federal office.”<sup>14</sup> An individual shall be deemed to seek  
 6 nomination for election, or election, when he or she receives contributions or makes expenditures  
 7 in excess of \$5,000, or authorizes someone else to do so on his or her behalf.<sup>15</sup> The Act and the  
 8 Commission’s regulations require candidates for federal office, except the nominees for the  
 9 office of vice president, to file a Statement of Candidacy designating a political committee to  
 10 serve as their principal campaign committee within 15 days of becoming a candidate.<sup>16</sup>  
 11 Candidates are required to submit a Statement of Candidacy on FEC Form 2, which includes,  
 12 among other things, the candidate’s name, mailing address, and party affiliation; office sought;  
 13 state and district if applicable.<sup>17</sup> Within 10 days of the candidate’s designation of a principal  
 14 campaign committee, the designated committee must file a Statement of Organization to register  
 15 with the Commission.<sup>18</sup>

<sup>14</sup> 52 U.S.C. § 30101(2); *see also* 11 C.F.R. § 100.3(a).

<sup>15</sup> 52 U.S.C. § 30101(2)(A)-(B); 11 C.F.R. § 100.3(a)(1)-(2).

<sup>16</sup> 52 U.S.C. § 30102(e)(1) (“Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate.”); 11 C.F.R. §§ 101.1(a) (“A candidate shall designate his or her principal campaign committee by filing a Statement of Candidacy”), 102.12(a) (“Each candidate for Federal office (other than a nominee of a political party to the Office of Vice President) shall designate in writing a political committee to serve as his or her principal campaign committee in accordance with 11 CFR 101.1(a) no later than 15 days after becoming a candidate.”).

<sup>17</sup> 11 C.F.R. § 101.1(a); *see Registering a Candidate*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/filing-reports/registering-candidate/> (last visited Feb. 9, 2023); *FEC Form 2: Statement of Candidacy*, FEC.GOV, <https://webforms.fec.gov/webforms/form2/index.htm> (last visited Feb. 9, 2023).

<sup>18</sup> 11 C.F.R. §§ 102.1(a) (“Each principal campaign committee shall file a Statement of Organization in accordance with 11 CFR 102.2 no later than 10 days after designation pursuant to 11 CFR 101.1.”); 102.12(a) (stating that after the candidate designates a principal campaign committee, “[e]ach principal campaign committee shall register, designate a depository and report in accordance with 11 CFR parts 102, 103 and 104.”).

1           Here, Ryan became a candidate in New York’s 19th Congressional District as early as  
2   May 15, 2022, when he received more than \$5,000 in contributions for that district’s campaign.<sup>19</sup>  
3   As such, Ryan was required to file a Statement of Candidacy with the Commission by May 30,  
4   2022, 15 days later, designating a principal campaign committee.<sup>20</sup> Moreover, Ryan, through the  
5   Committee, was specifically advised by RAD to amend his Statement of Candidacy to reflect his  
6   candidacy in the 19th District special election. Despite this, Ryan did not amend or file such a  
7   Statement of Candidacy.<sup>21</sup> Although the Committee identified itself as the principal campaign  
8   committee for Ryan’s campaign in the 19th District special election in an amended filing, Ryan’s  
9   failure to file a Statement of Candidacy deprived the public of easily accessible information as to  
10   his special election candidacy and had the potential to cause confusion as to the identity of his  
11   authorized campaign committee for that special election. Accordingly, the Commission finds  
12   reason to believe the allegations that Ryan violated 52 U.S.C. § 30102(e)(1) and 11 C.F.R.  
13   §§ 101.1(a), 102.12(a) by failing to file a Statement of Candidacy.<sup>22</sup>

14           **B.     The Commission Finds No Reason to Believe that Separate Principal**  
15           **Campaign Committees were Required**

16           “If an individual is a candidate for more than one Federal office . . . he or she must  
17   designate separate principal campaign committees and establish completely separate campaign

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<sup>19</sup>     See Pat Ryan for Congress, Amended 2022 July Quarterly Report at 284-85 (Nov. 28, 2022), <https://docquery.fec.gov/pdf/872/202211289547063872/202211289547063872.pdf> (reflecting two contributions of \$2,900 dated May 15, 2022, for a special primary election).

