



FEDERAL ELECTION COMMISSION
1050 FIRST STREET, N.E.
WASHINGTON, D.C. 20463

**Statement of Commissioners
Allen J. Dickerson and James E. “Trey” Trainor, III
Regarding Advisory Opinion 2024-08**

We joined the Commission’s advisory opinion concluding that Representative Bob Good and his authorized campaign committee, Good for Congress, may seek to redesignate general election contributions to the committee’s recount fund. The opinion relies, in part, upon Advisory Opinion 2006-24 (Republican and Democratic Senatorial Committees), which held that a recount of votes held in an election is “in connection with an election for federal office” under the Federal Election Campaign Act (“Act”).¹

We are not convinced that AO 2006-24 was correctly decided on this point, largely for the reasons ably articulated by Commissioner von Spakovsky in his dissent at the time.² But because the Request asked only to redesignate funds subject to the Act’s source and amount limitations, the viability of AO 2006-24 was not before us. Moreover, the public has a statutory right to rely upon already-adopted advisory opinions and AO 2006-24 is important precedent protecting Rep. Good and his committee.³

Of course, because advisory opinions are “shields, not swords,”⁴ AO 2006-24 cannot be used to support enforcement action by the Commission. But where, as here, an imperfect advisory opinion supports a request, we prefer to rely upon it rather than cast unnecessary doubt on the Commission’s prior decisions and put the requester’s rights at risk over an ancillary dispute.

¹ Advisory Opinion 2006-24 (Republican and Democratic Senatorial Comms.) at 4.

² See Advisory Opinion 2006-24 (Republican and Democratic Senatorial Comms.), Dissenting Opinion of Comm’r von Spakovsky, Oct. 20, 2006.

³ 52 U.S.C. § 30108(c).

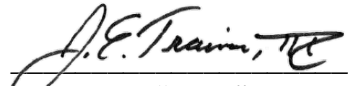
⁴ Statement of Reasons of Chairman Dickerson and Comm’rs Cooksey and Trainor at 4, MUR 7491 (Am. Ethane Co., LLC), Oct. 27, 2022; Statement of Reasons of Chairman Petersen and Comm’rs Hunter and McGahn, MUR 5625 (Aristotle Int’l, Inc.) at 2 n.3, May 10, 2010 (“Of course, it is well-established that advisory opinions cannot be used as a sword, but instead merely a shield from burdensome Commission enforcement action”).



Allen J. Dickerson
Commissioner

July 25, 2024

Date



James E. "Trey" Trainor, III
Commissioner

July 25, 2024

Date