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)

MOTION OF REPUBLICAN NATIONAL COMMITTEE TO INTERVENE

The Republican National Committee (RNC) moves to intervene as a defendant in this case as a matter of right under Federal Rule of Civil Procedure 24(a)(2). Alternatively, the RNC moves for permissive intervention under Federal Rule of Civil Procedure 24(b)(1)(B). Pursuant to Federal Rule of Civil Procedure 24(c) and Local Civil Rule 7(j), a proposed answer to the complaint is attached to this motion. Also attached is a proposed order granting this motion.

Pursuant to Local Civil Rule 7(m), the RNC conferred with counsel for the above-captioned parties and sought their consent to this motion. The Federal Election Commission does not oppose this motion and states that it plans to appear in this case and file an answer on July 10, 2026. Campaign Legal Center opposes the motion. In light of that opposition, the RNC respectfully requests an opportunity for oral argument on this motion under Local Civil Rule 7(f).

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

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

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

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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]

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[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

Exhibit A

RECEIVED
By Office of the Commission Secretary at 8:03 am, Mar 21, 2024

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

March 20, 2024

ADVISORY OPINION 2024-01

Jonathan S. Berkon, Esq.
Courtney T. Weisman, Esq.
Sarah N. Mahmood, Esq.
Elias Law Group LLP
250 Massachusetts Avenue, NW
Suite 400
Washington, DC 20001

Dear Counsel:

We are responding to your advisory opinion request on behalf of Texas Majority PAC ("TMP"), asking several questions regarding the application of the Federal Election Campaign Act, 52 U.S.C. §§ 30101 – 30145 (the "Act"), and Commission regulations to TMP's proposal to hire vendors to canvass potential voters, namely whether canvassing literature and scripts, and their associated costs, are public communications, coordinated communications, or coordinated expenditures, and whether TMP can provide data acquired during the canvass to a federal candidate or party committee at less than fair market value.

The Commission concludes that the canvassing literature and scripts are not public communications, and as a result are not coordinated communications under Commission regulations. Further, the costs to produce and distribute the canvassing literature and scripts are not coordinated expenditures. Finally, the Commission concludes that if TMP provides the data that arises from its paid canvass to a federal candidate or party committee at less than its fair market value, it would be an in-kind contribution.

Background

The facts presented in this advisory opinion are based on your letter received on January 12, 2024, and email received on January 22, 2024. TMP is a nonfederal

"general-purpose committee" registered with the Texas Ethics Commission.[1] TMP's major purpose is to elect Democrats to state and local office in Texas.[2] TMP is not registered with the Commission and states that it is not established, financed, maintained, or controlled by any federal, state, or local candidate, party committee, or their agents.[3]

TMP seeks to retain and pay third-party vendors, managed by TMP's paid staff, to execute a paid canvassing program ("Paid Canvass").[4] The vendors will design and produce canvassing literature ("Canvassing Literature") and a script ("Script") to be used solely for the Paid Canvass.[5] The vendors will also hire, train and manage canvassers, who will go to voters' homes to distribute the Canvassing Literature, read the Script, and record answers to the scripted questions.[6] The canvassers will not engage in any other work or complete any other assignments for TMP.[7]

TMP will preselect the voters who will be visited by the canvassers.[8] The Paid Canvass will not be limited to the homes of individuals who have opted-in or otherwise sought out a visit by the canvassers.[9] The vendors and individual canvassers will not have a contractual or business relationship with the voters whose homes will be visited.[10] TMP anticipates the Paid Canvass will disseminate identical or substantially similar Campaign Literature and Scripts to more than 500 homes within a 30-day period.[11]

The Paid Canvass will include three categories of expenditures: (1) production costs, (2) distribution costs, and (3) data costs.[12] The production costs are the "[p]ayments to one or more vendor(s) to design and produce the Canvassing Literature and Script . . . including the actual costs of design and production, and a commercially

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[1] Advisory Opinion Request ("AOR") at 001. Texas law defines "[g]eneral-purpose committee" as a political committee that has among its principal purposes supporting or opposing: two or more candidates who are unidentified or are seeking offices that are unknown; one or more measures that are unidentified; or assisting two or more officeholders who are unidentified. Texas Elec. Code § 251.001(14).

[2] AOR003.

[3] AOR001-3. TMP states that its major purpose does not include federal campaign activity. AOR003.

[4] AOR002.

[5] *Id.* The Canvassing Literature and Script will not be used for any purpose other than TMP's proposed Paid Canvass. AOR014.

[6] AOR002.

[7] AOR014.

[8] AOR002.

[9] *Id.*

[10] *Id.*

[11] AOR002, 14.

[12] AOR002.

reasonable profit for the vendor."[13] The distribution costs are the "[p]ayments to one or more vendor(s) to recruit, hire, train, and manage canvassers . . . including payments to compensate the canvassers for their time, actual costs to the vendor to recruit, hire, train, and manage the canvassers, and a commercially reasonable profit for the vendor(s)."[14] The data costs are the "[p]ayments to one or more vendor(s) to store (on a data platform) and analyze the voters' answers to the questions posed by paid canvassers . . . including the actual costs of maintaining the platform and analyzing the data and a commercially reasonable profit for the vendor(s)."[15] TMP states that except for the data costs, the Paid Canvass "will not have non-communicative components; for example, unlike some grassroots efforts, [it] will not include offers to drive voters to polling places."[16]

The Paid Canvass will disseminate the Canvassing Literature and Scripts within the pre-election timeframes described in Commission regulations,[17] will refer to federal candidates and political parties, and may also include express advocacy or its functional equivalent with respect to federal candidates.[18] TMP will consult with federal candidates, party committees, and their agents on the canvassing program.[19] Accordingly, TMP anticipates "it will come into possession of nonpublic plans, projects, activities, or needs of candidates (federal and nonfederal) and/or political parties," and thus will engage in substantial discussion as defined in Commission regulations.[20] However, the canvassing program will not involve the dissemination, distribution, or republication of federal candidate campaign materials. [21]

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[13] *Id.*

[14] *Id.*

[15] AOR002-3.

[16] AOR003.

[17] *See* 11 C.F.R. § 109.21(c)(4).

[18] AOR003.

[19] AOR003-4.

[20] AOR003. *See also* 11 C.F.R. § 109.21(d)(3).

[21] AOR003. *See* 11 C.F.R. § 109.23.

Questions Presented

(1) Are the Canvassing Literature and Script "public communications" under 11 C.FR. § 100.26?

(2) Are the Canvassing Literature and Script "coordinated communications" under 11 C.FR. § 109.21?

(3) Are the production costs or distribution costs "coordinated expenditures" under 11 C.F.R. § 109.20?

(4) May TMP provide any of the data that arises from the paid canvasses to a federal candidate or party committee at no charge or less than its fair market value?

Legal Analysis

(1) Are the Canvassing Literature and Script "public communications" under 11 C.FR. § 100.26?

(2) Are the Canvassing Literature and Script "coordinated communications" under 11 C.FR. § 109.21?

No, the Canvassing Literature and Script are not public communications and, therefore, are not coordinated communications.

Under the Act, expenditures that are coordinated with a candidate or political party committee are treated as contributions to that candidate or political party committee.[22] Specifically, Commission regulations provide that if a communication is "coordinated with a candidate, an authorized committee, a political party committee, or an agent of any of the foregoing," the payment for the communication is an in-kind contribution to that candidate or the political party committee from the payor.[23] Commission regulations set forth a three-prong test to determine whether a communication is a coordinated communication.[24] All three prongs of this test must be met in order for a communication to be deemed a coordinated communication.

The Commission concludes that the Canvassing Literature and the Scripts do not constitute coordinated communications because they do not meet the content prong of the coordinated communication test. The content prong provides that a communication is a

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22 52 U.S.C. § 30116(a)(7)(B).

23 11 C.F.R. § 109.21(a), (b)(1).

24 *Id.* § 109.21(a).

coordinated communication only if it is an "electioneering communication" or a "public communication" that meets at least one of five content standards.[25]

An "electioneering communication" is defined as "any broadcast, cable, or satellite communication" that refers to a clearly identified federal candidate, is publicly distributed within certain time periods, and is targeted to the relevant electorate.[26] TMP's proposal does not involve any "broadcast, cable, or satellite communications" and thus, would not constitute electioneering communications.

Therefore, only if the Canvassing Literature and Script are "public communications" could they be coordinated communications. A public communication is defined as "a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, *or any other form of general public political advertising*."[27]

Because paid door-to-door canvassing as proposed in the request is not expressly enumerated in the statutory or regulatory definition of "public communication," the Commission must determine whether the Paid Canvass constitutes "general public political advertising." The catch-all term "general public political advertising" is not defined by the Act or Commission regulations. However, "the Commission interprets each term listed in the definition of 'public communication' or in [52 U.S.C. § 30120(a)] as a specific example of one form of 'general public political advertising.'"[28]

In a 2006 rulemaking concerning internet communications, the Commission discussed the common elements of communications that fall within the category of general public political advertising.[29] The Commission observed that one of the common elements is that such communications typically require the person making the communication to pay "for access to an established audience using a forum controlled by another person, rather than using a forum that he or she controls to establish his or her own audience." [30]

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25 *Id.* § 109.21(c)(2).

26 52 U.S.C. § 30104(F)(3); 11 C.F.R. § 100.29(a).

27 52 U.S.C. § 30101(22) (emphasis added); *see also* 11 C.F.R. § 100.26.

28 *See* Disclaimers, Fraudulent Solicitation, Civil Penalties, and Personal Use of Campaign Funds, 67 Fed. Reg. 76,962, 76,963 (Dec. 13, 2002).

29 Internet Communications, 71 Fed. Reg. 18,589, 18,594 (Apr. 12, 2006).

30 *Id.* at 18,594-95.

The Commission discussed this common element in Advisory Opinion 2022-20 (Maggie for NH). In that opinion, the Commission observed that general public political advertising "typically require[s] the person making the communication to pay to use a third party's platform to gain access to the third party's audience."[31] The Commission explained that traditional forms of paid advertising generally require a speaker to pay "to disseminate a message through a medium controlled, and to an audience established, by a third party."[32] The Commission concluded that short-code text messages — which were only sent to individuals who agreed to receive messages from the Committee — lacked this common element and therefore did not constitute "general public political advertising."[33]

Here, the Canvassing Literature and Script will not be disseminated "through a medium controlled, and to an audience established, by a third party."[34] Unlike a newspaper or television company, the canvassing vendors will have no preexisting relationship with the canvass's audience and will have no more right to communicate with the audience than TMP.[35] The vendors will also not establish or identify the audience for the canvassing program.[36] Instead, TMP will preselect the voters whose homes will be visited.[37] The vendors will simply act as TMP's agents in carrying out a canvassing program that TMP controls. Under TMP's proposal, the canvassing vendors neither establish the audience nor control the forum. Accordingly, the proposed Paid Canvass is distinguishable from the types of communications that fall within the definition of "general public political advertising."

Furthermore, door-to-door canvassing is a traditional grassroots activity fundamentally different from the types of mass media enumerated in the statutory definition of "public communication."[38] Unlike communications made via television, newspapers, magazines, mass mailings, or telephone banks, door-to-door canvassing involves individual people talking face-to-face with voters. It is not the type of mass

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[31] Advisory Opinion 2022-20 (Maggie for NH) at 4-5.

