

Federal Election Commission Representation

Chambers USA has recognized that Wiley's Election Law & Government Ethics Practice "offers a wealth of experience in contentious FEC proceedings." For over 30 years, our attorneys have represented clients before the Federal Election Commission (FEC) in enforcement actions, advisory opinion requests, and rulemaking proceedings. Our Practice, which includes two former FEC Chairmen and several attorneys who served at the highest levels of the agency, has extensive familiarity with the FEC and possesses unique insight into how the agency operates and makes decisions. We provide clients with a unique combination of talent – unrivaled substantive understanding of federal campaign finance law and exceptional representational capability – to respond efficiently and effectively in any FEC matter. We routinely:

- Defend clients in enforcement actions, known as Matters Under Review (MURs);
- Represent clients in *sua sponte* matters, which involve self-reported campaign finance violations;
- Represent clients in Alternative Dispute Resolution (ADR) negotiations;
- Represent political committees in audits;
- Assist clients in requesting advisory opinions;
- File comments on behalf of clients in rulemaking proceedings and other policymaking matters; and
- Assist political committees in adequately responding to Requests for Additional Information (RFAs) from the Reports Analysis Division (RAD).

Of particular note, Wiley attorneys have successfully obtained over 30 FEC advisory opinions since 2000, including the precedent-setting opinion that created super PACs. Our attorneys also have worked to secure noteworthy opinions involving the use of new technology in political campaigns and opinions that have helped trade associations with their fundraising efforts.

Wiley's attorneys also have represented clients in nearly 40 different FEC enforcement matters over the past decade. Our recent experience in this area includes:

- Winning dismissal of an FEC enforcement complaint alleging that a media conglomerate's tv hosts' participation in a senatorial campaign event were illegal campaign contributions;
- Aiding multiple trade associations and their PACs in self-reporting campaign finance violations to the FEC, and in negotiating favorable settlement agreements resolving these matters;

- Procuring an FEC advisory opinion permitting a nonprofit corporation to provide free and/or discounted cybersecurity services to candidates and national political party committees;
- Winning dismissal of an FEC enforcement complaint alleging that funds contributed to a federal super PAC were from an entity other than the Limited Liability Company (LLC) that actually made the contribution;
- Obtaining dismissal of an FEC complaint alleging that a corporation made impermissible corporate contributions to an employee who was running for federal office;
- Successfully defending a prominent super PAC in an FEC complaint alleging that a federal officeholder established, financed, maintained, or controlled the super PAC;
- Securing dismissal of an FEC complaint alleging that a 501(c)(4) social welfare organization failed to report independent expenditures and register as a political committee;
- Obtaining dismissal of an FEC complaint alleging that a high-profile super PAC accepted an impermissible federal contractor contribution;
- Successfully defending a former U.S. House of Representatives majority leader in a complaint before the FEC alleging that he had made improper contributions to a super PAC supporting another candidate's campaign; and
- Represented a political campaign in a *sua sponte* matter involving numerous issues resulting from insider embezzlement and in subsequent ADR negotiations.

Contact Us

Michael E. Toner
202.719.7545 | mtoner@wiley.law