



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OFFICE OF THE CHAIRMAN

**Decision in *EMILY's List v. FEC*
Statement of Chairman Steven T. Walther
September 24, 2009
Open Session**

As many of you know, on September 18, 2009, a three-judge panel of the Court of Appeals for the District of Columbia Circuit issued a decision in the EMILY's List case.

In that the decision, the majority opinion concluded that some of our rules that apply to nonconnected, non-profit political committees were inconsistent with the Federal Election Campaign Act, as well as the First Amendment. A concurring opinion agreed that the regulations were inconsistent with the FECA but believed it was unnecessary to reach the constitutional question.

The decision raises many complex and procedural issues. The Commission has already received a preliminary briefing from our General Counsel's Office and we will receive additional briefings from OGC in the next few weeks. I anticipate that the six of us will engage in some extremely interesting discussions in the weeks to come.

If the Commission decides to seek rehearing en banc from the full Court of Appeals for the District of Columbia Circuit, the Commission has 45 days from last week's decision to do so.

As soon as the Commission reaches a decision on what steps it will take, we will announce that decision publicly and, at that time, provide as much information and guidance as we can to the regulated community.