



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**STATEMENT OF COMMISSIONER SEAN J. COOKSEY ON  
THE COMMISSION'S INTERIM FINAL RULE AND  
ADVISORY OPINION ON THE REPAYMENT OF CANDIDATE LOANS**

Today, the Federal Election Commission took two important steps to comply with, and provide additional guidance on, the Supreme Court's holding in *Federal Election Commission v. Ted Cruz for Senate*, which held that section 304 of the Bipartisan Campaign Reform Act of 2002 violates the First Amendment of the U.S. Constitution.

First, I am pleased that the Commission has reconsidered and adopted my proposed interim final rule removing from the Code of Federal Regulations the unconstitutional regulations implementing section 304. It is critical that agency regulations and policies reflect the state of the law, and the Commission has taken a small but important step toward that goal.

Second, the Commission today adopted an advisory opinion giving clear direction to candidates and campaigns on how current and past candidate loans may be repaid. Advisory Opinion 2022-15 (Harley Rouda for Congress) appropriately gives retroactive effect to the Supreme Court's decision, and thus provides equal treatment to past and current campaigns impacted by the Commission's now-invalidated regulations.

Clear and understandable legal rules are critical to empowering citizens and candidates to exercise their constitutional rights to the fullest. Both of today's measures advance that goal by furthering the rule of law at the Commission—stating plainly what the rules are and advising the public how to comply. I look forward to working with my colleagues on further reforms and updates to Commission regulations in the future.

August 31, 2022