[32] *Id.*

[33] *Id.* at 5. The Commission further noted that text messages sent only to individual subscribers who affirmatively opt-in to the messaging — and "therefore have sought out the speaker and speech through a forum controlled by the speaker" — are analogous to "to speech disseminated through a political committee's own website, which the Commission previously concluded is not a public communication." *Id.*

[34] *See id.*

[35] AOR002, 6.

[36] AOR002.

[37] *Id.*

[38] 52 U.S.C. § 30101(22).

communication contemplated in the definition of "public communication."

Accordingly, the Commission concludes that the Canvassing Literature and Script are not "public communications," and thus would not satisfy the content prong of the coordinated communications test. Because the content prong is not satisfied, the Canvassing Literature and Script are not coordinated communications. [39]

(3) Are the production costs or distribution costs "coordinated expenditures" under 11 C.F.R. § 109.20?

No, the costs to produce and distribute the Campaign Literature and Script are not coordinated expenditures under 11 C.F.R. § 109.20, because they are expenditures made for communications.

Coordinated expenditures are defined in 11 C.F.R. § 109.20(b), which provides:

> Any expenditure that is coordinated within the meaning of paragraph (a) of this section, but that is not made for a coordinated communication under 11 CFR 109.21. . . is either an in-kind contribution to, or a coordinated party expenditure with respect to, the candidate or political party committee with whom or with which it was coordinated. . .[40]

The Commission has explained that section 109.20(b) applies to "expenditures that *are not made for communications* but that are coordinated with a candidate, authorized committee, or political party committee."[41]

The Canvassing Literature and Script are communications.[42] TMP's proposed production costs are limited to payments to the vendor to design and produce these specific communications, which will not be used outside of the Paid Canvass.[43] Similarly, TMP's proposed distribution costs are limited to payments to the vendor to

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[39] Because the Paid Canvass would not satisfy the content prong of the coordinated communication test, the Commission need not, and does not, address the third and final part of the test, the conduct prong. *See* 11 C.F.R. § 109.21(a)(3), (d).

[40] 11 C.F.R. § 109.20(b). Section 109.20(a) defines "coordinated" as "made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or a political party committee." 11 C.F.R. § 109.20(a).

[41] Coordinated and Independent Expenditures, 68 Fed. Reg. 421, 425 (Jan. 3, 2003) (emphasis added); *see also* Advisory Opinion 2011-14 (Utah Bankers Association).

[42] *See communication*, BLACK'S LAW DICTIONARY (11th ed. 2019) (defining "communication" as "1. The interchange of messages or ideas by speech, writing, gestures, or conduct; the process of bringing an idea to another's perception. 2. The messages or ideas so expressed or exchanged.").

[43] AOR002, 14.

recruit, hire, train, and manage the canvassers who will disseminate the canvassing communications.[44] The canvassers will not engage in any work for TMP other than disseminating the communications and recording voters' answers to scripted questions.[45] The payments to the vendor(s) to produce and distribute the Canvassing Literature and Script will not be redeemed for any other purpose.[46] Because the expenditures at issue here will be made solely to produce and distribute communications, they do not constitute coordinated expenditures under 11 C.F.R. § 109.20(b), which only applies to expenditures that are "not made for communications."[47]

(4) May TMP provide any of the data that arises from the paid canvasses to a federal candidate or party committee at no charge or less than its fair market value?

If TMP provides the data that arises from the paid canvass to a federal candidate or party committee for less than its fair market value, it would result in an in-kind contribution to the candidate or party committee.

A contribution includes "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office."[48] "[T]he provision of any goods or services without charge or at a charge that is less than the usual and normal charge" is an "in-kind" contribution.[49] Commission regulations define "usual and normal charge" as the price of goods in the market from which they ordinarily would have been purchased at the time of the contribution, or the commercially reasonable rate prevailing at the time services were rendered.[50]

TMP acknowledges that the data gathered from its Paid Canvass is a thing of value.[51] Indeed, it characterizes the data as a "marketable asset that can be sold or rented to others."[52] Accordingly, if TMP provides the data to a federal candidate or party committee for "less than the usual and normal charge" it would result in an in-kind contribution.

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44 AOR002.

45 AOR014.

46 AOR011.

47 Coordinated and Independent Expenditures, 68 Fed. Reg. 421, 425 (Jan. 3, 2003) (emphasis added).

48 52 U.S.C. § 30101(8)(A)(i).

49 11 C.F.R. § 100.52(d)(1).

50 *Id.* § 100.52(d)(2).

51 *See* AOR013.

52 AOR013.

This response constitutes an advisory opinion concerning the application of the Act and Commission regulations to the specific transaction or activity set forth in your request.[53] The Commission emphasizes that, if there is a change in any of the facts or assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the requestor may not rely on that conclusion as support for its proposed activity. Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which this advisory opinion is rendered may rely on this advisory opinion.[54] Please note that the analysis or conclusions in this advisory opinion may be affected by subsequent developments in the law including, but not limited to, statutes, regulations, advisory opinions, and case law. Any advisory opinions cited herein are available on the Commission's website.

On behalf of the Commission,

Sean J. Cooksey,
Chairman

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[53] *See* 52 U.S.C. § 30108.

[54] *See id.* § 30108(c)(1)(B).

Exhibit B

Crosland, Stewart

From: Greg Mueller <gmueller@fec.gov>
Sent: Monday, June 29, 2026 4:49 PM
To: Crosland, Stewart
Cc: Lucas, Brinton; Lisa Stevenson; James McGinley; Shaina Ward; Sophia Golvach
Subject: FW: External - Campaign Legal Center v. FEC, No. 1:26-cv-01559 (ACR) - Meet and Confer Regarding Proposed Motion to Intervene

This Message Is From an External Sender

If you are concerned about the message's content, highlight the email in your inbox and click "Report Suspicious" in the Outlook ribbon -or- contact 6Help.

Report Suspicious

Stewart,

Thank you for your email. We do not oppose your motion. Please note that the FEC plans to appear in this case and file an answer on July 10, 2026. While I can imagine that you may plan to raise the FEC's current lack of quorum in your motion, it would be incorrect to suggest that the agency will not be appearing in this case.

Please let me know if you would like to discuss any of this further.

Sincerely, -Greg

Greg Mueller | Federal Election Commission
1050 First Street NE
Washington, DC 20463
office: 202-694-1559 | cell: 202-812-0726

From: Crosland, Stewart <scrosland@jonesday.com>
Sent: Monday, June 29, 2026 12:17 PM
To: Lisa Stevenson <LStevenson@fec.gov>; James McGinley <jmcginley@fec.gov>
Cc: Lucas, Brinton <blucas@jonesday.com>; Crosland, Stewart <scrosland@jonesday.com>
Subject: External - Campaign Legal Center v. FEC, No. 1:26-cv-01559 (ACR) - Meet and Confer Regarding Proposed Motion to Intervene

Some people who received this message don't often get email from scrosland@jonesday.com. Learn why this is important

CAUTION: [External Sender] This email originated outside of the Federal Election Commission. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lisa and James:

We represent the Republican National Committee (RNC). Pursuant to our meet-and-confer obligations, we write to advise the FEC that the RNC intends to file a motion under Rule 24 to intervene as a defendant in *Campaign Legal Center v. FEC*, No. 1:26-cv-01559 (ACR).

Please let us know whether the FEC takes a position on the RNC's motion by 5:00 pm tomorrow, June 30, 2026.

Regards,

Stewart

E. Stewart Crosland
Partner
JONES DAY® - One Firm Worldwide℠
51 Louisiana Ave., N.W.
Washington, D.C. 20001
Office +1.202.879.3951
Cell +1.301.580.0316

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Exhibit C

RECEIVED
By Office of General Counsel at 5:20 pm, Jan 12, 2024

RECEIVED
By Office of the Commission Secretary at 1:35 pm, Jan 23, 2024

250 Massachusetts Ave NW, Suite 400 | Washington, DC 20001

January 12, 2024

BY ELECTRONIC MAIL DELIVERY

Office of General Counsel
Attn: Lisa J. Stevenson, Esq.
Acting General Counsel
Federal Election Commission
1050 First Street NE
Washington, DC 20463

Re: Advisory Opinion Request

Dear Ms. Stevenson:

Pursuant to 52 U.S.C. § 30108, we seek an advisory opinion on behalf of Texas Majority PAC ("***TMP***") regarding the applicability of the Federal Election Campaign Act of 1971 (the "***Act***") and Federal Election Commission (the "***Commission***") regulations to its proposed paid canvassing operations.

We thank the Commission for its thoughtfulness and time in responding to our initial request. To assist the Commission and regulated community, this new request breaks down the broader question into its component parts. The request first asks whether the two communications distributed via the paid canvassing operation are "public communications" (under 11 C.F.R. § 100.26) and/or "coordinated communications" (under 11 C.F.R. § 109.21). It argues that they are not because TMP does not rely on an intermediary to distribute them. The request then asks whether the production and distribution costs associated with these two communications are "coordinated expenditures" under 11 C.F.R. § 109.20. It argues that they are not because the costs are directly attributable to specific non-public communications and are not easily repurposed for a a non-exempt or non-communicative use. Finally, the request asks whether TMP may provide the data that results from the paid canvass to candidates and party committees for free or below the normal and usual charge. It concludes that doing so would result in an in-kind contribution.

I. Background

TMP is a nonfederal political committee registered as a general-purpose committee ("***GPAC***") with the Texas Ethics Commission.[1] It was not established by a candidate (federal, state, or local),

[1] Tex. Ethics Comm'n, Search Campaign Finance Reports, https://jasper.prd.tecprd.ethicsefile.com/jasperserver-pro/flow.html?_flowId=viewReportFlow&standAlone=true&_flowId=viewReportFlow&ParentFolderUri/public/publicData&reportUnit=/public/publicData/datasource/CFS/By_Filer_Name&decorate=no&SuperName=texas%20majority&FilerType=ANY&FirstName=&CorrFlag=N&tec-

party committee, or their agents.

Texas law permits GPACs to accept unlimited contributions but prohibits the use of corporate or labor treasury funds to make contributions to nonfederal candidates, party committees, or political committees other than committees that only undertake independent expenditure activity.[2] Corporate and labor treasury funds may only be used for establishment or administration costs, such as office space and equipment, and independent expenditures.[3] Accordingly, TMP maintains corporate and labor treasury funds in a separate account. TMP would not – because, under Texas law, it may not – use corporate or labor treasury funds to pay for the paid canvassing expenses described in this request.

TMP will retain vendors to carry out the paid canvassing programs.[4] Managed by TMP's paid staff, the vendors will design and produce canvassing literature (the "***Canvassing Literature***") and hire individuals to distribute it. These individuals will be instructed to go to the homes of preselected voters and trained to read a script (the "***Script***") and record the voters' answers to certain questions. TMP's paid staff will select the voters whose homes will be visited by the canvassers. Neither the staff nor the vendors will have a contractual or other business relationship with the selected voters. Nor will the voters be customers of these vendors or canvassers. The canvassers will approach voters' doors in the way that any volunteer canvasser might do so for a political or religious cause. While TMP will not ask residents to opt-in prior to the canvassers' arrival, TMP will follow applicable law which generally permits residents to refuse to allow the canvasser to deliver the message by putting up a "no trespass" sign or asking the canvasser to leave their premises and not leave any literature.[5] The voters, therefore, may effectively opt-out of receiving the Scripts and Canvassing Literature.

