

February 7, 2024

Federal Election Commission
Lisa J. Stevenson
Acting General Counsel
1050 First Street N.E.
Washington, DC 20463

I write on behalf of the Elias Law Group LLP Political Law Department, the legacy political law practice of Perkins Coie LLP. As chair of the political law department of Elias Law Group LLP, we submit this comment not on behalf of any client, but as practitioners with extensive experience with the specific types of entities affected by changes to the Federal Election Campaign Act of 1971 as amended by the Consolidated and Further Continuing Appropriations Act of 2015.

We understand that the Commission is considering whether to initiate a rulemaking regarding the segregated accounts of national party committees based, in part, on a petition submitted on January 8, 2016, by the Perkins Coie LLP Political Law Group (the “**2016 Petition**”).¹ On September 2, 2021, a majority of the political law attorneys from Perkins Coie LLP Political Law Group left that firm and joined Elias Law Group LLP. We write in relation to our 2016 Petition.

The Elias Law Group deeply appreciates this Commission’s demonstrated commitment to providing the regulated community with clear, actionable guidance, including in the form of new regulations. However, in this instance, we urge the Commission to hold on advancing Agenda Document No. 24-05-A.²

In submitting the 2016 Petition we sought to provide the Commission with our viewpoint on the types of issues that we as practitioners saw and anticipated arising in the course of the national party committees operationalizing the new accounts. The Commission never took up the rulemaking, leaving the national party committees and us, as their counsel, to operate in a vacuum for four election cycles. The original petition was submitted based on anticipated questions; now, nearly a decade later we have extensive experience with the questions and issues that in fact arose. Therefore, we request that the Commission delay moving forward with a potential new rulemaking proceeding until we have time to consider whether an updated petition for a rulemaking is merited based on our vast experience.

¹ Perkins Coie LLP Political Law Group, Petition for Rulemaking (Jan. 8, 2016), <http://sers.fec.gov/fosers/showpdf.htm?docid=351581> (beginning at page 705).

² Federal Election Commission, Agenda Document No. 24-05-A (Feb. 1, 2024), <https://www.fec.gov/resources/cms-content/documents/mtgdoc-24-05-A.pdf>.

We do wish to note that in the interim period, the Campaign Legal Center and Center for Responsive Politics also submitted its own petition for rulemaking (“CLC Petition”). The CLC Petition asked the Commission to promulgate rules and forms only with respect to reporting related to the segregated accounts of national party committees. The Commission in fact issued public guidance on reporting from the additional accounts.³ In our extensive experience, this guidance has proven more than sufficient to provide the regulated community with the information it needs to fully and consistently report activity from the segregated accounts. Any attempt by the Commission to suddenly change the reporting requirements would likely only generate confusion.

We appreciate your consideration of this request.



Ezra Reese
Chair
Elias Law Group LLP Political Law Department

³ Federal Election Commission, National Party Accounts for Certain Expenses, <https://www.fec.gov/help-candidates-and-committees/registering-political-party/national-party-accounts-certain-expenses/> (last visited Feb. 7, 2024).