



December 13, 2022

Federal Election Commission
1050 First St. NE
Washington, DC 20463

Re: Draft Legislative Recommendations 2022

Dear Commissioners:

Campaign Legal Center (“CLC”) respectfully submits this comment on the Federal Election Commission’s (the “Commission’s” or “FEC’s”) Draft Legislative Recommendations for 2022.¹

CLC generally supports the proposals set forth in the draft legislative package, with one exception. The Commission’s recommendation concerning the repeal of the Federal Election Campaign Act provision held unconstitutional in *Citizens United v. FEC*, 558 U.S. 310 (2010), appears to be overbroad.² The draft proposal seems to recommend repealing 52 U.S.C. § 30118(a) in its entirety, which would be imprudent because that subsection not only prohibits corporations and labor organizations from making expenditures (the restriction that *Citizens United* struck down), but also prohibits corporations and labor unions from making contributions to candidates and hard-money political committees, and forbids national banks and congressionally chartered corporations from making any contributions or expenditures (restrictions that remain in effect and provide a critical bulwark against corruption and the appearance thereof). Rather than recommending a wholesale repeal of subsection 30118(a), the FEC could recommend a careful rephrasing that accurately reflects the limited scope of the *Citizens United* decision.

Again, while CLC is happy to see most of the Commission’s proposals put before Congress, the Commission should ensure that the final recommendation concerning *Citizens United* does not inadvertently result in the repeal of perfectly valid — and vital — statutory provisions.

¹ See Memo. From D. Alec Palmer to the Commission, Re: Draft Legislative Recommendations 2022 (Dec. 8, 2022), [Agenda Document No. 22-58-A \(fec.gov\)](#).

² *Id.* at 24.

Respectfully submitted,

/s/ Shanna (Reulbach) Ports

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