IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CAMPAIGN LEGAL CENTER, *Plaintiff*, v. FEDERAL ELECTION COMMISSION, *Defendant*, REPUBLICAN NATIONAL COMMITTEE 310 First Street SE Washington, DC 20003, *Proposed Intervenor-Defendant*.	Case No. 1:26-cv-1559 (ACR)

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF REPUBLICAN NATIONAL COMMITTEE TO INTERVENE

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

CASES

TABLE OF AUTHORITIES
(continued)

TABLE OF AUTHORITIES
(continued)

INTRODUCTION

In March 2024, the Federal Election Commission (FEC or Commission) issued an advisory opinion that provides a safe harbor allowing political parties to collaborate with other groups on certain grassroots door-to-door voter-contact (or canvassing) activities without facing liability under federal campaign-finance law. FEC Advisory Opinion 2024-01 (Ex. A) (Advisory Opinion or Opinion). After waiting over two years, Campaign Legal Center (CLC) filed this lawsuit seeking to vacate the Advisory Opinion. While the FEC plans to appear and defend the Opinion, Email from Greg Mueller (June 29, 2026) (Ex. B), its current composition precludes it from legally doing so. After all, the six-member FEC is currently two Commissioners short of the four it needs for a quorum required to authorize a defense, which may explain why CLC waited to sue until now.

The Republican National Committee (RNC) therefore seeks to intervene to ensure the FEC's advisory opinion receives a robust defense. This Court should grant the request. To start, the RNC meets all of Rule 24(a)(2)'s requirements for intervention as of right. Its motion is timely, as the FEC has yet to appear. The RNC also has a substantial interest in ensuring the Advisory Opinion remains in effect, as the RNC currently relies on the safe harbor the Opinion provides to collaborate with other organizations on their door-to-door canvassing operations. And because CLC seeks to eliminate the Advisory Opinion, the resolution of this case could impair that regulatory benefit. Finally, the FEC cannot adequately represent the RNC's interests. Even in cases where the FEC has the power to defend its work, that regulator cannot adequately represent the interests of the regulated. And here, the FEC lacks the authority to mount a defense at all.

For the same reasons, the RNC meets Rule 24(b)(1)(B)'s requirements for permissive intervention. The RNC seeks to defend the Advisory Opinion against CLC's challenge, and granting its timely intervention motion will not prejudice anyone. Either way, this Court should grant the RNC's motion so that it can participate in this case.

BACKGROUND

1. Enacted in 1972 and amended two years later, the Federal Election Campaign Act (FECA or Act), Pub. L. No. 92-225, 86 Stat. 3 (codified at 52 U.S.C. § 30101 *et seq.*), imposes an intricate web of restrictions on the financing of campaigns for federal office. Perhaps recognizing that the complexity of this regulatory scheme would invite questions from the regulated, Congress created "a detailed framework" for obtaining "advisory opinions" from the FEC. *FEC v. NRA*, 254 F.3d 173, 185 (D.C. Cir. 2001). Specifically, the Act allows regulated parties to request a written opinion from the Commission regarding the application of FECA or the FEC's regulations to a "specific transaction or activity." 52 U.S.C. § 30108(a). Once rendered, those "opinions have binding legal effect on the Commission," as "[a]ny person involved in either the specific transaction or another materially indistinguishable transaction may rely" on them. *NRA*, 254 F.3d at 185. And FECA "creates a safe harbor for parties who rely on advisory opinions, providing that any person who acts in good faith in accordance with the provisions and findings of such opinions shall not be subject to any sanction provided by this Act." *Id.* at 185-86 (cleaned up); *see* 52 U.S.C. § 30108(c). In other words, a favorable FEC advisory opinion creates a "legal right" in the form of a "reliance defense." *Unity08 v. FEC*, 596 F.3d 861, 865 (D.C. Cir. 2010).

Given the effects of an advisory opinion, Congress required an "affirmative vote of 4 members of the Commission" before the FEC can render one. 52 U.S.C. § 30106(c); *see id.* § 30107(a)(7). In doing so, Congress guaranteed that every FEC advisory opinion would be bipartisan. Because the FEC "must decide issues charged with the dynamics of party politics, often under the pressure of an impending election," Congress designed the Commission to be "inherently bipartisan in that no more than three of its six voting members may be of the same political party." *FEC v. Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 37 (1981). Insisting on at least four votes for advisory opinions ensures these safe harbors are not handed out on a partisan basis.

