



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**STATEMENT OF COMMISSIONER SEAN J. COOKSEY ON  
THE SUPREME COURT’S DECISION IN *FEC v. TED CRUZ FOR SENATE***

Today, the Supreme Court of the United States issued its decision in *FEC v. Ted Cruz for Senate*, holding that the \$250,000 statutory limit on the repayment of candidate loans with post-election contributions violates the Free Speech Clause of the First Amendment.<sup>1</sup> In doing so, the Court affirmed the unanimous holding of the three-judge panel below that section 304 of the Bipartisan Campaign Reform Act of 2002 is unconstitutional.<sup>2</sup>

I agree with the Court’s decision upholding the constitutional rights of federal candidates—and indeed of all Americans—to engage in political speech. The Court’s opinion provides much-needed guidance to lower courts, to Congress, and to the Federal Election Commission on the constitutional limits of campaign-finance regulation. As Chief Justice Roberts wrote for the majority, “The First Amendment ‘has its fullest and most urgent application precisely to the conduct of campaigns for political office.’”<sup>3</sup>

I have no doubt the Commission will abide by the Court’s decision and cease to enforce section 304, including in any pending enforcement and audit matters. I hope to work with my colleagues to promptly repeal the Commission’s regulations implementing this unconstitutional statute, just as the Commission has done in compliance with previous court decisions.<sup>4</sup> It is especially important to do so in this, an election year, in order to remove any doubt or confusion among the public and candidates currently running for federal office.

Much work remains at the Commission to bring our regulations in line with the Constitution and our statutes. I look forward to continuing that work so this agency can both fulfill its mission and respect Americans’ constitutional rights to speak, associate, and participate in our democratic process.

May 16, 2022

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<sup>1</sup> *FEC v. Ted Cruz for Senate*, 596 U.S. \_\_\_\_ (2022).

<sup>2</sup> Bipartisan Campaign Reform Act of 2002, § 304, 52 U.S.C. § 30116(j).

<sup>3</sup> *Ted Cruz for Senate*, 596 U.S. at \_\_\_\_ (slip op., at 10).

<sup>4</sup> See, e.g., Aggregate Biennial Contribution Limits, 79 Fed. Reg. 62,335 (Oct. 17, 2014) (repealing regulations in response to *McCutcheon v. FEC*, 572 U.S. 185 (2014)); Independent Expenditures and Electioneering Communications by Corporations and Labor Organizations, 79 Fed. Reg. 62,797 (Oct. 21, 2014) (repealing and revising regulations in response to *Citizens United v. FEC*, 558 U.S. 310, 360 (2010)); Funds Received in Response to Solicitations; Allocation of Expenses by Separate Segregated Funds and Nonconnected Committees, 75 Fed. Reg. 13,223 (Mar. 19, 2010) (repealing regulations in response to *EMILY’s List v. FEC*, 581 F.3d 1 (D.C. Cir. 2009)).