BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Rodoni for Supervisor 2016

MUR 7161

CONCURRING STATEMENT OF REASONS OF CHAIR CAROLINE C. HUNTER AND COMMISSIONERS LEE E. GOODMAN AND MATTHEW S. PETERSEN

The test for political committee status consists of two elements. First, an organization must exceed the statutory threshold of receiving $1,000 in contributions or making $1,000 in expenditures. Second, an organization must also have as its major purpose the nomination or election of federal candidates.

In this matter the Commission voted to find no reason to believe Rodoni for Supervisor 2016 failed to register with the Commission as a federal political committee, in part, because its major purpose was not nominating or electing federal candidates. We agreed with that conclusion. We write separately to underscore that the applicable legal standard is whether nominating or electing federal candidates is "the major purpose" of an organization, as opposed to merely "a major purpose." Because influencing federal elections was not a major purpose of Rodoni for Supervisor 2016, the Commission reasonably concluded that the organization did not have as its major purpose the nomination or election of federal candidates.


See Political Committee Status, 72 Fed. Reg. 5,595, 5,597 (Feb. 7, 2007) ("[T]he Supreme Court mandated that an additional hurdle was necessary to avoid Constitutional vagueness concerns; only organizations whose 'major purpose' is the nomination or election of a Federal candidate can be considered 'political committees' under the Act. The court deemed this necessary to avoid the regulation of activity 'encompassing both issue discussion and advocacy of a political result.'") (citing Buckley v. Valeo, 424 U.S. 1, 79 (1976)).

See MUR 7161 (Rodoni for Supervisor 2016), Factual & Legal Analysis at 4. Appropriately, the Commission first concluded it was unlikely that Rodoni for Supervisor 2016 had crossed the $1,000 statutory expenditure threshold.

See FEC v. Massachusetts Citizens for Life, Inc., 479 U.S. 238, 252-53 (1986); Buckley, 424 U.S. at 79; Free Speech v. FEC, 720 F.3d 788, 797 (10th Cir. 2013) ("The determination of whether the election or defeat of federal candidates for office is the major purpose of an organization, and not simply a major purpose, is inherently a comparative task, and in most instances it will require weighing the importance of some of a group's activities against others." (quoting Real Truth About Abortion v. FEC, 681 F.3d 544, 556 (4th Cir. 2012) (emphasis in original)); FEC v. Machinists Non-Partisan Political League, 655 F.2d 380, 391-93 (D.C. Cir. 1981) (citing
Rodoni for Supervisor 2016, it necessarily could not have been the major purpose of the organization.

Caroline C. Hunter  
Chair

Lee E. Goodman  
Commissioner

Matthew S. Petersen  
Commissioner

Buckley, 424 U.S. at 79 and United States v. Nat'l Comm. for Impeachment, 469 F.2d 1135, 1141 (2d Cir. 1972); see also North Carolina Right to Life, Inc. v. Leake, 525 F.3d 274, 287-88 (4th Cir. 2008) ("Viewed in light of Buckley's goals, it is clear that the importance the plaintiffs attach to the definite article is correct."); id. at 289 ("[G]iven the Supreme Court's direction on this issue, it is unsurprising that a number of lower courts have also adopted Buckley's 'the major purpose' test in some form . . . .") (citing cases); MUR 6396 (Crossroads Grassroots Policy Strategies), Statement of Reasons of Chairman Lee E. Goodman and Commissioners Caroline C. Hunter and Matthew S. Petersen at 8 ("[T]he nomination or election must be the (i.e., sole and exclusive) major purpose of an organization, not merely a (i.e., one of several) major purpose."); MUR 6094 (American Leadership Project), Statement of Reasons of Vice Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Donald F. McGahn at 11 n.49 ("[T]he appropriate test looks to 'the' major purpose, and not simply whether influencing elections is one of several subjective goals."); MURs 5977 and 6005 (American Leadership Project), Statement of Reasons of Vice Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Donald F. McGahn at 11 n.49 (same); MUR 5694 (Americans for Job Security, Inc.), Statement of Reasons of Vice Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Donald F. McGahn at 16-17 n.61 (same).