



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Americans Elect, *et al.*)

) MUR 6660
)
)
)

**STATEMENT OF REASONS
OF CHAIR ANN M. RAVEL, COMMISSIONER STEVEN T. WALTHER,
AND COMMISSIONER ELLEN L. WEINTRAUB**

In this matter, all six Commissioners voted to find no reason to believe that Americans Elect, a nonprofit organization, was required to register with the Commission as a political committee.¹ We want to emphasize that the basis for this vote, clearly set forth in the Commission's Factual and Legal Analysis, was narrow.² Americans Elect had a stated purpose of "encourag[ing] civic engagement by developing a nonpartisan process for the American people, using an Internet-based convention, directly to nominate qualified persons for President and Vice President."³ In 2010, a case decided by the D.C. Circuit held that a very similar organization—one that was seeking to "facilitate an online nominating process" for unspecified candidates—did not have to register as a political committee.⁴

Thus, organizations which principally seek to change the nominating process—and not to support particular candidates—are not political committees. This conclusion is entirely consistent with the Commission's 2007 policy on political committee status,⁵ which has now

¹ See Certification in MUR 6660 (Americans Elect), dated Aug. 27, 2014.

² Factual and Legal Analysis in MUR 6660 (Americans Elect), dated Sept. 5, 2014.

³ *Id.* at 2.

⁴ *Unity08 v. FEC*, 596 F.3d 861, 863 (D.C. Cir. 2010).

⁵ Political Committee Status, 72 Fed. Reg. 5595 (Feb. 7, 2007) (Supplemental Explanation and Justification), available at <http://sers.fec.gov/fosers/showpdf.htm?docid=34789>. It is also consistent with our longstanding position on political committee status, as reflected in our previous statements. See Statement of Reasons of Vice Chair Ravel and Commissioner Weintraub in MUR 6402 (American Future Fund), dated Dec. 18, 2014, available at <http://eqs.fec.gov/eqsdocsMUR/14044364905.pdf>; Statement of Reasons of Vice Chair Ravel, Commissioner Walther, and Commissioner Weintraub in MURs 6538 (Americans for Job Security) & 6589 (American Action Network), dated July 30, 2014, available at <http://eqs.fec.gov/eqsdocsMUR/14044362039.pdf>; Statement of

MUR 6660 (Americans Elect, et al.)
Statement of Chair Ravel and Commissioners Walther and Weintraub

been upheld by three separate federal courts.⁶

2-4-15

Date



Ann M. Ravel
Chair

2/4/15

Date



Steven T. Walther
Commissioner

2-4-15

Date



Ellen L. Weintraub
Commissioner

Reasons of Vice Chair Ravel, Commissioner Walther, and Commissioner Weintraub in MUR 6396 (Crossroads Grassroots Political Strategies), dated Jan. 10, 2014, available at <http://eqs.fec.gov/eqsdocsMUR/14044350964.pdf>.

⁶ *Free Speech v. FEC*, 720 F.3d 788, 798 (10th Cir. 2013); *Real Truth About Abortion, Inc. v. FEC*, 681 F.3d. 544, 556 (4th Cir. 2012), cert. denied, 133 S. Ct. 841 (2013); *Shays v. FEC*, 511 F. Supp. 2d 19, 29-31 (D.D.C. 2007).