<sup>20</sup>     52 U.S.C. § 30102(e)(1); 11 C.F.R. §§ 101.1(a), 102.12(a).

<sup>21</sup>     See *FEC Ryan, Patrick: Candidate Filings*, FEC.GOV, <https://www.fec.gov/data/candidate/H8NY19223/?tab=filings> (reflecting Ryan’s filings before the Commission, which do not include a Statement of Candidacy indicating candidacy in New York’s 19th Congressional District for the special election held on August 23, 2022).

<sup>22</sup>     See *generally* Certification (“Cert.”) (July 11, 2014), MUR 6735 (Joseph A. Sestak, *et al.*) (solely finding reason to believe that the candidate failed to file a statement of candidacy and authorizing the Office of General Counsel to conciliate that issue).

1 organizations.”<sup>23</sup> According to the Act, “‘Federal office’ means the office of President or Vice  
 2 President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the  
 3 Congress.”<sup>24</sup>

4 The Commission has not squarely addressed whether separate principal campaign  
 5 committees are required when a candidate simultaneously runs for office for two different  
 6 congressional terms and in two different congressional districts within the same state.<sup>25</sup>  
 7 However, the Commission’s prior advisory opinions indicate that forming a separate principal  
 8 campaign committee is not required in these circumstances.

9 In Advisory Opinion 1982-22 (Bartlett), the Commission advised that a candidate was  
 10 not required to establish a separate principal campaign committee when he initially ran for office  
 11 in Texas’s 5th Congressional District and then switched to running for office in Texas’s 3rd  
 12 Congressional District during the same election cycle.<sup>26</sup> The Commission explained that both  
 13 congressional offices were considered one “federal office” under the Act and Commission  
 14 regulations because they were in the same state:

15 [N]either the Act nor the Commission’s regulations identify Congressional seats  
 16 as separate Federal offices. Moreover, those portions of the Constitution of the  
 17 United States and Federal law which provide for the election of United States

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<sup>23</sup> 11 C.F.R. § 110.8(d)(1).

<sup>24</sup> 52 U.S.C. § 30101(3); *accord* 11 C.F.R. § 100.4.

<sup>25</sup> The Committee appears to suggest that the New York’s 19th Congressional District for the 2020 term and New York’s 18th Congressional District for the 2022 term are actually the same district due to “the shifting of district lines in accordance with 2022 congressional redistricting.” *See* Pat Ryan for Congress, Resp. at 1. We disagree that the districts could be considered the same given the partial geographic overlap between the districts. *See Redistricting in New York After the 2020 Census*, BALLOTEDIA, [https://ballotpedia.org/Redistricting\\_in\\_New\\_York\\_after\\_the\\_2020\\_census](https://ballotpedia.org/Redistricting_in_New_York_after_the_2020_census) (last visited Feb. 9, 2023); *cf.* Chris McKenna, *Pat Ryan Triumphs over Colin Schmitt in Tight 18th Congressional Race*, TIMES HERALD-RECORD, Nov. 9, 2022, <https://news.yahoo.com/pat-ryan-triumphs-over-colin-090419725.html> (characterizing Ryan’s win in the 18th Congressional District as “his second win in less than three months after claiming a vacant seat in a *neighboring House district* in a special election in August.”) (emphasis added).

<sup>26</sup> Advisory Opinion 1982-22 at 3 (Bartlett). The advisory opinion refers to 11 C.F.R. § 110.8(d)(11), rather than 11 C.F.R. § 110.8(d)(1), *id.*, which appears to be a typo as there was not a 11 C.F.R. § 110.8(d)(1) in 1982.

