



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**STATEMENT OF CHAIR CYNTHIA L. BAUERLY AND
COMMISSIONER ELLEN L. WEINTRAUB**

January 20, 2011

At today's meeting of the Federal Election Commission, we voted to issue a Notice of Proposed Rulemaking that would fully explore the implications of the U.S. Supreme Court's decision in *Citizens United*, including its ramifications for our disclosure and foreign national regulations. In particular, the Notice we supported would have sought comment on proposals to implement the Court's upholding of disclosure and disclaimer provisions that "enable[] the electorate to make informed decisions and give proper weight to different speakers and messages."¹

In contrast, our colleagues supported an alternative that was unnecessarily focused on those provisions that the Court declared unconstitutional in that case. We find the notion that the Commission is precluded from considering revisions to regulations implementing a law upheld by eight Justices of the Supreme Court to be inexplicable.

Some argued that our version attempted to do administratively what Congress proposed doing in the DISCLOSE Act. Even a cursory review of the draft we proposed today will show that is not the case. The fact that Congress did not tie our hands to any one proposal through legislation is hardly an argument that we are incapable, consistent with existing statutory authority, of acting on our own.

We continue to believe that it is our obligation to provide the public a meaningful opportunity to explore the unavoidable ramifications of the Court's decision on many Commission rules that were not invalidated. In an agency devoted to promoting transparency and free speech, we should encourage – not inhibit – public comment and debate.

¹ *Citizens United v. FEC*, 130 S.Ct. 876, 916 (2010).