The expenditures associated with the Paid Canvass include:

- Payments to one or more vendor(s) to design and produce the Canvassing Literature and Script (the "***Production Costs***"), including the actual costs of design and production, and a commercially reasonable profit for the vendor(s).

- Payments to one or more vendor(s) to recruit, hire, train, and manage canvassers, (the "***Distribution Costs***"), including payments to compensate the canvassers for their time, actual costs to the vendor to recruit, hire, train, and manage the canvassers, and a commercially reasonable profit for the vendor(s).

- Payments to one or more vendor(s) to store (on a data platform) and analyze the voters' answers to the questions posed by paid canvassers ("***Data Costs***"), including the actual costs of maintaining the platform and analyzing the data and a commercially reasonable

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pp=u=PUBLIC2&7CexpireTime=Tue%20Jul%2025%202023%2006:23:41%20GMT-0400%20(Eastern%20Daylight%20Time) (accessed Jan. 10, 2024).

[2] Tex. Admin. Code, tit. 1 § 24.19; Tex. Elec. Code Ann. § 252.003(a)(4).

[3] Tex. Admin. Code, tit. 1 § 24.18(b); Tex. Elec. Code Ann. § 253.100(a).

[4] TMP anticipates that the Scripts and Canvassing Literature will be disseminated to more than 500 homes within a 30-day period.

[5] *See* Tex. Penal Code Ann. § 30.05(a) ("A person commits an offense if the person enters or remains on or in property of another … without effective consent and the person: (1) had notice that the entry was forbidden; or (2) received notice to depart but failed to do so.").

profit for the vendor(s).

TMP's major purpose is to elect Democrats to state and local office in Texas. TMP's major purpose does ***not*** include "[f]ederal campaign activity (*i.e.,* the nomination or election of a [f]ederal candidate)."[6] Therefore, it is not a "political committee" under the Act and is not registered as such with the Commission. TMP anticipates that federal candidates, nonfederal candidates, and party committees will work together in Texas as they do in other states. TMP also plans to coordinate its activities with candidates and party committees in Texas to the extent permitted by law. Accordingly, TMP anticipates that it will come into possession of nonpublic plans, projects, activities, or needs of candidates (federal and nonfederal) and/or political parties within the meaning of 11 C.F.R. § 109.21(d)(3).

TMP wishes to refer to federal candidates and political parties in the Canvassing Literature and Scripts. It plans to do so within the pre-election timeframes described in 11 C.F.R. § 109.21(c)(4). TMP also plans that some Canvassing Literature and Scripts will include express advocacy or its functional equivalent with respect to federal candidates. Except for the Data Costs, TMP's paid canvasses will ***not*** have non-communicative components; for example, unlike some grassroots efforts, TMP's paid canvasses will not include offers to drive voters to polling places. Further, Canvassing Literature and Scripts will *not* disseminate, distribute, or republish federal candidate campaign materials under 11 C.F.R. § 109.23.

TMP will not permit candidates (federal, state, or local), party committees, or their agents to finance, maintain, or control TMP. Specifically, candidates, party committees, and their agents will **not** be permitted to:

- direct or participate in the governance through provisions of constitutions, bylaws, contracts, or other rules, or through formal or informal practices or procedures;
- hire, appoint, demote, or otherwise control the officers, or other decision-making employees or members of TMP;
- have common or overlapping officers or employees with TMP; or
- make contributions, monetary or in-kind, in significant amounts or on an ongoing basis to TMP.

Candidates (federal, state, or local), party committees, and their agents will not have any spending authority within TMP. They will not have any authority to approve TMP budgets or TMP expenditures, nor will they have authority to sign checks or initiate wires. Nor will federal candidates, party committees, or their agents have final approval authority with respect to any Canvassing Literature, Script, or other aspect of the paid canvassing program. TMP itself will exercise full direction and control over all such programs. In short, even though TMP plans to consult with federal candidates, party committees, and their agents on these paid canvassing programs, "[b]y themselves, such consultations do not constitute spending" by federal candidates,

[6] Political Committee Status, 72 Fed. Reg. 5595, 5597 (Feb. 7, 2007).

party committees, or their agents.[7]

II. Questions Presented

1. Are the Canvassing Literature or Script "public communications" under 11 C.F.R. § 109.26?

2. Are the Canvassing Literature or Script "coordinated communications" under 11 C.F.R. § 109.21?

3. Are the Production Costs or Distribution Costs "coordinated expenditures" under 11 C.F.R. § 109.20?

4. May TMP provide any of the data that arises from the paid canvasses to a federal candidate or party committee at no charge or less than its fair market value?

III. Legal Analysis

1. Are the Canvassing Literature or Script "public communications" under 11 C.F.R. § 109.26?

A "public communication" is "a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising."[8] Neither the Canvassing Literature nor the Script is being distributed "by means of" any broadcast, cable, or satellite communication. Nor is the Canvassing Literature or Script being distributed "by means of" a newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank. "Because Congress did not include door-to-door canvassing in the list of media enumerated in the statutory definition of 'public communication,' door-to-door canvassing could qualify as a 'public communication' only if it is a form of advertising and therefore falls within the catch-all category of 'general public political advertising.'"[9]

"The term 'general public political advertising' is not defined by the Act or Commission regulations."[10] In its Explanation and Justification for the 2006 Internet Communication rulemaking (hereinafter, "***the 2006 E&J***"), however, "the Commission clarified the types of communications that qualify as 'general public political advertising.'"[11] The Commission noted that "[t]he forms of mass communication enumerated in the definition of 'public communication' … each lends itself to distribution of content through an entity ordinarily owned or controlled by another person."[12] For "an individual to communicate with the public using any of the forms of

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[7] FEC Adv. Op. 2005-02 (Corzine) at 8.
[8] 11 C.F.R.§ 100.26.
[9] Concurring Statement of Vice Chair Caroline C. Hunter & Comm'rs Lee E. Goodman & Matthew S. Petersen, FEC Adv. Op. 2016-21 (Great America PAC) at 1-2 (Jan. 12, 2017) (quoting Internet Communications, 71 Fed. Reg. 18589, 18594 (Apr. 12, 2006)) (internal quotations omitted).
[10] Statement of Comm'rs Shana M. Broussard & Ellen L. Weintraub Regarding Adv. Op. 2022-20 (Maggie for NH), FEC Adv. Op. 2022-20 (Maggie for NH) at 1 (Nov. 4, 2022).
[11] *Id.*
[12] Internet Communications, 71 Fed. Reg. at 18594.

media listed by Congress, he or she must ordinarily pay an intermediary (generally a facility owner) for access to the public through that form of media each time he or she wishes to make a communication."[13] The Commission contrasted these types of communications – those requiring payment *to an intermediary* – from those communications that are "analogous to a communication made from a soapbox in a public square" where no intermediary is required to disseminate the communication.[14] This latter category of communications were ***not*** "general public political advertising" and therefore ***not*** "public communications."

In Advisory Opinion 2022-20, the Commission opined that short-code text messages – a category of text messages that can only be sent to users who affirmatively opt-in to receive messages from the sender – are ***not*** "public communications." Applying the analysis set forth in the 2006 E&J, the Commission reasoned that disseminating public communications "typically require[s] the person making the communication to pay to use a third party's platform to gain access to the third party's audience" and such communications are therefore sent "through a medium controlled, and to an audience established, by a third party."[15] The opinion, in other words, established a three-part test for a communication to qualify as "general public political advertising": it must (1) require payment; (2) make use of a medium controlled by a third party intermediary; *and* (3) be received by an audience established by the third party intermediary "many of whom may have little or no interest in receiving the committee's communications and do so only incidentally while reading the news" or "because they wish to use the third party's website."[16]

The Commission's opinion received four votes. The two dissenting commissioners also cited favorably to the 2006 E&J. But rather than adopt the majority's three-part test, the dissenters concluded that "[t]hese types of communications share *two* key characteristics. First, they are all communications for which a payment is required … Second, *all general public political advertising communications rely on an intermediary to disseminate the message.*"[17] The dissenters parted ways with the majority only on the third prong of the majority's proposed test: the requirement that the audience be established by the intermediary.[18] Notably, the dissenters agreed that a public communication encompasses only those communications that rely on an intermediary to disseminate the message.

Neither the Canvassing Literature nor the Script is a "public communication" under the majority test or minority test because TMP does *not* rely on an intermediary to disseminate the communications. The term "intermediary" means "an intermediate agent or agency; a go-between or mediator."[19] Vocabulary.com elaborates that "[a]n *intermediary* is someone who acts as a go-between or a mediator between two other people"[20] and that:

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[13] *Id.*
[14] *Id.*
[15] FEC Adv. Op. 2022-20 (Maggie for NH) at 4-5 (Oct. 4, 2022).
[16] *Id.*
[17] Statement of Comm'rs Shana M. Broussard & Ellen L. Weintraub Regarding Adv. Op. 2022-20 at 1-2, *supra* n.9 (emphasis added).
[18] *Id.* at 4 ("Our colleagues do not address this apparent inconsistency between their claim that 'public communication' can only be one in which the speaker pays to access a third party's audience and the plain language of the statute which includes all mass mailings with no limitation based on how the audience was assembled.").
[19] Dictionary.com, "Intermediary," https://www.dictionary.com/browse/intermediary (accessed Jan. 10, 2024).
[20] Vocabulary.com, "Intermediary," https://www.vocabulary.com/dictionary/intermediary. (accessed Jan. 10, 2024).

> The word *intermediary* comes from the Latin *intermedius*, which is also the root word for *intermediate*. *Inter-* means between, and *medius* means the middle — *intermediary* retains that sense of being in the middle. Intermediaries are used to negotiate between two countries who are at odds, between a company and a client over a contract, between two bickering children, or between a boss and an employee in salary negotiations.[21]

An intermediary, in other words, does not include someone who is acting as the agent of one party (in this case, TMP) but not the other party (in this case, the voters).[22] The vendors that TMP plans to hire and the individual canvassers hired by those vendors are agents of TMP for purposes of 11 C.F.R. § 109.3. Conversely, the individual canvassers have no contractual, business, or other relationship with the voters being canvassed. They have no more right to communicate with the voters than a campaign's volunteers; voters may ask paid canvassers to leave their property or not leave behind the literature just like with volunteers. Hiring paid canvassers to go door-to-door, therefore, is no different than hiring a paid speaker to stand atop the proverbial "soapbox in a public square."[23] In both circumstances, there is no intermediary. And therefore, in both circumstances, there is no public communication.

This is why a bipartisan group of FEC commissioners agreed in 2007 that paid canvassing communications are not "public communications."[24] And why three commissioners found in 2006 that handbills are not "public communications."[25] And why three commissioners observed in 2016 the "[t]he Commission's longstanding position . . . is that door to-door canvassing is not a 'public communication' under 11 C.F.R. § 100.26, and therefore does not constitute a 'coordinated communication' under 11 C.F.R. § 109.21."[26] And potentially why the Commission failed to approve a recommendation by the Audit Division and OGC to find that two state parties had made excessive contributions through their canvassing work.[27] The absence of an intermediary simply forecloses the possibility that the Paid Canvass can qualify as a "public communication" under the

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[21] *Id.*

[22] *See* 11 C.F.R. § 110.6(b)(2)(i)(A), (D)-(E) (defining "conduit or intermediary" to *exclude* "[a]n individual who is an employee or a full-time volunteer working for the candidate's authorized committee," "[a] commercial fundraising firm retained by the candidate or the candidate's authorized committee to assist in fundraising," and "[a]n individual who is expressly authorized by the candidate or the candidate's authorized committee to engage in fundraising ….").

