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Congress of the United States
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BANKING FINANCE AND
URBAN AFFAIRS

HOUSE SELECT COMMITTEE
ON AGING

July 29, 1991

Federal Election Commission
Office of the General Counsel
999 E Street NW
Washington, DC 20463

Comment On
AOR 1991-22

Dear Commissioners:

I would like to comment with respect to the request for an advisory opinion on the Minnesota Congressional Campaign Reform Act (AOR 1991-22).

The originators of the request for an advisory opinion argue that the Federal Election Campaign Act preempts the Minnesota statute and recommend that the Commission rule that the federal law supercede state law and that the campaign spending limits not apply to Minnesota federal candidates. That view is not the unanimous view of the Minnesota Congressional Delegation. I support the state campaign finance reform. I expressed my willingness to abide by the campaign spending limits contained in the Minnesota law in 1990 and plan to abide by those limits in the current election cycle.

In considering the Minnesota law, the Commission must look to the legislative history of the Federal Election Campaign Act. At the time of enactment, the focus of FECA was abuses that occurred from contributions. FECA appropriately set limits on contributions to Congressional campaigns in dollar amounts and in format. Those provisions which were relevant to campaign spending were, unfortunately, made ineffective by court decisions.

In the '80's, campaign spending by candidates and PACs, and through independent expenditures has exploded. While various legislative initiatives, including proposals that I support, have been introduced over the past 15 years, Congress and the Administration have not been able to reach agreement on any comprehensive campaign financing reform legislation. Thus a significant void regarding campaign spending persists. Since the federal government has not effectively acted, it is the right of the individual states to fill this void. The State of Minnesota, reflecting the concerns of its citizens about the electoral

process, has acted appropriately. This action is not in conflict with federal law. Indeed, it is in concert with the intent of the federal election laws and the limits which were rendered ineffective by court decisions.

It should also be noted that the Minnesota law is not mandatory. Candidates may or may not participate in the spending limit at their own discretion. Thus, this legislation does not establish new requirements for federal candidates and avoids the pitfalls of the federal law that the court found unacceptable.

I urge that the Commisssion sustain the Minnesota law. Election law has been a shared responsibility between the state and federal governments throughout our nation's history. The state government already has responsibility over issues such as filing dates, primaries, and requirements for candidate filings. This dual system has served our nation well and could work well regarding campaign expenditures. Allowing states to enact laws, such as Minnesota's, will fill the void left by federal inaction and will permit the state by state flexibility that may be needed when addressing campaign expenditures. This action may even serve as a model which may indeed be reflected at some point as a national policy or law.

Sincerely,

Bruce F. Vento
Member of Congress