



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**STATEMENT OF COMMISSIONER ALLEN DICKERSON REGARDING THE
COMMISSION'S ADOPTION OF FINAL RULES IN REG 2021-01 (CANDIDATE
SALARIES)**

I'd like to begin by acknowledging the hard work of Commissioner Broussard and her staff. This regulatory text is very much her accomplishment, and it reflects deep engagement with all our offices to advance a bipartisan compromise.

This regulation is not, to my mind, perfect. But it is an enormous improvement upon the status quo.

Let me begin with my doubts. There have been suggestions that candidates paying themselves salaries from campaign funds necessarily violate the law's ban on personal use of those funds. After all, that salary is then spent directly on rent, groceries, gas and the other necessities of life – many of which are explicitly banned by the statute.

This is a non-trivial point, and one that could be tested in court. But we do not write on a blank slate. In my judgment, we do more good in agreeing on these amendments than we would in deadlocking on an already-settled point of law.

With that said, I'd like to highlight a few points. Most importantly, the Commission today acknowledges that salaries to candidates are lawful where they replace actually foregone income. This regulation is not an invitation to simply pay a candidate for being a candidate, nor does it put the Commission in the strange position of setting a market price for candidate services – whatever that might mean.

We also decline to adopt the view that candidates are mere employees of their campaign committees, who may be hired, paid, fired, or replaced at will. Voters elect candidates. A candidate's political committee is an anticorruption device that segregates campaign funds and deters bribery.

Instead, this regulation does three important things that better align it with the stated goal of allowing individuals of modest means to campaign for office.

First, it replaces the starting event for drawing a salary. Instead of using state filing deadlines – which are generally late in the campaign process and vary widely across the states – it imposes a universal rule. A candidate may draw a salary after filing a statement of candidacy with the Commission. This eliminates the arbitrary treatment of candidates based upon widely-divergent state laws. It also incentivizes candidates to file a statement of candidacy, potentially eliminating thorny questions of candidate status that have bedeviled the Commission for many years.

Second, this regulation lowers the cap on compensation, imposing a cap of one-half the

salary of a member of Congress. This reflects the obvious fact that incumbent representatives running for reelection are still employed – as members of Congress. Other candidates may also work while campaigning, but the revised cap reflects the fact that those who choose to campaign full-time are not similarly situated to individuals with ongoing responsibilities as incumbent officeholders.

Third, and most fundamentally, this regulation clarifies that any outside income will be deducted from the maximum salary a candidate may receive. Again, this regulation is explicitly targeted at *replacing* foregone income. It is not an opportunity to *supplement* existing income.

Because I believe those three changes, in particular, are a significant improvement on the existing regulation, I am happy to support them.

Commissioner Broussard was the animating force behind this work and this new rule is her accomplishment. But we all benefited from the engaged comments and public testimony that informed our decision today, and I want to thank the public for its help in getting us to this point. Several observers, I suspect, will see echoes of their comments and suggestions in this draft. That is how this process is supposed to work.

So, with my thanks, again, to my colleague and to the public, I look forward to supporting the draft.



Allen J. Dickerson
Commissioner

December 14, 2023

Date