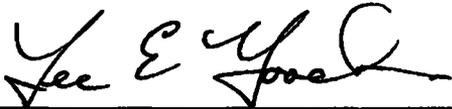
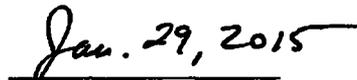


This limiting principle is significant. As adopted, the 2007 E&J vaguely referred to “federal campaign activity” that would count toward an organization’s major purpose. It is now clear that this phrase is not an “anything political counts” analysis. Many political activities that may appear to be “campaign activity,” broadly defined, are nonetheless beyond the Commission’s regulatory jurisdiction. As *Unity08* reminded us, such political activities cannot be invoked to bootstrap Commission regulatory jurisdiction under the major purpose test.⁴ This is precisely the point made in the Commission’s controlling Statements of Reasons in MUR 6396 (Crossroads GPS), MUR 6538 (Americans for Job Security), MUR 6589 (American Action Network), and MUR 6402 (American Future Fund),⁵ where we adhered to judicial limits on counting an organization’s issue advocacy toward the major purpose of electing federal candidates.⁶

In this matter, the Commission unanimously affirmed that many ostensible “federal campaign activities” do not establish that an organization’s major purpose is electing federal candidates and thus do not trigger federal political committee status. All organizations facing political committee analyses must be judged according to the same standards.



LEE E. GOODMAN
Commissioner



Date

⁴ See also *FEC v. GOPAC, Inc.*, 917 F. Supp. 851 (D.D.C. 1996) (building a “farm team” of potential future federal candidates and sending fundraising letters that did not expressly advocate the election or defeat of a particular identified federal candidate are activities that do not count as electing candidates in determining an organization’s major purpose).

⁵ See MUR 6396 (Crossroads GPS), Statement of Reasons of Chairman Lee E. Goodman and Commissioners Caroline C. Hunter and Matthew S. Petersen; MUR 6538 (Americans for Job Security), Statement of Reasons of Chairman Lee E. Goodman and Commissioners Caroline C. Hunter and Matthew S. Petersen; MUR 6589 (American Action Network), Statement of Reasons of Chairman Lee E. Goodman and Commissioners Caroline C. Hunter and Matthew S. Petersen; MUR 6402 (American Future Fund), Statement of Reasons of Commissioners Caroline C. Hunter and Matthew S. Petersen. I was recused from MUR 6402.

⁶ See, e.g., *FEC v. Wis. Right to Life, Inc.*, 551 U.S. 449 (2007).