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One Hundred Eighteenth  
Congress of the United States  
House of Representatives

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July 23, 2024

The Hon. Sean J. Cooksey  
Chair  
Federal Election Commission  
1050 First Street NE  
Washington, D.C. 20463

The Hon. Shana M. Broussard  
Commissioner  
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The Hon. James E. "Trey" Trainor, III  
Commissioner  
Federal Election Commission  
1050 First Street NE  
Washington, D.C. 20463

Dear Chair Cooksey:

As Ranking Member of the Committee charged with oversight of the Federal Election Commission (the "Commission"), I write to clarify a possible misrepresentation that appeared on your recent social media activity that may sow misguided doubt and confusion about the state of the presidential election and the Commission's impartiality.

On July 21, 2024, in light President Biden's patriotic decision to prioritize the wellbeing of the nation over his own political ambition, you posted on X (formerly known as Twitter) a context-less quote from 11 C.F.R. § 110.1(b)(3).<sup>1</sup> A reasonable observer could interpret the post—for which you provided no explanation or analysis—as to imply that Vice President Harris may not be entitled to the finances from a campaign for which she has been a named candidate for almost four years.<sup>2</sup> Further, your comments on *National Public Radio* yesterday morning seem to invite administrative challenges and litigation concerning this issue,<sup>3</sup> which is unnecessary given the clarity of the law and will, if done for purely partisan purposes, increase the acrimony and division in our political system.

<sup>1</sup> @SeanJCooksey, X (July 21, 2024, 2:21 P.M.), <https://twitter.com/SeanJCooksey/status/1815089842365321563>.

<sup>2</sup> See *Statement of Organization (amended Aug. 11, 2020)*, Fed. Election Comm'n, <https://docquery.fec.gov/cgi-bin/forms/C00703975/1434870/> (last visited July 22, 2024).

<sup>3</sup> Michel Martin, *Biden dropped his reelection plans. What happens to his campaign war chest?*, NPR (July 22, 2024), <https://www.npr.org/2024/07/22/nx-s1-5048037/biden-dropped-his-reelection-plans-what-happens-to-his-campaign-war-chest>.

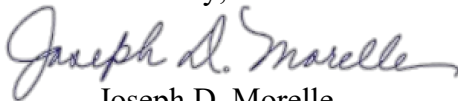
Failing to provide important information about our campaign finance laws will fuel uncertainty and mistrust in our campaign finance system specifically and our democracy generally. As you know, a broad cross-partisan group of campaign finance experts agree that Vice President Harris may use the full resources that the Harris for President campaign has accumulated thus far. As Vice Chair of the Commission, Ellen Weintraub, made clear, “[t]he bottom line is it’s the same [campaign] committee.”<sup>4</sup> Hans von Spakovsky, a Republican member of the Commission who has testified as a campaign finance expert in front of the Committee on House Administration three times this Congress, has affirmed that Vice President Harris has access to the campaign’s finances.<sup>5</sup> Dara Lindenbaum, your predecessor as Chair of the Commission, agrees with Commissioner von Spakovsky’s assessment.<sup>6</sup>

Campaign finance experts beyond the Commission’s current composition also understand that Vice President Harris may legally access the resources of the Harris for President campaign. Trevor Potter, a Republican former Chair of the Commission and two-time General Counsel to the presidential campaigns of the late Republican Senator John McCain, made clear that “because Biden and Harris share a campaign committee, the Vice President and her running mate can continue using the campaign’s existing funds for the general election if she is on the Democratic ticket.”<sup>7</sup> Failing to provide this vital context—while disseminating manufactured uncertainty under an imprimatur of authority based on your position on the Commission—is irresponsible at best.

Americans should have confidence in our democracy, and that the rule of law is being followed and upheld. Efforts to sow doubt and confusion in order to advance a partisan agenda is a disservice to the American people and to the Commission as an institution. I would request that you clarify your July 21, 2024, post and, in the future, refrain from making unexplained statements that undermine established campaign finance law and practice.

Thank you in advance for your time and thoughtful consideration of the above issues. Please transmit your response by July 30, 2024.

Sincerely,



Joseph D. Morelle  
Ranking Member

Cc: Chairman Bryan Steil

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<sup>4</sup> Domenico Montanaro, *Can Harris – or any other Democrat – access Biden campaign money?*, NPR (July 23, 2024), <https://www.npr.org/2024/07/23/g-s1-12807/harris-biden-fec-campaign-finance>.

<sup>5</sup> Hans A. von Spakovsky, *What could happen to Biden campaign’s \$91 million?*, FOX NEWS (July 21, 2024), <https://www.foxnews.com/opinion/what-could-happen-biden-campaigns-91-million.amp>.

<sup>6</sup> @DaraLind, X (July 21, 2024, 2:46 P.M.), <https://twitter.com/DaraLind/status/1815096136509846005>.

<sup>7</sup> Press Release, CLC’s Trevor Potter on the FEC Rules Guiding Campaign Funds When a Nominee Withdraws (July 21, 2024), <https://campaignlegal.org/press-releases/clcs-trevor-potter-fec-rules-guiding-campaign-funds-when-nominee-withdraws>.