1           Representatives indicate that each Congressional seat within a State does not  
2           constitute a separate Federal office. The Fourteenth Amendment to the  
3           Constitution directs that Representatives be apportioned among the States  
4           according to their population. Since 1842, Federal statutes have provided that  
5           where a State was entitled to more than one Representative, the election should be  
6           by district. See 2 U.S.C. [§§] 2a, 2b, 2c. However, as the Supreme Court  
7           observed, “It has never been doubted that representatives in Congress thus chosen  
8           [by district] represented the entire people of the State acting in their sovereign  
9           capacity.” McPherson v. Blacker, 146 U.S. 1, 26 (1892). Thus, the office of  
10          Representative of the United States is defined not by the geographical boundaries  
11          of the particular district which elects it but rather by the State it represents.<sup>27</sup>

12          In addition, in Advisory Opinion 1980-80 (Crockett), the Commission advised that a  
13          candidate was not required to establish separate principal campaign committees where the  
14          candidate was concurrently a candidate in a primary election in Michigan’s 13th Congressional  
15          District for the upcoming 1981-82 congressional term and in a special election in the same  
16          district for the remainder of the 1979-80 congressional term.<sup>28</sup> The Commission explained that  
17          the definition for the term “federal office” under the Act “makes no reference to the term during  
18          which the office is held” and thus concluded that the candidate was “running for the same office  
19          (i.e., Representative in Congress for the 13th Congressional District of Michigan), albeit for  
20          separate terms of that office.”<sup>29</sup>

21          In sum, Advisory Opinion 1982-22 (Bartlett) indicates that different congressional  
22          districts within the same state are considered the same “office” under the Act and Advisory  
23          Opinion 1980-80 (Crockett) indicates that different congressional terms of the same district are

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<sup>27</sup>        *Id.* (internal footnotes omitted); *see also* *Registering a Candidate*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/filing-reports/registering-candidate/> (last visited Feb. 9, 2023) (stating that “seek[ing] a different federal office . . . does not include running in another district” and referring to “a different district in the same state [as] the same office.”).

<sup>28</sup>        Advisory Opinion 1980-80 at 2 (Crockett).

<sup>29</sup>        *Id.*

1 also considered the same “office” under the Act. Taken together, any congressional district  
2 within the same state, regardless of term, is one “office” under the Act.

3 Here, Ryan was concurrently a candidate in the special election for New York’s 19th  
4 Congressional District for the remainder of the 2021-22 congressional term and a candidate in  
5 the primary election for New York’s 18th Congressional District for the 2023-24 congressional  
6 term.<sup>30</sup> In addition, the Committee, which was designated for the 18th District, operated as  
7 Ryan’s principal campaign committee for both elections.<sup>31</sup> Although the elections were for  
8 congressional offices elected by people residing in different districts within the same state and  
9 for different terms, in the opinions described above, the Commission has advised that neither of  
10 those qualities render the offices sought by Ryan as separate for the purposes of 11 C.F.R.  
11 § 110.8(d)(1). Thus, the Commission finds no reason to believe that Ryan violated 11 C.F.R.  
12 § 110.8(d)(1) by failing to designate separate committees to solicit funds for his two campaigns.

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<sup>30</sup> *Supra* notes 6, 7, 9.

<sup>31</sup> *Supra* notes 7, 11, 12.