2. This case involves an advisory opinion regarding payments known as "coordinated expenditures." By way of background, FECA imposes various restrictions on money spent (*i.e.*, expenditures) or money received (*i.e.*, contributions) "for the purpose of influencing any election for Federal office." 52 U.S.C. § 30101(8), (9). Contribution limits and expenditure limits, however, receive nominally different levels of scrutiny under the First Amendment. "Restrictions on campaign *expenditures* for political speech are permitted only in the exceedingly rare circumstances where they promote a compelling interest and are the 'least restrictive means to further the articulated interest,'" meaning FECA's expenditure limits cannot be constitutionally enforced. *Nat'l Republican Senatorial Comm. v. FEC*, No. 24-621, 2026 WL 1868932, at *6 (U.S. June 30, 2026) (*NRSC*). By contrast, the Supreme Court "has held that statutory limits on *contributions* to candidates or parties—as distinct from limits on expenditures—are subject to 'closely drawn' scrutiny, a nominally 'lesser but still rigorous standard of review,'" and has therefore allowed the enforcement of some of FECA's contribution limits under the First Amendment. *Id.*

Both FECA and the Supreme Court, however, treat one category of expenditures differently: In general, *coordinated* expenditures—*i.e.*, those "expenditures made … in cooperation, consultation, or concert, with, or at the request or suggestion of" either "a candidate" or a "party committee"—are treated as "contribution[s] to such candidate" or "party committee" and hence subject to the Act's various limits on contributions. 52 U.S.C. § 30116(a)(7)(B). The theory is that some "expenditures controlled by or coordinated with the candidate and his campaign might well have virtually the same value to the candidate as a contribution and would pose similar dangers" of *quid pro quo* corruption. *Buckley v. Valeo*, 424 U.S. 1, 46-47 (1976); *see NRSC*, 2026 WL 1868932, at *9, *15 n.6.

Figuring out whether a payment is a coordinated expenditure, however, is not always an easy task, especially when it comes to *communications*. That is because a coordinated payment qualifies as a coordinated "expenditure" only when it is made "for the purpose of influencing any election for Federal office"—as opposed to, say, for the purpose of influencing an election for *state* office—*id.* § 30101(9), and various considerations such as "time, place, and content may be critical indicia of communicative purpose." *Shays v. FEC*, 414 F.3d 76, 99 (D.C. Cir. 2005). The FEC has therefore long relied on a complex regulatory test to determine whether coordinated payments for communications are coordinated expenditures. *See* 11 C.F.R. §§ 109.20-109.21.

3. In January 2024, Texas Majority PAC (TMP)—an organization which describes itself as "dedicated to electing a Democrat to statewide office in Texas," https://perma.cc/3F7H-B6S3—asked the FEC for an advisory opinion confirming that its contemplated payments for certain communications to voters would not be coordinated expenditures. Advisory Opinion Request 2024-01, Texas Majority PAC (Jan. 12, 2024) (Ex. C). Specifically, TMP wanted to pay for literature and scripts used in its grassroots door-to-door canvassing activities. *Id.* at 1-2. Although TMP's major purpose is to help Democrats win *state* elections in Texas, these canvassing materials would also refer to *federal* candidates and political parties, and TMP planned to consult with *federal* political party committees and candidates about its canvassing. *Id.* at 3. For example, in getting out voters for Democratic candidates for Texas State Senate, TMP might inform them that these candidates supported the agenda of then-Vice President Harris.

Two months later, the FEC released the Advisory Opinion. By a 4-2 vote, the FEC agreed that TMP's contemplated payments would not be coordinated expenditures, with all three Republican Commissioners and one Democratic Commissioner voting in favor of the Opinion. Certification, Advisory Opinion 2024-01 (Mar. 20, 2024) (Ex. D).