[23] Internet Communications, 71 Fed. Reg. at 18594.

[24] *See* Statement of Reasons of Vice Chairman David M. Mason & Comm'r Hans A. von Spakovsky at 9, MUR 5564 (Alaska Democratic Party) (Dec. 21, 2007) ("Door-to-door canvassing is not 'general public political advertising' . . . [t]hus, door-to-door canvassing is [not] a 'public communication.'"); Statement of Reasons of Chairman Robert D. Lenhard at 4, MUR 5564 (Dec. 31, 2007) ("Most of the costs related to the ADP's field program were payments by the ADP for salaries and benefits of its employees, and for costs related to maintaining office space... As such, these costs were not for 'public communications' (such as radio ads and direct mail) as that term is defined in our regulations. These costs include door to door canvassing, manning campaign offices and other traditional grass roots activities.") (citations omitted).

[25] Statement of Reasons of Chairman Michael E. Toner & Comm'rs David M. Mason & Hans A. von Spakovsky at 5, MUR 5604 (Friends of William D. Mason) (Dec. 11, 2006).

[26] *See* Concurring Statement of Vice Chair Caroline C. Hunter & Comm'rs Lee E. Goodman & Matthew S. Petersen, FEC Adv. Op. 2016-21 (Great America PAC), *supra* n.8.

[27] Final Audit Rep. of the Comm, Ky. State Democratic Cent. Exec. Comm. (Oct. 13, 2022); Final Audit Rep. of the Comm, Democratic Party of Arkansas (Oct. 18, 2022).

Commission's regulation and precedents.[28]

2. Are the Canvassing Literature or Script "coordinated communications" under 11 C.F.R. § 109.21?

To qualify as a coordinated communication, a communication must satisfy a three-pronged test: the communication must (1) be paid for by a person other than the campaign or party committee to which it would be a contribution (the "***payment prong***"); (2) satisfy one of the content standards (the "***content prong***");[29] and (3) be preceded by certain interactions between the sponsor of the communication and the federal candidate, authorized committee or political party committee (the "***conduct prong***").[30]

In a 2011 advisory opinion, the Commission opined that a sponsor's "website and email communications to the general public soliciting contributions to certain Federal candidates will not result in in-kind contributions to those Federal candidates, because the communications will not be 'coordinated communications' under the Act and Commission regulations."[31] In the 2022 advisory opinion referenced above, the Commission once again confirmed that communications that "do not satisfy the content prong of the coordinated communications test … are not in-kind contributions."[32] And in a recent enforcement action, the Office of General Counsel opined that "[b]ecause [a nonauthorized committee's] emails soliciting contributions to [a federal candidate] do not satisfy the content prong, they cannot be coordinated communications under 11 C.F.R. § 109.21. In turn, because [the nonauthorized committee's] email solicitations are not coordinated communications, their costs are not treated as in-kind contributions."[33]

Both the Canvassing Literature and the Script fail the content prong. "To meet the content prong, a communication must be either a 'public communication' … or an 'electioneering communication' …."[34] As set forth above, neither the Canvassing Literature nor the Script is an electioneering communication or a public communication. Because these communications fail the

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[28] In a few instances since adoption of the coordinated communication regulation in 2002, the Office of General Counsel has published analysis suggesting that literature distributed via a paid canvasses *was* a public communication. But in these cases, the Office of General Counsel's analysis played no role in the ultimate disposition of the matter. *See* Factual & Legal Analysis, MUR 6924 (Andrew Winer, et al.) (Aug. 21, 2017) (dismissing a complaint alleging that a nonfederal committee's mailers and doorhangers were impermissibly coordinated with a federal candidate committee after finding that the conduct prong was not met; therefore, whether doorhangers met the content prong by constituting public communications was immaterial to the analysis); Factual & Legal Analysis, MUR 6778 (David Hale for Congress) (Nov. 5, 2015) (exercising prosecutorial discretion to dismiss complaint alleging that a disclaimer printed on a doorhanger did not comply with the Commission's technical requirements for disclaimers); *see also* Final Audit Rep. of the Comm'n at 19-20, Ky. State Democratic Cent. Exec. Comm. (LRA 1107) (Dec. 14, 2021) (noting that the Commission did not approve the Office of the General Counsel's view that doorhangers were public communications and that the Office of the General Counsel had initially concluded that doorhangers were *not* public communications in its legal analysis dated December 14, 2021). In none of these cases did the Office of General Counsel attempt to square its analysis with the Commission's conclusion in the 2006 E&J that a "public communication" requires dissemination through an intermediary.

[29] 11 C.F.R. § 109.21(c).

[30] *Id.* § 109.21(a).

[31] FEC Adv. Op. 2011-14 (Utah Bankers Association) at 4 n. 3 (Sept. 22, 2011).

[32] FEC Adv. Op. 2022-20 (Maggie for NH) at 5, *supra* n.14.

[33] First Gen. Counsel's Rep. at 17, MUR 7943 (Common Good Virginia, *et. al.*) (March 8, 2023).

[34] FEC Adv. Op. 2011-14 at 5.

content prong, they are not coordinated communications.

3. *Are the Production Costs or Distribution Costs "coordinated expenditures" under § 109.20?*

Communication expenditures fall into two general categories: *production costs* and *distribution costs.* The cost of a television or radio ad includes the amounts paid to the media consultant to create and produce the ad; it also includes the amounts paid to television stations to place it and to the buyer to manage the distribution process. The cost of a mailer includes the amounts paid to the mail vendor to create and produce the mail piece; it also includes the amounts paid to the U.S. Postal Service to deliver it and to the mail vendor for managing that distribution process. Every medium of communication – whether public communication or non-public communication – follows this pattern.

The Commission's electioneering communications regulation mirrors this two-part cost construct, defining the "[d]irect costs of producing or airing electioneering communications" to include "(i) [c]osts charged by a vendor, such as studio rental time, staff salaries, costs of video or audio recording media, and talent" (production costs) and "[t]he cost of airtime on broadcast, cable or satellite radio and television stations, studio time, material costs, and the charges for a broker to purchase the airtime" (distribution costs).[35] The Commission's Form 5 and Form 9 instructions likewise instruct the regulated community to report production costs and distribution costs.[36]

a. <u>The Commissions has generally applied section 109.21 – not section 109.20 – to assess whether a communication's production and distribution costs are "contributions."</u>

For twenty years, the Commission has drawn a clear line between the communications it regulates and the communications it does not. Section 109.20, the Commission explained in 2003, "addresses expenditures *that are not made for communications* but that are coordinated with a candidate, authorized committee, or political party committee." As then-Commissioner Lenhard correctly observed in a 2007 matter involving a paid canvass: "if 109.20 were read to apply to communications it would render meaningless the Commission's coordinated communications and party coordinated communications at 11 CFR 109.21 and 109.37."[37] Section 109.21, in turn, carefully distinguishes between electoral speech and nonelectoral speech, eliminating the uncertainty that plagued the regulated community during the *Christian Coalition* era and replacing it with a relatively clear set of rules. The regulatory framework has rested on two pillars: (1) distinguishing between public communications and other communications; and (2) defining

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[35] 11 C.F.R. § 104.20(a)(2)(i) – (ii).

[36] *See* FEC, *Instructions For Preparing FEC Form 5*, *available at* https://www.fec.gov/resources/cms-content/documents/policy-guidance/fecfrm5i.pdf (requiring disclosure of "purchases of radio/television broadcast/cable time, print advertisements and related production costs."); FEC, *Instructions For Preparing FEC Form 9*, *available at* https://www.fec.gov/resources/cms-content/documents/fecfrm9i.pdf (requiring speakers to disclose "(1) costs charged by a vendor (e.g., studio rental time, staff salaries, costs of video or audio recording media and talent) or (2) costs of airtime on broadcast, cable and satellite radio and television stations, studio time, material costs and the charges for a broker to purchase the airtime.").

[37] Statement of Reasons of Commissioner Robert D. Lenhard at 4 n.5, MUR 5564 (Alaska Democratic Party, *et al.*) (Dec. 31, 2007).

communication expenditures with sufficient breadth to allow speakers to produce effective communications and efficiently distribute them to voters.

Applying this framework, the Office of General Counsel ("***OGC***") has consistently opined that a communication qualifies as an in-kind contribution only if it meets the three-prong test set forth in section 109.21 and that section 109.20 does not apply to communications.[38]

- In 2009, the OGC expressly stated that section 109.20 "applies only to those coordinated expenditures which are not made for communications" and "[a]ccordingly . . . is inapplicable" to a communication.[39] The Commission dismissed the complaint.[40]

- In 2016, the OGC considered a complaint alleging that Facebook posts constituted in-kind contributions to a campaign committee. The OGC rejected the application of 11 C.F.R. § 109.20(b): "The Complaint alleges that the Facebook communications were coordinated pursuant to 11 C.F.R § 109.20(b). As noted, that regulation applies to expenditures that are not communications."[41] The Commission dismissed the complaint.[42]

- In 2019, the OGC wrote that "[u]nder Commission regulations, expenditures for 'coordinated communications' are addressed under a three-prong test at 11 C.F.R. § 109.21 and other coordinated expenditures are addressed under 11 C.F.R. § 109.20(b). The Commission has explained that section 109.20(b) applies to 'expenditures that are not made for communications but that are coordinated with a candidate, authorized committee, or political party committee.'"[43] The Commission dismissed the complaint.[44]

- In 2020, in a matter also concerning Facebook posts, the OGC concluded that section 109.20 applied only to an expenditure "for something other than a communication."[45] The Commission dismissed the complaint.[46]

- In 2021, the OGC assessed whether Twitter had made in-kind contributions to a candidate committee, both in the form of expenditures for communications and expenditures that were unrelated to communications. The OGC exclusively applied section 109.21 to the communications and section 109.20 to the expenditures that were not communications, opining that "a communication is considered coordinated and thus treated as an in-kind

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[38] *See* First Gen. Counsel's Rpt., MUR 6477 (Right Turn USA, *et al.*) (Dec. 27, 2011); First Gen. Counsel's Rpt., MUR 6502 (Nebraska Democratic Party, *et al.*) (May 17, 2012); First Gen. Counsel's Rpt., MUR 6522 (Lisa Wilson-Foley for Congress, *et al.*) (Feb. 5, 2013); First Gen. Counsel's Rpt., MUR 6657 (Akin for Senate, *et al.*) (May 6, 2013); First Gen. Counsel's Rpt., MUR 6722 (House Majority PAC, *et al.*) (Aug. 6, 2013); First Gen. Counsel's Rpt., MUR 7268 (Russian Federation, *et al.*) (Feb. 23, 2021).

[39] First Gen. Counsel's Rpt. at 13, MUR 6037 (Oregon Democratic Party, *et al.*) (Sept. 17, 2009).

[40] Notification to Democratic Party of Oregon & Laura Calvo, MUR 6037 (Oregon Democratic Party, *et al.*) (Nov. 24, 2009).

[41] First Gen. Counsel's Rpt. at 12 n.38, MUR 7080 (Public Integrity Alliance) (Dec. 15, 2016).

