



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**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.<sup>1</sup> Second, an organization must also have as its major purpose the nomination or election of federal candidates.<sup>2</sup>

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.<sup>3</sup> We agreed with that conclusion.<sup>4</sup> 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.”<sup>5</sup> Because influencing federal elections was not *a* major purpose of

<sup>1</sup> See 52 U.S.C. § 30101(4)(A).

<sup>2</sup> 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)).

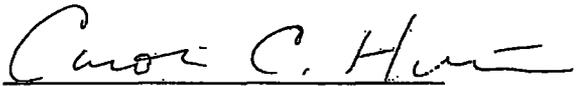
<sup>3</sup> See MUR 7161 (Rodoni for Supervisor 2016), Factual & Legal Analysis at 4. Appropriately, the Commission first concluded it was unlikely that Rodoni for Supervisor 2016 had crossed the \$1,000 statutory expenditure threshold.

<sup>4</sup> MUR 7161 (Rodoni for Supervisor 2016), Certification (Oct. 26, 2017).

<sup>5</sup> 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

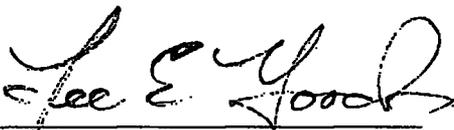
110301141410014

Rodoni for Supervisor 2016, it necessarily could not have been *the* major purpose of the organization.



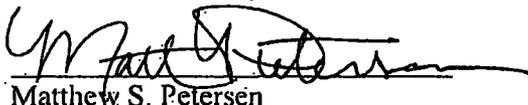
Caroline C. Hunter  
Chair

1/10/18  
Date



Lee E. Goodman  
Commissioner

Jan. 10, 2018  
Date



Matthew S. Petersen  
Commissioner

Jan. 16, 2018  
Date

---

*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).