After the FEC issued the Advisory Opinion, parties, candidates, campaigns, and political organizations on both sides of the aisle began to rely on it. The RNC, for instance, collaborated with various organizations regarding their door-to-door canvassing operations in the 2024 election cycle, consistent with the Advisory Opinion. Declaration of Michael Ambrosini ¶¶ 8-14 (Ex. E) (Ambrosini Decl.). TMP and other groups affiliated with the Democratic Party relied on the Advisory Opinion as well. *See, e.g.*, Andrew Howard, *How One Dem Group Is Rethinking Canvassing*, Politico (Oct. 20, 2025), https://perma.cc/CK35-EQXC.

4. Although CLC had submitted a comment urging the FEC to reject TMP's requested opinion as unlawful, it did not challenge the Advisory Opinion when it was released in March 2024. *See* Dkt. 1 ¶¶ 54-56. Nor did CLC bring a lawsuit throughout 2025, after the RNC and other political actors relied on the Advisory Opinion during 2024 election cycle. *See id.* ¶¶ 77-86.

In the meantime, the FEC lost a quorum. The three Republican Commissioners who had voted for the Advisory Opinion left office during 2025, as did one of the Democratic Commissioners who voted against it, leaving the FEC with only two (Democratic) Commissioners today. *See* FEC, *Leadership and Structure – All Commissioners*, https://perma.cc/946M-QHGJ (last visited July 6, 2026). CLC then filed this lawsuit on May 6, 2026, two years after the release of the Advisory Opinion. Dkt. 1. Notwithstanding the FEC's lack of quorum, the Commission has informed the RNC that it intends to appear in this case and file an answer on July 10, 2026. Ex. B.

ARGUMENT

This Court should grant the RNC intervention as of right because it satisfies each requirement of Rule 24(a)(2). Alternatively, this Court should allow the RNC to intervene because it meets Rule 24(b)'s criteria for permissive intervention.

I. THE RNC MEETS RULE 24'S CRITERIA FOR INTERVENTION AS OF RIGHT.

Federal Rule of Civil Procedure 24(a)(2) commands that "the court must permit anyone to intervene who"—"[o]n timely motion"—"claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Rule 24(a)(2) therefore contains "four prerequisites": "'(1) the application to intervene must be timely; (2) the applicant must demonstrate a legally protected interest in the action; (3) the action must threaten to impair that interest; and (4) no party to the action can be an adequate representative of the applicant's interests.'" *Karsner v. Lothian*, 532 F.3d 876, 885 (D.C. Cir. 2008). All four elements are satisfied here.

A. The RNC's motion to intervene is timely.

The RNC easily checks the first box—a timely intervention motion. In *Crossroads Grassroots Policy Strategies v. FEC*, 788 F.3d 312 (D.C. Cir. 2015), the D.C. Circuit held that an applicant who moved to intervene to defend an FEC decision "before the FEC had even entered an appearance" readily satisfied the "timeliness" requirement. *Id.* at 320. Here, the RNC likewise filed its motion before any entry of appearance by the FEC. No proceedings of substance have occurred, no scheduling order has issued, and no party will be prejudiced by intervention at this early stage. RNC's motion is therefore unquestionably timely. *See id*; *see also, e.g.*, *Fund For Animals, Inc. v. Norton*, 322 F.3d 728, 735 (D.C. Cir. 2003) (intervention motion filed "two months after the plaintiffs filed their complaint and before the defendants filed an answer" was timely); *CLC v. FEC*, 334 F.R.D. 1, 6 (D.D.C. 2019) (same); Minute Order, *N.M. Cattle Growers' Assoc. v. Fish & Wildlife Serv.*, No. 21-cv-3263 (D.D.C. May 6, 2022) (Reyes, J.) (similar).