[42] Notification to Public Integrity Alliance, MUR 7080 (Public Integrity Alliance) (Oct. 30, 2017).

[43] First Gen. Counsel's Rpt. at 6, MUR 7521 (Swing Left, *et al.*) (Oct. 30, 2019); *see also* First Gen. Counsel's Rpt. at 6, MUR 7654 (America First Action, *et al.*) (Aug. 7, 2020).

[44] Notification to Swing Left, MUR 7521 (Swing Left, *et al.*) (Oct. 6, 2021).

[45] First Gen. Counsel's Rpt. at 9, MUR 7641 (Facebook, Inc.) (Feb. 14, 2020)

[46] Notification with Factual & Legal Analysis MUR 7641 (Facebook, Inc.) (Feb. 4, 2022).

contribution when it is: (1) paid for by a third-party; (2) satisfies one of five content standards; and (3) satisfies one of five conduct standards [under section 109.21(a)]," whereas section 109.20 applied to any payments that "were not made for communications."[47] The Commission dismissed the complaint.[48]

- In another 2021 matter, the OGC reiterated that "section 109.20(b) applies to 'expenditures that are not made for communications but that are coordinated with a candidate, authorized committee, or political party committee.'"[49] The Commission dismissed the complaint.[50]

- In another 2021 matter, the OGC applied 11 C.F.R. § 109.21 to assess whether certain advertisements constituted an in-kind contribution, noting that "[e]xpenditures for 'coordinated communications' are addressed under a three-prong test at 11 C.F.R. § 109.21 and other coordinated expenditures are addressed under 11 C.F.R. § 109.20(b). The Commission has explained that section 109.20(b) applies to 'expenditures that are not made for communications but that are coordinated with a candidate, authorized committee, or political party committee.'"[51] The Commission dismissed the allegation.[52]

- And earlier this year, OGC explained that "[w]e have analyzed this web posting under 11 C.F.R. § 109.21 (concerning coordinated communications), rather than 11 C.F.R. § 109.20(b) (concerning coordinated expenditures generally) because this web posting is a communication of the type contemplated by § 109.21."[53] The Commission dismissed the complaint.[54]

The Commission has taken the same approach in advisory opinions, noting in 2011 that section 109.20(b) governed only those expenditures not made for communications.[55]

b. The Production Costs are sufficiently direct inputs or components of the canvassing communications to ***not*** qualify as "coordinated expenditures" under 11 C.F.R. § 109.20.

To the extent that Commission regulations exempt a particular type of communication from the definition of "contribution" or "expenditure," that exemption typically covers both production and distribution costs. For example, Commission regulations exempt "[t]he payment by a State or local

[47] Notification with Factual & Legal Analysis at 11, 18, MUR 7821 (Twitter, Inc., *et al*) (Aug 16, 2021) (internal quotation marks omitted).
[48] Notification with Factual & Legal Analysis, MUR 7821 (Twitter, Inc., *et al*) (Aug. 16, 2021).
[49] First Gen. Counsel's Rpt. at 63-64, MUR 7274 (Internet Research Agency) (Feb. 23, 2021); *see also* First Gen. Counsel's Rpt. at 16, MUR 7834 (Facebook, Inc., *et al.*) (Aug. 11, 2021); First Gen. Counsel's Rpt. at 29 n.107, MUR 7313 (Michael D. Cohen, *et al.*) (Dec. 7, 2020); First Gen. Counsel's Rpt. at 11, MUR 7497 (National Rifle Association of America Political Victory Fund, *et al.*) (May 10, 2019); First Gen. Counsel's Rpt. at 63-64, MUR 7623 (Donald J. Trump, *et al.*) (Feb. 23, 2021).
[50] Notification to Internet Research Agency, MUR 7274 (Internet Research Agency) (Aug. 18, 2021).
[51] First Gen. Counsel's Rpt. at 18, MUR 7853 (Lance Harris, *et al.*) (Aug. 31, 2021).
[52] Certification, MUR 7853 (Lance Harris, *et al.*) (May 16, 2022).
[53] First Gen. Counsel's Rpt. at 8 n.29, MUR 8056 (Bob Healey for Congress, *et al.*) (May 16, 2023).
[54] Notification with Factual & Legal Analysis to Robert Healey, Jr., Bob Healey for Congress & Ronald R. Gravino, MUR 8056 (Bob Healey for Congress, *et al.*) (July 18, 2023).
[55] FEC Adv. Op. 2011-14 (Utah Bankers Association) at 4 n. 3 (Sept. 22, 2011).

committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card ….”[56] In resolving the *Correct the Record* matter at the administrative level, a controlling group of Commissioners relied largely on the principle – articulated in a 2013 matter involving Congressman Akin and unpaid Internet communications – that “[t]he Commission has narrowly interpreted the term Internet communication ‘placed for a fee,’ and has not construed that phrase to cover payments for services necessary to make an Internet communication.”[57]

The federal district court adjudicating the Commission’s administrative dismissal in *Correct the Record* found the Akin matter to be inapposite. In remanding the matter to the Commission for resolution, the court warned that such an exemption must be “meaningfully bounded” to avoid abuse.[58] It was insufficient, in the court’s view, for an expense to merely be an “input” to an exempt communication; instead, such expenses must be “themselves communications or sufficiently direct components of communications to be exempt.”[59] Across multiple opinions, the court then articulated two principles to guide the Commission on remand. *First,* the court noted that the expenses in *Correct the Record* “are far broader categories of expenses, and *far less directly connected to a specific unpaid internet communication*, than email-list rentals and donation-processing software purchased to enable email blasts.”[60] *Second,* the court warned against exempting production expenses that “can just as easily be used to produce [nonexempt] versus [exempt] communications.”[61] **Stated affirmatively, distribution and production costs are governed by section 109.21 if they bear a direct connection to specific exempt communication(s) and are not easily repurposed for a non-exempt or non-communicative use.**

The Production Costs satisfy that test. Like the amounts paid to vendors to create and produce a television ad, the Production Costs relate to specific communications – the Canvassing Literature and the Script. Moreover, they cannot be repurposed for a non-exempt or non-communicative use. Indeed, the services’ value to the Committee inheres entirely in the exempt communications and is exhausted as soon as the communications are disseminated. The disbursement(s) to the vendor(s) to create and produce the Script and Canvassing Literature secures only that Script and Canvassing Literature; the payment(s) cannot be redeemed for additional communications or funds. Therefore, the Production Costs are communication expenditures governed by section 109.21 rather than non-communication expenditures governed by section 109.20.

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[56] 11 C.F.R. § 100.80.
[57] Factual and Legal Analysis, FEC Matter Under Review 6657 (Akin for Senate) (Sept. 17, 2013), at 3-4.
[58] *Campaign Legal Ctr. v. Fed. Election Comm’n*, 646 F. Supp. 3d 57, 64 (D.D.C. 2022) (“*CLC V”).*
[59] *Id.*
[60] *Campaign Legal Ctr. v. Fed. Election Comm’n*, 466 F. Supp. 3d 141, 157 (D.D.C. 2020) (“*CLC II”*), *on reconsideration in part*, 507 F. Supp. 3d 79 (D.D.C. 2020) (“*CLC III*”), *rev'd and remanded*, 31 F.4th 781 (D.C. Cir. 2022) (“*CLC IV*”).
[61] *CLC V,* 646 F. Supp. at 65.

c. The Distribution Costs are sufficiently direct inputs or components of the canvassing communications to ***not*** qualify as "coordinated expenditures" under 11 C.F.R. § 109.20.

Notably, *Correct the Record* involved *production* costs rather than *distribution* costs. Distribution costs are necessarily "directly connected to a specific … communication."[62] The buying of a 30-second commercial block is directly connected to the 30-second television ad that airs in the block; the purchase of postage to send a mailer is directly connected to the mailer on which the postage is affixed; and the payment to individuals to deliver canvassing literature and the organization's message is directly connected to those canvassing communications. There can be no re-purposing of such expenses for non-communicative uses. That is why, to our knowledge, neither the Commission nor any federal court has questioned whether the expenses associated with *distributing* a communication are "sufficiently direct components of communications" to be exempt.[63] And the regulated community, until now, has relied on that presumption in structuring its communication programs.

In any paid canvass, the canvassers are the means by which the canvassing communications are distributed. The direct costs of compensating canvassers are plainly exempt distribution costs. They are analogous to the cost of television or radio airtime, advertising space in a newspaper or magazine, USPS postage for a mail piece, and payments to vendors to manage the distribution process. All such expenses are necessary to distribute the underlying communication. All such expenses are directly connected to specific communications. And such expenses cannot be repurposed for non-communicative use.

The principal role of a canvassing vendor is to recruit, hire, train, and manage the paid canvassers. One cannot pay a canvasser without first hiring the canvasser; and it costs money to hire canvassers. And while TMP could theoretically send untrained canvassers to deliver their canvassing communications, no reasonable (or responsible) organization would willingly do so. TMP's trainings will be specific to the paid canvass and will train canvassers on messaging: specifically, on TMP's philosophy, the candidates it supports, and the most effective way to deliver messaging to TMP's targets. The trainings serve no purpose other than facilitating and effectuating TMP's canvassing communications. They cannot be re-purposed for a non-communicative use and they have no residual value to TMP once the communications are delivered.

Retaining a canvassing firm is analogous to a political organization retaining a broker to purchase television airtime. The organization could buy the time itself but instead chooses to retain a professional that specializes in the relevant communication or medium to manage the communication distribution process. Likewise, TMP could hire, train, and manage paid canvassers itself but prefers to outsource this task to an experienced vendor who can manage the process more effectively. The Commission's regulations treat "the charges for a broker to purchase the airtime" as a "direct cost" of airing an electioneering communication.[64] There is no reasonable basis for the Commission to treat charges paid to a canvassing firm any differently.

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[62] *CLC V,* 646 F. Supp. at 65

[63] *Id.* at 64

[64] 11 C.F.R. § 104.20(a)(2)(ii).

4. May TMP provide any of the data that arises from the paid canvasses to a federal candidate or party committee at no charge or at less than its fair market value?

We presume the answer is "no." The Data Costs are distinguishable from the Production Costs or Distribution Costs.

First, the Data Costs result in a product that has value independent of the communication itself. Most political organizations use data, polling, and research to inform their communications. But the Commission has recognized that data – such as poll results and research books – have value and constitute an in-kind contribution if provided without charge or at less than the usual and normal charge.[65] While the value of the Production Costs and Distribution Costs extinguishes once the specific communications are disseminated, the value of the Data Costs (like polling and research) does not. This factor provides the Commission with an administrable standard to distinguish between expenses that are "sufficiently direct components of communications to be exempt" and those that are not.[66]

Second, although the raw data is derived from specific communications, the Data Costs themselves do not bear a direct connection to specific non-public communications. In addition to being a marketable asset that can be sold or rented to others, the resulting product "can just as easily be used to produce [nonexempt] versus [exempt] communications."[67] That is simply not the case with the Production Costs or Distribution Costs, which purchase only exempt (non-public) communications and cannot be redeemed for non-exempt (public) communications. This, too, provides the Commission with an administrable standard to distinguish between expenses that are "sufficiently direct components of communications to be exempt" and those that are not.[68]

For these reasons, we presume that TMP may not provide any of the data that arises from the paid canvasses to a federal candidate or party committee at no charge or at less than its fair market value.

