



March 15, 2024

Federal Election Commission
Attn: Amy L. Rothstein, Assistant General Counsel
1050 First Street NE
Washington, DC 20463

Re: Comment on Rulemaking Petitions REG 2014-10 and REG 2019-04

Dear Ms. Rothstein,

I write as counsel to DNC Services Corporation/Democratic National Committee (the “DNC”). The DNC understands that the Commission is considering whether to initiate a rulemaking concerning the national party committees’ segregated accounts (the “Segregated Accounts”) in response to petitions filed by Perkins Coie LLP in 2016 and Campaign Legal Center and the Center for Responsive Politics in 2019. The Commission has requested insights from national party committees with experience administering these accounts and this comment is in response to that request.

The DNC appreciates the Commission’s commitment to clarifying the administration of and reporting for these accounts. The DNC believes it is appropriate for the Commission to codify existing guidance on reporting and remove regulations that implement statutory provisions that have been repealed. However, we suggest two moderating considerations. First, we are in the midst of a presidential election year. Consistent with the FEC’s past practice of avoiding unnecessary disruptions during the height of campaign season, any changes to the existing rules should be implemented after the election is complete. Second, to avoid a protracted and contentious rulemaking, we recommend the Commission focus on areas where there is consensus on improvements to the regulations. This Commission has achieved noticeable success in not letting the perfect be the enemy of the good, focusing on modest changes to the rules where consensus exists, and avoiding lengthy debates over contested elements of the law that yield deadlocks and no clear guidance for the regulated community.

There are several areas where the Commission can take swift action to memorialize widespread understandings among the affected committees while providing additional transparency to the general public.

First, the Commission can provide additional clarity on reporting procedures. Since early 2015, the DNC has been reporting its Segregated Account receipts and disbursements in accordance with interim guidance issued by the Commission.¹ This guidance has proven to be understandable and workable, and the DNC welcomes steps by the Commission to codify this guidance in its regulations or, at the very least, in its instructions for Form 3X.

¹ See Press Release, Federal Election Commission, FEC issues interim reporting guidance for national party committee accounts (Feb. 13, 2015), <https://www.fec.gov/updates/fec-issues-interim-reporting-guidance-for-national-party-committee-accounts/>.



Second, the Commission should repeal the regulations that were rendered inoperative by the elimination of public funding for presidential nominating conventions. The continued inclusion of these provisions in the Commission's regulations has not caused confusion among the party committees responsible for conducting nominating conventions, but could among members of the general public who are interested in learning more about the financing of presidential nominating conventions and lack context concerning the elimination of public funding.

Third, in accordance with Commission precedent and the Segregated Accounts' legislative history, the Commission should clarify that funds in the Segregated Account of any national party committee may be used to fundraise for that particular Segregated Account.

We appreciate the opportunity to comment as you approach this topic with thoughtfulness and care, with an eye toward the practical.

Sincerely,

Andrea T. Levien
Legal Counsel
Democratic National Committee