B. The RNC has a legally protected interest in this case.

Turning to the second element, the RNC "need not show anything more than that it has standing" to "demonstrate the existence of a legally protected interest for purposes of Rule 24(a)." *Mova Pharm. Corp. v. Shalala*, 140 F.3d 1060, 1076 (D.C. Cir. 1998); *see also, e.g.*, *Crossroads*, 788 F.3d at 320 ("the standards for constitutional standing and the second factor of the test for intervention as of right are the same"). The RNC satisfies each prong of the Article III inquiry: injury-in-fact, causation, and redressability.[1]

In general, a prospective intervenor has standing to intervene to defend an agency action when it "benefits from agency action, the action is then challenged in court, and an unfavorable decision would remove the party's benefit." *Crossroads*, 788 F.3d at 317. In *Crossroads*, for instance, the D.C. Circuit held that a political group accused of violating FECA (Crossroads) had the right to intervene to defend a "favorable ruling" from the FEC shielding it from "exposure to further enforcement proceedings." *Id.* at 316. Specifically, a third-party watchdog (Public Citizen) had lodged an administrative complaint with the FEC charging Crossroads with campaign-finance violations, but the Commission dismissed the administrative complaint. *Id.* at 315. When the watchdog sued the FEC to challenge that decision, Crossroads moved to intervene to defend it. *Id.*

[1] To be clear, nothing in Article III itself requires the RNC to establish standing to intervene here. Both the RNC and the Commission aim to preserve the Advisory Opinion, and "intervenors that seek the same relief sought by at least one existing party need not" show "constitutional standing." *Institutional S'holder Servs., Inc. v. SEC*, 142 F.4th 757, 764 n.3 (D.C. Cir. 2025). More fundamentally, while those who seek "to initiate or continue proceedings in federal court must demonstrate … standing to obtain the relief requested," Article III "does not restrict the opposing party's ability to object to relief being sought at its expense." *Bond v. United States*, 564 U.S. 211, 217 (2011); *see also Seila Law LLC v. CFPB*, 591 U.S. 197, 210-11 (2020). The D.C. Circuit, however, has required a movant seeking "to intervene as another defendant … to demonstrate Article III standing" for prudential reasons. *Crossroads*, 788 F.3d at 316. While the RNC respectfully submits that this requirement is inconsistent with the Supreme Court precedent cited above and preserves the issue for further review, this Court need not address the issue because the RNC meets the Circuit's test for intervenor-defendant standing.

The D.C. Circuit held that Crossroads had both Article III standing and an interest giving it the right to intervene. *Id.* at 316-20. As the Circuit explained, "Crossroads currently claims a significant benefit from the FEC's dismissal order"; "[a]s long as it is in place, Crossroads faces no further exposure to enforcement proceedings" related to Public Citizen's complaint. *Id.* at 318. Accordingly, "[l]osing the favorable order would be a significant injury in fact"; that injury would be "directly traceable to Public Citizen's challenge to the FEC order"; and "Crossroads can prevent the injury by defeating Public Citizen's challenge." *Id.* at 316, 318.

This case is materially indistinguishable from *Crossroads*. The Advisory Opinion currently gives the RNC a "significant benefit" in the form of a binding safe harbor that shields its coordinated grassroots voter-contact activities from enforcement. *Id.* at 318. The Advisory Opinion thus provides the RNC with a valuable "legal right"—a "legal reliance defense" under 52 U.S.C. § 30108(c). *Unity08*, 596 F.3d at 864-65; *see also NRA*, 254 F.3d at 185. "As long as it is in place," the RNC "faces no further exposure to enforcement" based on its collaboration with other groups about their door-to-door canvassing operations. *Crossroads*, 788 F.3d at 318. The RNC thus "has a concrete stake in the favorable agency action currently in place." *Id.* at 319.

And that interest is not merely retrospective. Right now, the RNC is actively engaged in, and intends to continue, these grassroots voter-contact activities in the 2026 election cycle. *See* Ambrosini Decl. ¶¶ 15-17. The Advisory Opinion thus provides the RNC with the safety and certainty necessary for it to collaborate with other groups on door-to-door canvassing today. *See id.*[2]

[2] *See also* Alex Roarty, *Inside Republicans' Plan To Win the Midterms*, NOTUS (June 29, 2026), https://perma.cc/ZL8E-A6JB ("'What we're doing in '26 is mostly a continuation and refinement of what we did in '24 and had a lot of success with,' said Michael Ambrosini, the RNC's chief of staff."); *id.* ("Party strategists said they have already started to redo their door-to-door voter canvassing efforts."); Christa Dutton, *The RNC's First Big Midterms Spend Is on Its Ground Game*, NOTUS (May 7, 2026), https://perma.cc/M5P8-8WN2 ("The [RNC] sent 34 staffers to 17 states last week to run canvassing operations.").

