

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**CHRIS RUFER, et al.,**

Plaintiffs,

v.

**FEDERAL ELECTION COMMISSION,**

Defendant.

Case No. 1:14-cv-00837 (CRC)

**ORDER ON PLAINTIFFS' MOTION FOR PARTIAL RECONSIDERATION AND  
CLARIFICATION OF DENIAL OF MOTION FOR THREE-JUDGE PANEL**

Plaintiffs allege that barring political parties from accepting unlimited contributions to fund non-coordinated campaign expenditures violates the First Amendment. On August 19, 2014, the Court ruled that Plaintiffs lack standing to assert these claims before a three-judge district court pursuant to the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. No. 107-155, 116 Stat. 81. Instead, because redressing Plaintiffs' alleged injuries would require overturning portions of the Federal Election Campaign Act ("FECA"), 52 U.S.C. § 30101-46 (formerly 2 U.S.C. §§ 431-57), their constitutional questions must be certified to the D.C. Circuit sitting *en banc* under 2 U.S.C. § 437h. Plaintiffs have filed a motion for partial reconsideration and for clarification of the Court's order. They argue that the standing issues that bar them from bringing their challenge a three-judge court equally prevent them from proceeding under section 437h because portions of both BCRA and FECA must be overturned for Plaintiffs to obtain relief. They urge the Court to therefore ignore the standing defects and convene a three-judge district court. They also ask the Court to clarify the effect of its decision on the state political parties that are plaintiffs in this action, as state parties cannot pursue claims via section 437h.

A motion to reconsider is disfavored and will be granted only if the “moving party presents new facts or a clear error of law which ‘compel’ a change in the court’s ruling[.]” State of N.Y. v. United States, 880 F. Supp. 37, 39 (D.D.C. 1995) (collecting cases). It is not “a second opportunity to present argument upon which the Court has already ruled.” Niedermeier v. Office of Baucus, 153 F. Supp. 2d 23, 28 (D.D.C. 2001). The Article III standing issues that prevent Plaintiffs from proceeding via BCRA § 437h are not implicated by certifying questions to the D.C. Circuit, as the district court—which ultimately retains jurisdiction over the case after certification, see, e.g., In re Cao, 619 F.3d 410, 435 (5th Cir. 2010)—has jurisdiction to adjudicate claims under the Constitution and federal laws generally. As stated in the Certification Order, the claims of the state parties will be stayed pending the decision of the *en banc* D.C. Circuit. Accordingly it is hereby

**ORDERED** that [ECF No. 23] Plaintiffs’ motion for partial reconsideration and for clarification is DENIED.

**SO ORDERED.**

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CHRISTOPHER R. COOPER  
United States District Judge

Date: September 22, 2014