



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Office of the Commission Secretary *LC*

DATE: July 30, 2024

SUBJECT: AOR 2024-07 (Team Graham) Comment from NRSC

**Attached is AOR 2024-07 (Team Graham) Comment
from NRSC.**

Attachment



RECEIVED

By Office of General Counsel at 4:53 pm, Jul 29, 2024

Senator Steve Daines
CHAIRMAN

Jason Thielman
EXECUTIVE DIRECTOR

July 29, 2024

RECEIVED

By Office of the Commission Secretary at 8:01 am, Jul 30, 2024

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

Re: Advisory Opinion Request 2024-07 (Team Graham)

Dear Ms. Stevenson:

The NRSC submits this comment in response to Advisory Opinion Request 2024-07 (Team Graham) (the “Request”) to address certain unfounded allegations raised in a comment submitted on July 15, 2024, by the DSCC and DCCC (the “Commenters”).

The Commenters make two related claims: (1) that the Request includes no representation that the NRSC will not engage in coordinated communications with the participating Super PAC with respect to communications not related to joint fundraising; and (2) that the joint fundraising plan as proposed will result in the participating Super PAC unlawfully advancing funds to NRSC and other participants. Of course, NRSC has not previously made any representations with respect to this Request because it is not the requestor, but it submits this comment to clarify its intention to comply with the Federal Election Campaign Act of 1971, as amended (“FECA”) and Federal Election Commission (“FEC”) regulations.

As an initial matter, the NRSC always intends to adhere to the requirements of FECA and FEC regulations. This should be the baseline presumption for any advisory opinion request, or other action, before the FEC unless presented with contrary information. It would be inappropriate for the Commission to accept Commenters’ presumption that the NRSC will engage in illegal activity solely based on a third party’s advisory opinion request.

Nevertheless, consistent with its obligations under FEC regulations, neither NRSC nor any agent thereof will request or suggest, or assent to, any public communication from the Super PAC aside from the joint fundraising solicitations, invitations, and similar joint fundraising event announcements described in the Request. Neither NRSC nor any agent thereof will be materially involved in the creation, production, or distribution of any Super PAC public communication aside from the joint fundraising solicitations, invitations, and similar joint fundraising event announcements described in the Request. Neither NRSC nor any agent thereof will engage in substantial discussion(s) about any Super PAC public communication aside from the solicitations, invitations, and similar joint fundraising event announcements described in the Request.

The Commenters claim that such representations from the Requestor and/or NRSC are not sufficient to resolve its coordination concerns. Comment at 3. This is not true. Prohibited coordination would *require* participation from the NRSC or Requestor. Any internal procedures or operations of the participating Super PAC are immaterial when both NRSC and the Requestor represent that they will not engage in prohibited coordination with the participating Super PAC. To put it simply, it would be impossible for the Super PAC to engage in coordinated communications without the willing participation of either NRSC or the Requestor.

NRSC hopes that these comments prove helpful to the Commission as it evaluates Team Graham's request.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Dollar", written in a cursive style.

Ryan G. Dollar
NRSC General Counsel