The RNC therefore "has a significant and direct interest in the [Advisory Opinion] shielding it from further litigation and liability; and the 'threatened loss' of that favorable action constitutes a 'concrete and imminent injury.'" *Crossroads*, 788 F.3d at 318. That injury is neither speculative nor attenuated, as vacatur of the Advisory Opinion would immediately eliminate the binding protection the RNC currently relies on to structure its conduct heading into the 2026 midterm elections. Indeed, if the Advisory Opinion is set aside, the RNC would be forced to immediately cease its collaboration with other organizations on door-to-door canvassing. Ambrosini Decl. ¶¶ 17-19. CLC thus seeks to "deprive[] the [RNC] of a legal right"—§ 30108(c)'s "reliance defense"—and deny it the freedom to engage in grassroots activities. *Unity08*, 596 F.3d at 865. And the RNC "can prevent the injury by defeating [CLC]'s challenge." *Crossroads*, 788 F.3d at 316.

The only difference from *Crossroads* is that this case involves an FEC *advisory opinion* rather than an FEC *dismissal order*, but that is beside the point for the intervention analysis. An entity that benefits from a safe harbor has standing to defend it whether that safe harbor comes in general or specific form. *Cf. SEC v. Chenery Corp.*, 332 U.S. 194, 203 (1947). The D.C. Circuit's decision in *Military Toxics Project v. EPA*, 146 F.3d 948 (D.C. Cir. 1998), proves the point. There, the Circuit held that an association had standing to intervene to defend an EPA rule that determined most military munitions used at firing ranges do not qualify as "solid waste" subject to stringent federal regulation. *Id.* at 954. As the Circuit explained, because the association's "members produce military munitions," they "benefit from the EPA's … interpretation" and would "suffer concrete injury if the court grants the relief the petitioners seek." *Id.* So too here: Swap door-to-door canvassing with military munitions and the cases are the same. *Id.*; *see also Fund for Animals*, 322 F.3d at 733-34 (Mongolian agency could intervene to defend U.S. agency's refusal to designate wild Mongolia sheep as "endangered" to protect influx of tourism money from U.S. hunters).

C. This action may harm the RNC's ability to protect its interests.

For the same reasons, the outcome of this case "may as a practical matter impair or impede" the RNC's "ability to protect its interest." Fed. R. Civ. P. 24(a)(2). Right now, the Advisory Opinion provides the RNC with a valuable right, and "a judicial pronouncement that the [Advisory Opinion] was contrary to law would make the task of reestablishing the status quo more difficult and burdensome." *Crossroads*, 788 F.3d at 320 (cleaned up). And even if the RNC could "reverse an unfavorable ruling" later, its loss of First Amendment rights "during any interim period would be substantial and likely irreparable." *Fund for Animals*, 322 F.3d at 735; *see Pursuing Am.'s Greatness v. FEC*, 831 F.3d 500, 511 (D.C. Cir. 2016) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.") (cleaned up).

D. The existing parties do not adequately represent the RNC's interests.

Finally, "no party to the action can adequately represent" the RNC's interest. *Crossroads*, 788 F.3d at 320. The RNC's task here is "not onerous"—it "need only show that representation of [its] interest 'may be' inadequate, not that representation will in fact be inadequate." *Dimond v. District of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986). This is a "minimal" requirement, and "a movant 'ordinarily should be allowed to intervene unless it is clear that the party will provide adequate representation.'" *Crossroads*, 788 F.3d at 321. And "the burden is on those opposing intervention"—here, CLC—"to show that representation for the absentee will be adequate." *United States v. AT&T*, 642 F.2d 1285, 1293 (D.C. Cir. 1980); *see also SEC v. Dresser Indus., Inc.*, 628 F.2d 1368, 1390 (D.C. Cir. 1980) ("In this circuit an applicant to intervene need only show that the representation of his interest may be inadequate; the burden of proof rests on those resisting intervention.").