**FEDERAL ELECTION COMMISSION****FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Pat Ryan for Congress and Wyatt  
Brown in his official capacity as treasurer

**MUR 8020****I. INTRODUCTION**

From at least May 16, 2022, to August 23, 2022, Patrick Ryan simultaneously ran for the special election in New York’s 19th Congressional District to complete the 2021-22 term and the primary election in New York’s 18th Congressional District for the upcoming 2023-24 term. He won both elections on August 23, 2022. Pat Ryan for Congress and Wyatt Brown in his official capacity as treasurer (the “Committee”) is Ryan’s designated principal campaign committee for election in New York’s 18th Congressional District,<sup>1</sup> and operated as his principal campaign committee for the special election in New York’s 19th Congressional District. The Complaint alleges that the Committee violated 11 C.F.R. § 110.8(d)(1) by simultaneously soliciting contributions for Ryan’s concurrent campaigns in the 18th and 19th Districts.<sup>2</sup>

As discussed below, as to whether candidates for more than one federal “office” must designate separate principal campaign committees, the Commission has advised that, for the purposes of the Act, different congressional districts within the same state are considered the same office and that different congressional terms for the same district are considered the same office. Therefore, in light of these advisory opinions, we recommend that the Commission find no reason to believe that the Committee violated 11 C.F.R. § 110.8(d)(1) by concurrently soliciting contributions for two different campaigns.

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<sup>1</sup> Pat Ryan for Congress, Amended Statement of Organization at 3 (Oct. 11, 2022), <https://docquery.fec.gov/pdf/118/202210119532128118/202210119532128118.pdf>.

<sup>2</sup> Compl. at 2 (June 27, 2022) (“[H]is [federal campaign committee] is actively pursuing and raising campaign funds for both offices through one single federal campaign account.”).

## 1 II. FACTUAL BACKGROUND

2 On May 3, 2022, the Governor of New York appointed Rep. Antonio Delgado, from New  
3 York's 19th Congressional District, to be New York's new lieutenant governor, which resulted  
4 in a vacancy in the district for the remainder of the 2021-22 term.<sup>3</sup> By May 15, 2022, Ryan  
5 raised more than \$5,000 in contributions for the 19th District special election campaign.<sup>4</sup>

6 On May 16, 2022, Ryan filed a Statement of Candidacy as to New York's 18th  
7 Congressional District for the upcoming 2023-24 term and designated the Committee for that  
8 campaign.<sup>5</sup> The Committee also filed a Statement of Organization indicating that it was Ryan's  
9 principal campaign committee for the 18th District.<sup>6</sup>

10 The next day, on May 17, 2022, Ryan publicly announced, that in addition to his  
11 candidacy in the New York 18th Congressional District, he also would be a candidate in the  
12 upcoming special election for New York's 19th Congressional District to complete the remainder  
13 of the term for the vacancy created by Rep. Delgado's resignation.<sup>7</sup> On May 26, 2022, the  
14 Committee asked the Reports Analysis Division ("RAD") for guidance on how to indicate that  
15 Ryan would be running in both the 18th District primary election and the 19th District special

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<sup>3</sup> Luis Ferré-Sadurní & Nicholas Fandos, *Hochul Chooses Antonio Delgado as New Lieutenant Governor*, N.Y. TIMES (May 3, 2022), <https://www.nytimes.com/2022/05/03/nyregion/antonio-delgado-new-york-lieutenant-governor-hochul.html>.

<sup>4</sup> Pat Ryan for Congress, Amended 2022 July Quarterly Report at 284-85 (Nov. 28, 2022), <https://docquery.fec.gov/pdf/872/202211289547063872/202211289547063872.pdf> (reflecting two contributions of \$2,900 dated May 15, 2022, for a special primary election).

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1 election.<sup>8</sup> On May 27, 2022, RAD advised that the Committee would need to amend its  
2 Statement of Organization to reflect that Ryan would be simultaneously running in the 18th  
3 District primary election and the 19th District special election. RAD also advised that Ryan  
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6 On June 23, 2022, the Committee filed an amended Statement of Organization stating  
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8 18th district special election and the 19th district primary and general elections.”<sup>9</sup> In this filing,  
9 the Committee mistakenly referred to the 18th district elections as the “special election” and the  
10 19th district election as the “primary and general” when it should have been the other way  
11 around. On July 1, 2022, the Committee filed another Amended Statement of Organization  
12 correcting the error and correctly stating that the Committee was the principal campaign  
13 committee for Ryan’s campaigns “for office in the New York 19th district special election and  
14 the 18th district primary and general elections.”<sup>10</sup> During the relevant period, the Committee  
15 collected contributions and functioned as the principal campaign committee for both  
16 campaigns.<sup>11</sup>