Very truly yours,

Jonathan S. Berkon
Courtney T. Weisman
Sarah N. Mahmood
Counsel to Texas Majority PAC

[65] 11 C.F.R. § 106.4; FEC Adv. Op. 2022-05 (DSCC).
[66] *CLC V,* 646 F. Supp. at 64.
[67] *Id.* at 65.
[68] *Id.* at 64.

Lindsay Bird

From: Jon Berkon <jberkon@elias.law>
Sent: Monday, January 22, 2024 11:39 AM
To: Lindsay Bird; Courtney Weisman; Sarah Mahmood
Cc: Amy Rothstein; Robert Knop
Subject: RE: Advisory Opinion Request, Texas Majority PAC

Thanks all. Answers below.

Jon Berkon
Elias Law Group LLP
250 Massachusetts Ave NW, Suite 400
Washington DC 20001
W: 202-968-4511
jberkon@elias.law

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From: Lindsay Bird <lbird@fec.gov>
Sent: Monday, January 22, 2024 10:47 AM
To: Jon Berkon <jberkon@elias.law>; Courtney Weisman <cweisman@elias.law>; Sarah Mahmood <smahmood@elias.law>
Cc: Amy Rothstein <ARothstein@fec.gov>; Robert Knop <rknop@fec.gov>
Subject: Advisory Opinion Request, Texas Majority PAC

Good morning,

We received the advisory opinion request that you submitted on behalf of Texas Majority PAC ("TMP"). We need some additional information, as noted below.

1. Footnote 4 of the request indicates that TMP anticipates that the Scripts and Canvassing Literature will be disseminated to more than 500 homes within a 30-day period. Can you please confirm that the Scripts and Canvassing Literature will be identical or of a substantially similar nature? *Confirmed.*

2. Will the literature and scripts produced for the Paid Canvass be used for any purpose other than the Paid Canvass? *No.*

3. Will the people who are hired as canvassers engage in any work or complete any assignments for TMP other than delivering the Canvassing Literature, reading the Script, and recording the answers to the scripted questions? *No.*

Please note that your response may become part of the advisory opinion request. If so, it will be posted on the Commission's website. If you have any questions or would like to discuss further, please feel free to contact me.

Sincerely,

Lindsay Bird
Attorney, Policy
Federal Election Commission
202-694-1314

Exhibit D

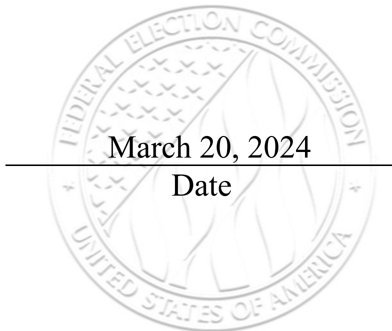
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	AO 2024-01
Texas Majority PAC: Draft B Tally Vote	)	

CERTIFICATION

I, Laura E. Sinram, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 20, 2024, the Commission decided by a vote of 4-2 to approve Draft B Tally Vote, as recommended in the Memorandum to the Commission dated March 15, 2024.

Commissioners Cooksey, Dickerson, Lindenbaum, and Trainor voted affirmatively for the decision. Commissioners Broussard and Weintraub dissented.



March 20, 2024
Date

Attest:

Laura e Sinram

Digitally signed by Laura e Sinram
Date: 2024.03.20 16:24:29 -04'00'

Laura E. Sinram
Secretary and Clerk of the Commission

Exhibit E

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)

DECLARATION OF MICHAEL AMBROSINI

My name is Michael Ambrosini, and I am the Chief of Staff of the Republican National Committee (RNC). My offices are located at 310 1st Street SE, Washington, D.C. 20003. I make this declaration pursuant to 28 U.S.C. § 1746 under the penalty of perjury.

1. The RNC is the national committee of the Republican Party and manages the Republican Party's business at the national level.

2. I have been employed at the RNC since April 2021. I previously served as the Deputy Director of State Party Strategies from April 2021 to February 2023, and then as Director of State Party Strategies. In January 2025, I became Chief of Staff.

3. In my capacity as Chief of Staff, I am familiar with the RNC's national political operations, including its voter outreach, field organization, and collaboration with candidates, campaigns, and aligned outside organizations, including so-called Super PACs and certain nonprofit organizations.

4. Door-to-door canvassing and related grassroots voter-contact activities have long been a central component of the RNC's "ground game," which includes efforts to identify, persuade, and mobilize voters in federal elections, both in presidential and midterm election years.

5. The RNC has long maintained that all federal restrictions on political contributions and political expenditures violate the First Amendment. That said, the RNC also has long been concerned about the risk of enforcement of those unconstitutional restrictions, including by the Federal Election Commission (FEC). The RNC therefore has been careful to stay within the parameters of FEC guidance regarding the extent to which political party committees, candidate committees, and outside organizations may collaborate on canvassing activities under federal campaign-finance law.

6. In March 2024, the Federal Election Commission (FEC) issued Advisory Opinion 2024-01, clarifying that certain door-to-door canvassing activities—including the distribution of literature and scripts referencing federal candidates—would not qualify as coordinated expenditures or in-kind contributions under federal law.

7. Following issuance of Advisory Opinion 2024-01, the RNC evaluated its implications and incorporated that guidance into planning for the 2024 election cycle.

8. Consistent with that guidance, the RNC, together with affiliated campaigns, engaged in collaboration with outside organizations and political committees regarding door-to-door canvassing operations.

9. These collaborative efforts included discussions regarding targeting, messaging, timing, and geographic priorities, as well as the sharing of strategic insights necessary to increase voter turnout and maintain consistency and discipline across voter-contact communications.

10. During the 2024 election cycle, the RNC and the Trump presidential campaign shared responsibility for get-out-the-vote (GOTV) operations with outside groups that conducted field programs in key battleground states such as Arizona, Georgia, Michigan, North Carolina, and Pennsylvania.

11. These programs included door-to-door canvassing, targeted outreach to low-propensity voters, and dissemination of campaign-aligned messaging through interpersonal voter-contact efforts in these competitive jurisdictions, using canvassing materials and scripts developed for those programs.

12. The RNC understood such collaboration to be permissible under Advisory Opinion 2024-01, provided that activities remained within the parameters described in the opinion.

13. In reliance on that guidance, the RNC integrated its ground game with efforts undertaken by aligned outside organizations, enabling a broader and more scalable voter-contact operation than would have been feasible under prior interpretations of coordination restrictions.

14. The coordinated canvassing model employed during the 2024 cycle was characterized by integrated collaboration among the RNC, affiliated campaigns, and outside organizations, including ongoing consultation regarding canvassing strategy and execution, significant reliance on outside groups to conduct door-to-door outreach and field operations, alignment and discipline in canvassing messaging and voter-targeting priorities across entities, and the use of data and feedback generated through canvassing activities to refine and inform ongoing campaign strategy. Any such data sharing or use of information arising from these activities was conducted consistent with applicable law and standard compliance practices, including applicable requirements governing the provision of data.

15. The RNC is currently relying on, and intends to continue relying on, the legal framework established by Advisory Opinion 2024-01 in election cycles going forward—including the 2026 cycle—by maintaining collaborative relationships with aligned outside organizations such as Hunter Nation, Inc. in planning and executing canvassing and other voter-contact programs.

16. The RNC understands Advisory Opinion 2024-01 to provide a critical safe harbor and legal clarity that supports robust, coordinated voter engagement efforts and that allows for more effective allocation of resources across the broader political ecosystem.

17. If Advisory Opinion 2024-01 is vacated or rescinded, the RNC will be forced to immediately cease engaging in its collaboration with outside organizations on canvassing activities that is currently permitted under that guidance due to the resulting legal uncertainty and risk.

18. Without Advisory Opinion 2024-01 and the legal rights it provides, the RNC would face substantial legal risk and uncertainty as to whether collaboration with outside organizations on door-to-door canvassing efforts could be treated as unlawful coordinated expenditures or contributions under federal campaign-finance law.

19. As a result, the RNC would be required, as a practical matter, to immediately terminate its collaboration with outside organizations in connection with door-to-door canvassing and related voter-contact programs, thereby imposing immediate and irreparable harm by restricting the RNC's ability to exercise core First Amendment freedoms with like-minded organizations in furtherance of shared electoral objectives.

Executed on this 6th day of July, 2026

Michael Ambrosini

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)

[PROPOSED] ANSWER

Proposed Intervenor-Defendant Republican National Committee (RNC) answers the numbered paragraphs of the Complaint filed by Plaintiff Campaign Legal Center (CLC or Plaintiff), as set forth below. Any allegation in the Complaint not explicitly responded to in this Answer is hereby denied.[1]

1. The RNC avers that Paragraph 1 of the Complaint purports to describe this action and contains Plaintiff's characterization of Federal Election Commission (FEC or Commission) Advisory Opinion 2024-01, to which no response is required. The RNC admits that the Advisory Opinion addresses the treatment of certain canvassing activities under the Federal Election Campaign Act (FECA). The Advisory Opinion speaks for itself. The RNC denies that the Advisory Opinion is unlawful, permits the unlawful concealment of campaign spending, or otherwise conflicts with FECA, and denies all remaining allegations in Paragraph 1.

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[1] Various defined terms, undefined terms, and short-form terms, references, and acronyms used by Plaintiff in the Complaint are reproduced in this Answer for ease of reference. Such use herein does not constitute or imply the RNC's admission or agreement to any characterizations or argument contained or implied in the terms or phrasing of the Complaint.

2. The RNC avers that Paragraph 2 of the Complaint purports to describe this action and Plaintiff's claims for relief, to which no response is required. The RNC admits that Plaintiff invokes the Administrative Procedure Act (APA) to seek declaratory and injunctive relief. The RNC denies that Advisory Opinion 2024-01 is contrary to FECA, arbitrary and capricious, or otherwise not in accordance with law, and denies all remaining allegations in Paragraph 2.

3. The RNC avers that Paragraph 3 states legal conclusions or Plaintiff's characterizations of what the law provides or should provide, to which no response is required. To the extent that a response is required, the RNC admits that 52 U.S.C. § 30108 provides that certain persons may rely on advisory opinions issued by the FEC and that such opinions may, in certain circumstances, provide a safe harbor from enforcement. The RNC further admits that advisory opinions are binding on the FEC with respect to the specific transaction or activity addressed, as provided by law. The RNC admits that Advisory Opinion 2024-01 affects the RNC's behavior but is without knowledge or information sufficient to form a belief about the truth of the allegation that "FEC advisory opinions" otherwise "palpably shape the behavior of the regulatory community," and so denies it.

4. The RNC admits that the FEC issued Advisory Opinion 2024-01 on March 20, 2024, in response to a request from Texas Majority PAC (TMP), and that the Advisory Opinion addresses the application of FECA and FEC regulations to certain proposed canvassing activities. The Advisory Opinion speaks for itself. The RNC denies Plaintiff's characterization of the request and the Advisory Opinion, including any assertion that the Advisory Opinion conflicts with FECA or has the effects alleged and denies all remaining allegations in Paragraph 4.

5. The RNC avers that Advisory Opinion 2024-01 and FECA speak for themselves. To the extent Paragraph 5 purports to quote or paraphrase the Advisory Opinion or FECA, the

RNC refers the Court to the opinion and FECA themselves. The RNC denies Plaintiff's characterization of FECA and the Advisory Opinion, including any assertion that the opinion permits unlawful evasion of FECA's coordination provisions or is contrary to law, and denies all remaining allegations in Paragraph 5.