1. CLC cannot prove that the FEC will clearly provide the RNC with adequate representation. Although the Commission has stated it plans to defend the Advisory Opinion, it currently lacks the authority to do so. That is because FECA provides that "[a]ll decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission," and the choice whether to defend the Advisory Opinion is a "decision[]" regarding "the exercise of" the FEC's "powers" under the Act. 52 U.S.C. § 30106(c). A corporate body's ability to "'defend'" itself in "'court'" is generally seen as one of its "powers," *Lightfoot v. Cendant Mortg. Corp.*, 580 U.S. 82, 85 (2017), and FECA treats the FEC no differently. After all, the Act refers to the FEC's "power" to "defend" itself against suits challenging its dismissal of administrative complaints. 52 U.S.C. § 30107(a)(6). It also states that "the Commission is *authorized* to appear in and defend against any action instituted under this Act" through its counsel of choice, *id.* § 30106(f)(4) (emphasis added)—further proof that the ability to mount a defense is one of the FEC's *authorities* (or *powers*). Because the two-member FEC cannot make a "decision" regarding the exercise of that "power" by "a majority vote," it lacks the authority to appear and defend the Advisory Opinion at this time. *Id.* § 30106(c); *see NLRB v. Noel Canning*, 573 U.S. 513, 520-21 (2014) (agreeing that "in the absence of a lawfully appointed quorum," an agency "cannot exercise its powers," and that if it "lacked a quorum of validly appointed members when it" took an action, that action is "invalid").[3]

[3] Because FECA does not authorize the Commission to defend against this suit, the Department of Justice should take over the defense of the Advisory Opinion. In general, "the conduct of litigation in which the United States, an agency, or officer thereof is a party … is reserved to officers of the Department of Justice"—"[e]xcept as otherwise authorized by law." 28 U.S.C. § 516. Because the FEC's defense of this action is *not* "authorized by" the Act, § 516's default rule applies. *Id.*; *see FEC v. NRA Political Victory Fund*, 513 U.S. 88, 92 n.1 (1994). At a minimum, this Court should invite briefing from the Justice Department on the quorum issue. *See, e.g.*, *CREW v. FEC*, 711 F.3d 180, 184 n.1 (D.C. Cir. 2013) (Kavanaugh, J.); Minute Order, *Joint Stock Co. State Sav. Bank of Ukraine v. Russian Fed'n*, No. 23-cv-764 (D.D.C. Jan. 27, 2026) (Reyes, J.).

In all events, the *risk* posed to the FEC's ability to mount an effective defense alone proves that "representation of [the RNC's] interest *may be* inadequate." *Fund for Animals*, 322 F.3d at 735 (quotation marks omitted; emphasis added); *see also, e.g.*, *Teague v. Bakker*, 931 F.2d 259, 262 (4th Cir. 1991) (movants' interests were not "adequately represented" due to "the financial constraints on the [current defendants'] ability to defend," as that created "a significant chance that they might be less vigorous" in mounting a defense). This Court need not conclusively resolve the quorum issue to rule that the FEC may not adequately represent the RNC's interests here.

2. Even if CLC could somehow prove that the FEC clearly had authority to defend the Advisory Opinion despite its lack of a quorum, the FEC still could not adequately represent the RNC's interests. In general, the D.C. Circuit looks "skeptically on government entities serving as adequate advocates for private parties," even when "their interests [are] aligned in defending the legality" of an agency action. *Crossroads*, 788 F.3d at 321. There is no reason to chart a different course here. While the RNC and the FEC may currently "agree" that the Advisory Opinion is "lawful," it is "not hard to imagine how [their] interests … might diverge during the course of litigation." *Fund for Animals*, 322 F.3d at 736. The Commission, after all, is "'charged by law with representing the public interest,'" whereas the RNC seeks to protect "'a more narrow … interest not shared by'" the public—namely, getting Republicans elected to office. *Id.* at 737. That divergence is especially pronounced here, when the only two Commissioners remaining on the FEC are affiliated with the Democratic Party. *Supra* at 5. Thus, if anything, the RNC's "experience and expertise" in the area of door-to-door canvassing—and the "impact" the loss of the Advisory Opinion will "have upon [its] operations"—means its participation is only "likely to serve as a vigorous and helpful supplement to [the FEC's] defense." *Nat. Res. Def. Council v. Costle*, 561 F.2d 904, 912-13 (D.C. Cir. 1977).

