

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRATIC NATIONAL COMMITTEE,
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 25-cv-587 (AHA)

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE FOR
CAMPAIGN LEGAL CENTER IN SUPPORT OF PLAINTIFFS**

Campaign Legal Center (“CLC”) respectfully moves for leave to file the attached *amicus curiae* brief in support of plaintiffs and urging denial of defendants’ motions to dismiss. Counsel to plaintiffs Democratic National Committee, et al. (“DNC”), consents to CLC’s *amicus* participation; counsel for defendants President Donald Trump and U.S. Attorney General Pamela Bondi (collectively, “the Administration”) and for defendant Federal Election Commission (“FEC”) also consent to CLC’s participation.

In support of its motion, CLC states the following:

1. Proposed *amicus curiae* CLC is a nonpartisan, nonprofit organization dedicated to solving the wide range of challenges facing American democracy. *See* <https://campaignlegal.org/about>.

2. CLC was founded in 2002 by former FEC Commissioner and Chairman Trevor Potter for the purpose of defending the then newly enacted Bipartisan Campaign Reform Act of 2002 (“BCRA”) against constitutional challenge. After BCRA survived legal challenge, CLC

began an FEC regulatory practice and a public education effort to ensure that federal campaign finance law was effectively interpreted, enforced, and defended.

3. Today, CLC's practice before the FEC includes researching, identifying and publicizing potential violations of the Federal Election Campaign Act ("FECA"); filing administrative enforcement complaints under 52 U.S.C. § 30109(a)(1) to address potential FECA violations; and participating in rulemaking, advisory opinion, and other policy proceedings. In the period from January 2024 through January 2025 alone, CLC filed 15 new administrative enforcement complaints or supplements with the FEC.

4. CLC is concerned that President Donald Trump's February 18, 2025 Executive Order "Ensuring Accountability for All Agencies" unlawfully strips the FEC of its independence and partisan balance, both of which are necessary for the agency to fairly administer, interpret, and enforce federal campaign finance law. *See* Exec. Order No. 14,215, 90 Fed. Reg. 10447 (Feb. 18, 2025), <https://perma.cc/3J7Y-ZEWL> (the "Order").

5. CLC believes its *amicus* brief will benefit the Court by providing a survey of the legislative history of FECA with respect to the design and creation of the FEC, and analyzing how the Order contravenes Congress's clear intent to create an independent agency, as well as the text and purpose of the statute. As CLC will argue, Section 7 of the Order conflicts with FECA provisions establishing the FEC's bipartisanship and independence by authorizing the President and his party to control the Commission's official interpretations of FECA.

6. CLC also expresses its concern that the Order's directives are vague and the Administration has not fully disclosed how it has implemented or will implement the Order with respect to the Commission. CLC explains that the Order has an immediate impact on the regulated community, as well as on advocacy groups like CLC that practice before the FEC, by depriving

them of an agency that is a nonpartisan, impartial arbiter of the law as FECA requires. CLC further argues that the Administration has not provided the information needed to allow these groups to monitor and evaluate the Order's broader effects on the FEC's administration of federal elections.

7. CLC believes this submission is timely because it is filing this motion and the attached memorandum within one day of the date that the DNC filed its opposition to defendants' motions to dismiss.

8. CLC affirms that no party's counsel authored the brief in whole or in part, and no person—other than the *amicus*—contributed money that was intended to fund the brief.

9. Counsel for the plaintiffs and defendants were contacted about their consent to the filing of the attached brief *amicus curiae*. No party opposes this filing.

For the foregoing reasons, CLC respectfully requests that the Court grant its request to participate as *amicus curiae* in support of plaintiffs and in opposition to defendants' motions to dismiss. CLC does not request the opportunity to participate in oral argument.

Dated: April 3, 2025

Respectfully submitted,

/s/ Tara Malloy

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CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2025, I electronically filed a copy of the foregoing motion with the attached Brief of *Amicus Curiae* Campaign Legal Center using the CM/ECF system, which will send notification of this filing to all counsel of record.

Dated: April 3, 2025

/s/ Tara Malloy

Tara Malloy

CAMPAIGN LEGAL CENTER