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<sup>8</sup> Pat Ryan for Congress Resp.at 2 n.9 (“On or about May 26, 2022, Cassie Tinsmon, of Evans & Katz (committee compliance firm) called the FEC Reports Analysis Division and received guidance on the proper way to disclose the fact that Mr. Ryan was a candidate in two elections on the same date.”).

<sup>9</sup> Pat Ryan for Congress, Amended Statement of Organization at 5 (June 23, 2022), <https://docquery.fec.gov/pdf/613/202206239517754613/202206239517754613.pdf>.

<sup>10</sup> Pat Ryan for Congress, Amended Statement of Organization at 5 (July 1, 2022), <https://docquery.fec.gov/pdf/326/202207019517782326/202207019517782326.pdf>.

<sup>11</sup> See Pat Ryan for Congress, 2022 30-Day Post-Special Election Report at 21 (Sept. 22, 2022), <https://docquery.fec.gov/pdf/256/202209229531813256/202209229531813256.pdf> (reporting contributions for both the special general election in the 19th district and the general election in the 18th district).



1 **III. LEGAL ANALYSIS**

2 **A. The Commission Finds No Reason to Believe that Separate Principal**  
 3 **Campaign Committees were Required**

4 “If an individual is a candidate for more than one Federal office . . . he or she must  
 5 designate separate principal campaign committees and establish completely separate campaign  
 6 organizations.”<sup>12</sup> According to the Act, “‘Federal office’ means the office of President or Vice  
 7 President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the  
 8 Congress.”<sup>13</sup>

9 The Commission has not squarely addressed whether separate principal campaign  
 10 committees are required when a candidate simultaneously runs for office for two different  
 11 congressional terms and in two different congressional districts within the same state.<sup>14</sup>

12 However, the Commission’s prior advisory opinions to indicate that forming a separate principal  
 13 campaign committee is not required in these circumstances.

14 In Advisory Opinion 1982-22 (Bartlett), the Commission advised that a candidate was  
 15 not required to establish a separate principal campaign committee when he initially ran for office  
 16 in Texas’s 5th Congressional District and then switched to running for office in Texas’s 3rd

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<sup>12</sup> 11 C.F.R. § 110.8(d)(1).

<sup>13</sup> 52 U.S.C. § 30101(3); *accord* 11 C.F.R. § 100.4.

<sup>14</sup> The Committee appears to suggest that the New York’s 19th Congressional District for the 2020 term and New York’s 18th Congressional District for the 2022 term are actually the same district due to “the shifting of district lines in accordance with 2022 congressional redistricting.” *See* Pat Ryan for Congress Resp. at 1. We disagree that the districts could be considered the same given the partial geographic overlap between the districts. *See Redistricting in New York After the 2020 Census*, BALLOTPEdia, [https://ballotpedia.org/Redistricting\\_in\\_New\\_York\\_after\\_the\\_2020\\_census](https://ballotpedia.org/Redistricting_in_New_York_after_the_2020_census) (last visited Feb. 9, 2023); *cf.* Chris McKenna, *Pat Ryan Triumphs over Colin Schmitt in Tight 18th Congressional Race*, TIMES HERALD-RECORD, Nov. 9, 2022, <https://news.yahoo.com/pat-ryan-triumphs-over-colin-090419725.html> (characterizing Ryan’s win in the 18th Congressional District as “his second win in less than three months after claiming a vacant seat in a *neighboring House district* in a special election in August.”) (emphasis added).