Moreover, as a party that regularly *sues* the FEC, the RNC "disagree[s] about the extent of the Commission's regulatory power" more generally. *Crossroads*, 788 F.3d at 321. In addition to denying the FEC's authority to defend this action at all, *supra* at 11-12, the RNC maintains that it has a constitutional right to collaborate with supporters and aligned organizations on grassroots voter engagement, just as parties could do "[f]or nearly 200 years after the ratification of the First Amendment," *NRSC*, 2026 WL 1868932, at *16 (holding Congress cannot limit party campaign spending in coordination with candidates); *see* Ambrosini Decl. ¶ 5. The FEC, by contrast, treats this First Amendment freedom as the mere product of statutory interpretation, meaning it "could seek to regulate [the RNC] directly and immediately" if its Advisory Opinion were "revoked." *Crossroads*, 788 F.3d at 321. The FEC therefore can no more "adequately represent [the RNC's] interests" than it could "Crossroads'," and the RNC "should not need to rely on a doubtful friend to represent its interests, when it can represent itself." *Id.*

II. ALTERNATIVELY, THIS COURT SHOULD PERMIT THE RNC TO INTERVENE.

The RNC also satisfies Rule 24(b)'s two requirements for permissive intervention. *First*, the RNC, like the FEC, seeks to defend the legality of the Advisory Opinion, so it has a "defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). *Second*, the RNC's motion is "timely" and its intervention will not "unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(1), (3); *see supra* at 6. This case remains in its infancy. The Commission has not answered, no scheduling order has been issued, and no merits proceedings have occurred. With those two criteria satisfied, this Court *can* grant permissive intervention without addressing the four elements for intervention as of right. *See Massachusetts v. Microsoft Corp.*, 373 F.3d 1199, 1234-36 (D.C. Cir. 2004) (en banc).

And this Court *should* do so. The RNC's participation will aid the Court by providing the perspective of a regulated party that has relied on the Advisory Opinion's safe harbor and intends to continue engaging in the activities the Opinion authorizes. *See supra* at 12. Moreover, allowing intervention would further the orderly and adversarial presentation of the issues in this case given the FEC's lack of quorum and the attendant uncertainty surrounding its present ability to mount a full defense. *See supra* at 11-12. This Court should therefore permit intervention to ensure that the Advisory Opinion receives a vigorous defense from a litigant whose authority to defend that safe harbor is beyond dispute.

CONCLUSION

This Court should grant the RNC's motion to intervene as a defendant. Because CLC opposes this motion, the RNC respectfully requests an opportunity for oral argument.

Dated: July 6, 2026

Respectfully submitted,

/s/ Brinton Lucas

Brinton Lucas (D.C. Bar No. 1015185)
John M. Gore (D.C. Bar No. 502057)
E. Stewart Crosland (D.C. Bar No. 1005353)
David Wreesman (D.C. Bar No. 90017578)*
Nicholas J. Grandpre (D.C. Bar No. 90030858)*
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Email: blucas@jonesday.com
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Counsel for Proposed Intervenor-Defendant

*Applications for admission pending

EXHIBIT LIST

Exhibit A: FEC Advisory Opinion 2024-01

Exhibit B: Email from Greg Mueller (June 29, 2026)

Exhibit C: Advisory Opinion Request 2024-01, Texas Majority PAC (Jan. 12, 2024)

Exhibit D: Certification, Advisory Opinion 2024-01 (Mar. 20, 2024)

Exhibit E: Declaration of Michael Ambrosini

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2026, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and distribution to all registered participants of the CM/ECF System. Attorneys for Plaintiff are registered users of the CM/ECF System of this Court. Defendant was served a paper copy of this filing via overnight mail at its address:

Federal Election Commission
1050 First Street NE
Washington, DC 20463

/s/ Brinton Lucas

Brinton Lucas (D.C. Bar No. 1015185)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Email: blucas@jonesday.com
Telephone: (202) 879-3939
Facsimile: (202) 626-1700