6. The RNC denies the allegations contained in Paragraph 6 of the Complaint, including that the Advisory Opinion creates any loophole or has resulted in abuse, and denies Plaintiff's characterization of the Advisory Opinion and its effects, and denies all remaining allegations in Paragraph 6.

7. The RNC avers that the opinion in *Buckley v. Valeo*, 424 U.S. 1 (1976), referenced in Paragraph 7, speaks for itself. To the extent Paragraph 7 purports to quote or characterize that decision, the RNC refers the Court to the decision itself. The RNC denies that Advisory Opinion 2024-01 creates a risk of corruption or permits "disguised contributions" and denies Plaintiff's characterization of FECA and applicable precedent, and denies all remaining allegations in Paragraph 7.

8. The RNC avers that the opinion in *Buckley*, referenced in Paragraph 8, speaks for itself. To the extent Paragraph 8 purports to quote or characterize that decision, the RNC refers the Court to the decision itself. The RNC denies Plaintiff's characterization of the law and the effects of Advisory Opinion 2024-01, including any assertion that the Advisory Opinion deprives voters or Plaintiff of information required to be disclosed under FECA, and denies all remaining allegations in Paragraph 8.

9. The RNC denies the allegations contained in Paragraph 9 of the Complaint, including that Advisory Opinion 2024-01 has deprived Plaintiff or the public of information required to

be disclosed under FECA or that it is responsible for any alleged deficiencies in reporting practices, and denies all remaining allegations in Paragraph 9.

10. The RNC avers that Advisory Opinion 2024-01 and the opinion in *Buckley* referenced in Paragraph 10 speak for themselves. To the extent Paragraph 10 purports to quote or characterize those authorities, the RNC refers the Court to the authorities themselves. The RNC denies Plaintiff's characterization of FECA and applicable precedent, including any assertion that Advisory Opinion 2024-01 ignores the statute's text or frustrates its purposes, and denies all remaining allegations in Paragraph 10.

11. The RNC avers that Paragraph 11 of the Complaint purports to describe this action and Plaintiff's request for relief, to which no response is required. The RNC denies that Plaintiff is entitled to the relief requested or that Advisory Opinion 2024-01 is "arbitrary, capricious, and contrary to law," and denies all remaining allegations in Paragraph 11.

JURISDICTION AND VENUE

12. The RNC avers that Paragraph 12 of the Complaint states legal conclusions that do not require a response. To the extent that a response is required, the RNC denies the allegations in Paragraph 12.

13. The RNC avers that Paragraph 13 of the Complaint states legal conclusions that do not require a response. To the extent that a response is required, the RNC denies the allegations in Paragraph 13.

PARTIES

14. The RNC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14 of the Complaint and so denies them.

15. The RNC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15 of the Complaint and so denies them.

16. The RNC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16 of the Complaint and so denies them.

17. The RNC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17 of the Complaint and so denies them.

18. The RNC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18 of the Complaint and so denies them.

19. The RNC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 19 of the Complaint and so denies them.

20. The RNC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20 of the Complaint and so denies them. The RNC specifically denies that Plaintiff has been harmed or injured as a result of any facts alleged in the Complaint, and denies all remaining allegations in Paragraph 20.

21. The RNC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 21 of the Complaint and so denies them. The RNC specifically denies that Advisory Opinion 2024-01 has caused any cognizable injury to Plaintiff or deprived Plaintiff of information required to be disclosed under FECA, and denies that any alleged injury is fairly traceable to Advisory Opinion 2024-01 or would be redressed by the relief requested. The RNC denies all remaining allegations in Paragraph 21.

22. The RNC admits that the FEC is a federal agency charged with administering and civilly enforcing FECA. The RNC denies the remaining allegations in Paragraph 22.

FACTUAL ALLEGATIONS

23. The RNC avers that the statutory and regulatory provisions referenced in Paragraph 23 speak for themselves, and no response is required. To the extent that Paragraph 23 purports to characterize or interpret these provisions, the RNC denies the allegation.

24. The RNC avers that the statutory provisions referenced in Paragraph 24 of the Complaint speak for themselves, and no response is required. To the extent that Paragraph 24 purports to characterize or interpret these statutory provisions, the RNC denies the allegation.

25. The RNC avers that the statutory provision referenced in Paragraph 25 of the Complaint speaks for itself and that Paragraph 25 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that Paragraph 25 purports to characterize or interpret this statutory provision, the RNC denies the allegation.

26. The RNC avers that the judicial decision referenced in Paragraph 26 speaks for itself. To the extent that Paragraph 26 purports to characterize or interpret this decision, the RNC denies the allegation.

27. The RNC avers that the statutory provisions referenced in Paragraph 27 of the Complaint speak for themselves and that Paragraph 27 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and therefore does not require a response. To the extent that Paragraph 27 purports to characterize or interpret these statutory provisions, the RNC denies the allegation.

28. The RNC avers that the statutory provisions and FEC resources referenced in Paragraph 28 of the Complaint speak for themselves, and no response is required. To the extent that Paragraph 28 purports to characterize or interpret these authorities, the RNC denies the allegation.

29. The RNC avers that the statutory provision referenced in Paragraph 29 of the Complaint speaks for itself, and no response is required. To the extent that Paragraph 29 purports to characterize or interpret this provision, the RNC denies the allegation.

30. The RNC avers that the regulatory provision referenced in Paragraph 30 of the Complaint speaks for itself, and no response is required. To the extent that Paragraph 30 purports to characterize or interpret this provision, the RNC denies the allegation.

31. The RNC avers that the statutory and regulatory provisions referenced in Paragraph 31 of the Complaint speak for themselves, and no response is required. To the extent that Paragraph 31 purports to characterize or interpret these provisions, the RNC denies the allegation.

32. The RNC admits that the Commission has promulgated a regulation at 11 C.F.R. § 109.21 addressing coordinated communications. The regulation speaks for itself. To the extent Paragraph 32 purports to characterize or interpret the regulation, the RNC denies the allegation.

33. The RNC admits that 11 C.F.R. § 109.21 sets forth payment, content, and conduct standards for determining whether a communication is a "coordinated communication." The regulation speaks for itself. To the extent Paragraph 33 purports to characterize or interpret the regulation, the RNC denies the allegation.

34. The RNC avers that the regulatory provision referenced in Paragraph 34 of the Complaint speaks for itself, and no response is required. To the extent Paragraph 34 purports to characterize or interpret the regulation, the RNC denies the allegation.

35. The RNC admits that 11 C.F.R. § 109.21 sets forth standards governing coordinated communications. The regulation speaks for itself. To the extent that Paragraph 35 purports to characterize or interpret the regulation, the RNC denies the allegation.

36. The RNC avers that the regulatory provisions referenced in Paragraph 36 of the Complaint speak for themselves, and no response is required. To the extent that Paragraph 36 purports to characterize or interpret these regulations, the RNC denies the allegation.

37. The RNC avers that the judicial decision, legislative materials, and statutory provision referenced in Paragraph 37 of the Complaint speak for themselves and that Paragraph 37 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that Paragraph 37 purports to characterize or interpret these authorities, the RNC denies the allegation.

38. The RNC avers that the statutory provision referenced in Paragraph 38 of the Complaint speaks for itself, and no response is required. To the extent that Paragraph 38 purports to characterize or interpret this provision, the RNC denies the allegation.

39. The RNC avers that the statutory provisions referenced in Paragraph 39 of the Complaint speak for themselves, and no response is required. To the extent that Paragraph 39 purports to characterize or interpret these provisions, the RNC denies the allegation.

40. The RNC avers that the statutory and regulatory provisions referenced in Paragraph 40 of the Complaint speak for themselves, and no response is required. To the extent that Paragraph 40 purports to characterize or interpret these provisions, the RNC denies the allegation.

41. The RNC avers that the regulatory provision referenced in Paragraph 41 of the Complaint speaks for itself, and no response is required. To the extent that Paragraph 41 purports to characterize or interpret this provision, the RNC denies the allegation.

42. The RNC avers that Paragraph 42 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that Paragraph 42 purports to characterize or interpret FECA and FEC regulations, the RNC denies the allegation.

43. The RNC avers that Paragraph 43 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 43.

44. The RNC admits that the Commission has statutory duties and authorities under FECA, including authority to render advisory opinions and promulgate regulations. The cited statutory provisions speak for themselves. To the extent Paragraph 44 purports to characterize or interpret these provisions, the RNC denies the allegation.

45. The RNC admits that 52 U.S.C. § 30108 establishes procedures for requesting and issuing advisory opinions, including procedures concerning public comments. The statute speaks for itself. To the extent Paragraph 45 purports to characterize or interpret the statute, the RNC denies the allegation.

46. The RNC admits that 52 U.S.C. § 30108(c) addresses reliance on favorable advisory opinions and that *FEC v. National Rifle Association of America*, 254 F.3d 173 (D.C. Cir. 2001), discusses the legal effect of advisory opinions. The statute and judicial decision speak for themselves. To the extent Paragraph 46 purports to characterize or interpret these authorities, the RNC denies the allegation.

47. The RNC admits that TMP submitted an advisory opinion request with the FEC on January 12, 2024, and the RNC avers that the advisory opinion request referenced in Paragraph 47

of the Complaint otherwise speaks for itself, and no response is required. To the extent that further response is required, the RNC denies the allegations contained in Paragraph 47.

48. The RNC admits that TMP submitted Advisory Opinion Request 2024-01 seeking guidance regarding a proposed paid canvassing program. The RNC further admits that the request described plans to engage vendors to design and produce canvassing literature, hire and train canvassers, disseminate literature and scripts referencing federal candidates and parties, and consult with federal candidates regarding the proposed activities. The advisory opinion request speaks for itself. The RNC denies the remaining allegations in Paragraph 48.

49. The RNC admits that Advisory Opinion Request 2024-01 described a proposed paid canvassing program targeted to preselected voters that was not limited to voters who had opted in to canvassing visits and that contemplated dissemination of canvassing literature and scripts to more than 500 homes within a 30-day period. The advisory opinion request speaks for itself. To the extent Paragraph 49 characterizes the request, the RNC denies the allegation.

50. The RNC avers that the advisory opinion request and regulatory provisions referenced in Paragraph 50 of the Complaint speak for themselves, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 50.

51. The RNC admits that TMP sought an advisory opinion concerning the application of FECA and Commission regulations to the activities described in its request. The advisory opinion request and cited statute speak for themselves. The RNC denies the remaining allegations in Paragraph 51.

52. The RNC avers that the advisory opinion request and statutory provisions referenced in Paragraph 52 of the Complaint speak for themselves, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 52.

53. The RNC avers that the advisory opinion request and regulatory provisions referenced in Paragraph 53 of the Complaint speak for themselves, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 53.

54. The RNC admits that several commenters, including CLC, filed written comments responding to TMP's advisory opinion request.

55. The RNC avers that the comments referenced in Paragraph 55 speak for themselves and no response is required. To the extent that a response is required, the RNC admits that commenters generally supported the position of TMP.

56. The RNC admits that CLC submitted a comment in response to Advisory Opinion Request 2024-01. The comment speaks for itself. To the extent Paragraph 56 asserts the correctness of the positions advanced in that comment, the RNC denies the allegations.

