



March 25, 2025

Lisa J. Stevenson, Esq.
Acting General Counsel
Federal Election Commission
1050 First St. NE
Washington, DC 20463
ao@fec.gov

**Re: Request for an Advisory Opinion Regarding CLC's
Statutory Right to File an FEC Complaint**

Dear Ms. Stevenson:

Campaign Legal Center (“CLC”) respectfully submits this request for an advisory opinion, pursuant to 52 U.S.C. § 30108(a), seeking clarity regarding the application of 52 U.S.C. § 30109(a)(1) to CLC’s plan to file a specific complaint under that statute.

Congress established the Federal Election Commission (the “FEC” or “Commission”) as an “independent and ‘inherently bipartisan’” agency,¹ tasked with administering, implementing, and enforcing federal campaign finance laws that apply to all federal candidates and officeholders—including presidential candidates and the sitting President of the United States.

On February 18, 2025, President Trump issued an executive order entitled “Ensuring Accountability for All Agencies” (hereinafter, the “EO”). The EO states:

The President and the Attorney General’s opinions
on questions of law are controlling on all employees

¹ Letter to FEC from CLC President Trevor Potter, *et al.*, re: Executive Order “Ensuring Accountability for All Agencies” (“CLC Letter”) at 1 (Feb. 28, 2025), <https://campaignlegal.org/document/fec-letter-trump-executive-order>.

in the conduct of their official duties. No employee of the executive branch acting in their official capacity may advance an interpretation of the law as the position of the United States that contravenes the President or the Attorney General's opinion on a matter of law, including but not limited to the issuance of regulations, guidance, and positions advanced in litigation, unless authorized to do so by the President or in writing by the Attorney General.²

We seek to clarify how the Federal Election Campaign Act ("FECA") applies to the following specific activity: In the near future, CLC intends to file a complaint under section 30109(a)(1) against New York City Mayor Eric Adams. Specifically, CLC's complaint would take the position that Adams has violated FECA and that the FEC should, accordingly, "make an investigation of such alleged violation" and take appropriate enforcement action to vindicate FECA's interests and fulfill the agency's statutory mission and purpose.³ The legal assertions in that filing would be inconsistent with the President's and the Attorney General's opinions on matters of law.

The inconsistency between the positions in our complaint and those asserted by the President and Attorney General is a fact; we do not seek the Commission's opinion on whether the inconsistency exists, and we do not seek the Commission's interpretation of any legal position taken by the President or the Attorney General. Nor do we seek the Commission's views on the EO.

On these facts, CLC seeks an advisory opinion as to whether section 30109(a)(1) permits CLC to file, under penalty of perjury, the above-described complaint with the FEC.

² Executive Order § 7, *Ensuring Accountability for All Agencies* (Feb. 18, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/ensuring-accountability-for-all-agencies/>.

³ 52 U.S.C. § 30109(a)(2); *see id.* § 30109(a)(1) ("Any person who believes a violation of this Act or of chapter 95 or chapter 96 of title 26 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18.").

Our view, of course, is that FECA does authorize CLC to file this complaint and that neither the President nor the Attorney General has the power to abrogate the law enacted by Congress. But to confirm that the relevant FECA provision remains operational under these extraordinary circumstances—which include the President’s threat to seek penalties for those taking legal action with which he disagrees⁴—we respectfully seek an advisory opinion on this question.⁵

Respectfully submitted,

/s/ Saurav Ghosh

Saurav Ghosh

Shanna (Reulbach) Ports

Adav Noti

Erin Chlopak

Campaign Legal Center

1101 14th St. NW, Suite 400

Washington, DC 20005

⁴ Presidential Memorandum to the Attorney General and Secretary of Homeland Security, *Preventing Abuses of the Legal System and the Federal Court* (Mar. 22, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/preventing-abuses-of-the-legal-system-and-the-federal-court/> (instructing the Attorney General to “seek sanctions against attorneys and law firms who engage in frivolous, unreasonable, and vexatious litigation against the United States” and referring attorneys for disciplinary action for perceived misconduct); see Devlin Barrett, *With New Decree, Trump Seeks to Cow the Legal Profession*, N.Y. Times (Mar. 22, 2025), <https://www.nytimes.com/2025/03/22/us/politics/trump-memo-lawyers.html> (“President Trump broadened his campaign of retaliation against lawyers he dislikes with a new memorandum that threatens to use government power to punish any law firms that, in his view, unfairly challenge his administration.”).

⁵ See 52 U.S.C. § 30108(c)(2) (“[A]ny person who relies upon any provision or finding of an advisory opinion . . . and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act.”).