



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Office of the Commission Secretary *LC*

DATE: May 27, 2022

SUBJECT: AO 2022-05 (DSCC) Requestor Supplemental Comment

Attached is a supplemental comment on AO 2022-05 (DSCC).

Attachment

Joanna Waldstreicher

From: Jacquelyn Lopez <[REDACTED]>
Sent: Friday, April 15, 2022 4:17 PM
To: Joanna Waldstreicher
Cc: Terrell Stansbury; Zachary Morrison
Subject: RE: advisory opinion request

Ms. Waldstreicher,

Thank you for speaking with me about the DSCC's advisory opinion request and for helping move the request through the process. We do not intend to submit a revised version of the request based on Advisory Opinion 1985-19. We reviewed the opinion prior to submitting the request and believe that the precedent cited in the DSCC's request is far more applicable to the facts at hand.

In Advisory Opinion 1985-19 a candidate committee proposed to share a joint asset with a corporation. The Commission opined that on those facts, the corporation would be "financing" or "subsidizing" campaign activities. As discussed in our advisory opinion request, the Commission has repeatedly determined the calculation of the benefit reasonably expected to be derived by a federal candidate to equal only a proportion of the total expense, even when other political committees may have access to, and use for, the entire resource.

To our knowledge, Advisory Opinion 1985-19 has only been cited one other time in Advisory Opinion 1989-13, in which the Commission found a corporation's plan to provide computers, software, and technical training for accounting purposes to be a prohibited corporate contribution. Both advisory opinions focus on the value provided to a committee in the context of the explicit prohibition on corporate contributions. 11 CFR § 114.2(b). The facts in our advisory opinion request are more comparable to the opinions cited, which involve allocating expenses between federal candidate committees and other committees consistent with 11 CFR § 106.1.

Best,
Jackie

Jacquelyn ("Jackie") Lopez

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Partner

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From: Joanna Waldstreicher <[REDACTED]>
Sent: Friday, April 8, 2022 2:50 PM
To: Jacquelyn Lopez <[REDACTED]>
Cc: Terrell Stansbury <[REDACTED]>
Subject: advisory opinion request

Dear Ms. Lopez:

Thank you for speaking with us this afternoon. As I mentioned, if you plan to submit a revised version of your advisory opinion request it will help move things along to send it directly to me at this email address. Please also make sure to copy Terrell Stansbury (cc'd here) on any submission, as I will be out of the office part of next week. If you have any questions or concerns, please don't hesitate to call me directly at the number below.

Joanna S. Waldstreicher
Federal Election Commission
Office of General Counsel – Policy Division
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[REDACTED]