1 Congressional District during the same election cycle.<sup>15</sup> The Commission explained that both  
2 congressional offices were considered one “federal office” under the Act and Commission  
3 regulations because they were in the same state:

4 [N]either the Act nor the Commission’s regulations identify Congressional seats  
5 as separate Federal offices. Moreover, those portions of the Constitution of the  
6 United States and Federal law which provide for the election of United States  
7 Representatives indicate that each Congressional seat within a State does not  
8 constitute a separate Federal office. The Fourteenth Amendment to the  
9 Constitution directs that Representatives be apportioned among the States  
10 according to their population. Since 1842, Federal statutes have provided that  
11 where a State was entitled to more than one Representative, the election should be  
12 by district. See 2 U.S.C. [§§] 2a, 2b, 2c. However, as the Supreme Court  
13 observed, “It has never been doubted that representatives in Congress thus chosen  
14 [by district] represented the entire people of the State acting in their sovereign  
15 capacity.” McPherson v. Blacker, 146 U.S. 1, 26 (1892). Thus, the office of  
16 Representative of the United States is defined not by the geographical boundaries  
17 of the particular district which elects it but rather by the State it represents.<sup>16</sup>

18 In addition, in Advisory Opinion 1980-80 (Crockett), the Commission advised that a  
19 candidate was not required to establish separate principal campaign committees where the  
20 candidate was concurrently a candidate in a primary election in Michigan’s 13th Congressional  
21 District for the upcoming 1981-82 congressional term and in a special election in the same  
22 district for the remainder of the 1979-80 congressional term.<sup>17</sup> The Commission explained that  
23 the definition for the term “federal office” under the Act “makes no reference to the term during  
24 which the office is held” and thus concluded that the candidate was “running for the same office

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<sup>15</sup> Advisory Opinion 1982-22 at 3 (Bartlett). The advisory opinion refers to 11 C.F.R. § 110.8(d)(11), rather than 11 C.F.R. § 110.8(d)(1), *id.*, which appears to be a typo as there was not a 11 C.F.R. § 110.8(d)(1) in 1982.

<sup>16</sup> *Id.* (internal footnotes omitted); *see also* *Registering a Candidate*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/filing-reports/registering-candidate/> (last visited Feb. 9, 2023) (stating that “seek[ing] a different federal office . . . does not include running in another district” and referring to “a different district in the same state [as] the same office.”).

<sup>17</sup> Advisory Opinion 1980-80 at 2 (Crockett).

1 (i.e., Representative in Congress for the 13th Congressional District of Michigan), albeit for  
2 separate terms of that office.”<sup>18</sup>

3 In sum, Advisory Opinion 1982-22 (Bartlett) indicates that different congressional  
4 districts within the same state are considered the same “office” under the Act and Advisory  
5 Opinion 1980-80 (Crockett) indicates that different congressional terms of the same district are  
6 also considered the same “office” under the Act. Taken together, any congressional district  
7 within the same state, regardless of term, is one “office” under the Act.

8 Here, Ryan was concurrently a candidate in the special election for New York’s 19th  
9 Congressional District for the remainder of the 2021-22 congressional term and a candidate in  
10 the primary election for New York’s 18th Congressional District for the 2023-24 congressional  
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12 Ryan’s principal campaign committee for both elections.<sup>20</sup> Although the elections were for  
13 congressional offices elected by people residing in different districts within the same state and  
14 for different terms, in the opinions described above, the Commission has advised that neither of  
15 those qualities render the offices sought by Ryan as separate for the purposes of 11 C.F.R.  
16 § 110.8(d)(1). Thus, the Commission finds no reason to believe that the Committee violated 11  
17 C.F.R. § 110.8(d)(1) by concurrently soliciting contributions for two different campaigns.

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<sup>18</sup> *Id.*

<sup>19</sup> *Supra* notes 4, 5, 7.

<sup>20</sup> *Supra* notes 5, 10, 11.