57. The RNC avers that the comment and judicial decision referenced in Paragraph 57 speak for themselves, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 57.

58. The RNC admits that the FEC prepared draft responses designated Draft A and Draft B in connection with Advisory Opinion Request 2024-01. The referenced documents speak for themselves. To the extent Paragraph 58 characterizes those documents, the RNC denies the allegations.

59. The RNC admits that Draft A was not approved by the Commission and concluded that the proposal described in Advisory Opinion Request 2024-01 constituted a coordinated communication under 11 C.F.R. § 109.21. The referenced draft advisory opinion and certification speak for themselves. To the extent Paragraph 59 characterizes those documents, the RNC denies the allegations.

60. The RNC admits that on March 20, 2024, the FEC voted 4-2 to approve Draft B of Advisory Opinion 2024-01 and promulgated the opinion. The Advisory Opinion and certification speak for themselves.

61. The RNC avers that the advisory opinion referenced in Paragraph 61 speaks for itself and that Paragraph 61 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 61.

62. The RNC admits that Advisory Opinion 2024-01 concluded that the canvassing activities described in Advisory Opinion Request 2024-01 did not constitute "public communications" within the meaning of the Commission's regulations and therefore did not constitute coordinated communications under 11 C.F.R. § 109.21. The RNC further admits that the Advisory Opinion contains the analysis and statements referenced in Paragraph 62. The Advisory Opinion speaks for itself. The RNC denies the remaining allegations in Paragraph 62.

63. The RNC admits that Advisory Opinion 2024-01 discussed 11 C.F.R. § 109.20(b), including the language quoted in Paragraph 63. The Advisory Opinion and regulation speak for themselves. To the extent Paragraph 63 purports to characterize or interpret these authorities, the RNC denies the allegation.

64. The RNC avers that the advisory opinion referenced in Paragraph 64 speaks for itself and that Paragraph 64 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 64, and specifically denies that Advisory Opinion 2024-01 "open[ed] an[y] impermissible and arbitrary gap."

65. The RNC avers that the advisory opinion and statutory provisions referenced in Paragraph 65 speak for themselves and that Paragraph 65 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 65.

66. The RNC avers that the advisory opinion and statutory provisions referenced in Paragraph 66 speak for themselves and that Paragraph 66 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 66.

67. The RNC avers that the judicial decision and statutory and regulatory provisions referenced in Paragraph 67 speak for themselves and that Paragraph 67 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 67.

68. The RNC avers that the judicial decision and advisory opinion referenced in Paragraph 68 speak for themselves and that Paragraph 68 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 68, and specifically denies that Advisory Opinion "'directly frustrates' the purposes of federal campaign finance law," "poses a demonstrable risk of abuse," or has created any "loophole" or the "'potential for gross abuse.'"

69. The RNC avers that the judicial decision referenced in Paragraph 69 speaks for itself and that Paragraph 69 sets forth legal conclusions or Plaintiff's characterizations of what the

law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 69.

70. The RNC avers that the advisory opinion and regulatory provisions referenced in Paragraph 70 speak for themselves and that Paragraph 70 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 70.

71. The RNC denies the allegations contained in Paragraph 71 of the Complaint. The RNC specifically denies that Advisory Opinion 2024-01 has caused any "attendant harms to FECA's core anticorruption and transparency objectives."

72. The RNC avers that the article referenced in Paragraph 72 of the Complaint speaks for itself, and no response is required. To the extent that Paragraph 72 purports to characterize or interpret this article, the RNC denies the allegation.

73. The RNC avers that the article referenced in Paragraph 73 of the Complaint speaks for itself, and no response is required. To the extent that Paragraph 73 purports to characterize or interpret this article, the RNC denies the allegation.

74. The RNC avers that the statutory provision referenced in Paragraph 74 speaks for itself and that Paragraph 74 sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 74.

75. The RNC avers that the FEC reports referenced in Paragraph 75 speak for themselves, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 75.

76. The RNC avers that the FEC reports referenced in Paragraph 76 speak for themselves, and no response is required. To the extent that Paragraph 76 purports to characterize or interpret these reports, the RNC denies the allegation.

77. The RNC admits that certain regulated entities, including the RNC, have relied upon Advisory Opinion 2024-01 following its issuance. The FEC disclosure report filing referenced in Paragraph 77 speaks for itself. The RNC denies any allegation that such reliance demonstrates that Advisory Opinion 2024-01 is unlawful or has the effects alleged by Plaintiff.

78. The RNC avers that Paragraph 78 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent a response is required, the RNC denies the allegations contained in Paragraph 78 of the Complaint.

79. The RNC avers that the sources referenced in Paragraph 79 of the Complaint speak for themselves, and no response is required. The RNC is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 79 and so denies them.

80. The RNC avers that the sources referenced in Paragraph 80 of the Complaint speak for themselves, and no response is required. The RNC is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 80 and so denies them.

81. The RNC avers that the media sources referenced in Paragraph 81 of the Complaint speak for themselves, and no response is required. The RNC is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 81 and so denies them.

82. The RNC avers that the FEC sources referenced in Paragraph 82 of the Complaint speak for themselves, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 82.

83. The RNC avers that the FEC sources referenced in Paragraph 83 of the Complaint speak for themselves, and no response is required. The RNC is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 83 and so denies them.

84. The RNC is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 84 and so denies them.

85. The RNC avers that the media and FEC sources referenced in Paragraph 85 of the Complaint speak for themselves, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 85.

86. The RNC avers that the media and the FEC sources referenced in Paragraph 86 of the Complaint speak for themselves, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 86.

87. The RNC denies the allegations contained in Paragraph 87 of the Complaint. The RNC specifically denies that CLC has been harmed or injured as a result of any facts alleged in the Complaint. The RNC also specifically denies that the Advisory Opinion permits "'disguised' campaign contributions," and denies all remaining allegations in Paragraph 87.

CAUSES OF ACTION

COUNT I

88. The RNC incorporates by reference its responses to the foregoing paragraphs as if fully set forth herein.

89. The RNC avers that Paragraph 89 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC admits that the FEC is an "agency" under the APA.

90. The RNC avers that Paragraph 90 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC admits the FEC's promulgation of Advisory Opinion 2024-01 is final agency action and denies all remaining allegations, including that Advisory Opinion 2024-01 is subject to judicial review under the APA.

91. The RNC avers that the statutory provision referenced in Paragraph 91 speaks for itself, and no response is required. To the extent that Paragraph 91 purports to characterize or interpret this provision, the RNC denies the allegation.

92. The RNC avers that Paragraph 92 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 92.

93. The RNC avers that FECA and the judicial decision referenced in Paragraph 93 speak for themselves. To the extent that Paragraph 93 purports to characterize or interpret these authorities, the RNC denies the allegation.

94. The RNC avers that Paragraph 94 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 94.

95. The RNC avers that Paragraph 95 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 95.

COUNT II

96. The RNC incorporates by reference its responses to the foregoing paragraphs as if fully set forth herein.

97. The RNC avers that the statutory provision referenced in Paragraph 97 speaks for itself, and no response is required. To the extent that Paragraph 97 purports to characterize or interpret this provision, the RNC denies the allegation.

98. The RNC avers that the judicial decisions referenced in Paragraph 98 speak for themselves. To the extent that Paragraph 98 purports to characterize or interpret these decisions, the RNC denies the allegation.

99. The RNC avers that Paragraph 99 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 99.

100. The RNC avers that Paragraph 100 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 100.

101. The RNC avers that the judicial decisions referenced in Paragraph 101 speak for themselves. To the extent that Paragraph 101 purports to characterize or interpret these decisions, the RNC denies the allegation.

102. The RNC avers that Paragraph 102 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 102.

103. The RNC avers that Paragraph 103 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 103.

104. The RNC avers that Paragraph 104 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 104.

105. The RNC avers that Paragraph 105 of the Complaint sets forth legal conclusions or Plaintiff's characterizations of what the law provides or should provide, and no response is required. To the extent that a response is required, the RNC denies the allegations contained in Paragraph 105.

REQUESTED RELIEF

The RNC denies that Plaintiff is entitled to the relief requested.

AFFIRMATIVE DEFENSES

Without assuming the burden of proof, and while reserving the right to assert all applicable affirmative defenses supported in law and fact, the RNC asserts the following affirmative defenses:

1. The Court lacks subject matter jurisdiction.
2. Plaintiff has failed to exhaust administrative remedies.
3. Plaintiff's claims fall outside the zone of interests protected by the statutes under which Plaintiff seeks relief.
4. Plaintiff's claims are barred because 52 U.S.C. § 30109 provides for the exclusive method of judicial review of the Commission's action or inaction at issue in this case.
5. Plaintiff cannot satisfy 5 U.S.C. § 704 because an adequate remedy at law exists.
6. Plaintiff's claims are barred by the applicable statutes of limitations.
7. Plaintiff's claims are barred by the doctrine of laches.
8. Plaintiff's claims are barred by the doctrine of unclean hands.
9. Plaintiff fails to state a claim upon which relief can be granted.

CONCLUSION

The RNC respectfully requests that the Court (1) dismiss Plaintiff's claims and enter judgment for Defendant and Proposed Intervenor-Defendant; (2) deny Plaintiff's requested relief; and (3) grant such other relief as the Court may deem just and proper.

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

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

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)

[PROPOSED] ORDER GRANTING MOTION TO INTERVENE

The Court, being fully apprised of the Republican National Committee's motion to intervene, and any opposition thereto, hereby finds that the Republican National Committee's motion is well-taken, and it is hereby **GRANTED**. The Republican National Committee is hereby considered an intervening defendant in these proceedings. The Republican National Committee's proposed answer is deemed filed and served as of the date of this order.

So ordered this __________ day of __________ 2026.

____

Hon. Ana C. Reyes
United States District Judge

ATTORNEYS TO BE NOTIFIED

Pursuant to Local Civil Rule 7(k), the following is the list of the names and addresses of attorneys entitled to be notified of this proposed order:

Stuart McPhail (D.C. Bar No. 1032529)
CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON
P.O. Box 14596
Washington, D.C. 20044

Megan P. McAllen (D.C. Bar No. 1020509)
Erin Chlopak (D.C. Bar No. 496370)
Kevin Hancock (D.C. Bar No. 90000011)
CAMPAIGN LEGAL CENTER
1101 14th St. NW, Suite 400
Washington, D.C. 20005

Greg J. Mueller (D.C. Bar No. 462840)
FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, D.C. 20463

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

Is/ 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

CO-386
10/2018

United States District Court
For the District of Columbia

Campaign Legal Center)
)
)
)
Plaintiff) Civil Action No. 1:26-cv-01559-ACR
vs)
Federal Election Commission)
)
)
Defendant)

CERTIFICATE RULE LCvR 26.1

I, the undersigned, counsel of record for the Republican National Committee certify that to the best of my knowledge and belief, the following are parent companies, subsidiaries or affiliates of the Republican National Committee which have any outstanding securities in the hands of the public:

None

These representations are made in order that judges of this court may determine the need for recusal.

Attorney of Record

/s/ Brinton Lucas
Signature

1015185
BAR IDENTIFICATION NO.

Brinton Lucas
Print Name

51 Louisiana Ave NW
Address

Washington, DC 20001
City State Zip Code

(202) 879-3939
Phone Number