CITY OF PHILADELPHIA

BOARD OF ETHICS
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Philadelphia Board of Ethics
Response to Request for Reconsideration of
Non-Public Board Opinion No. 2026-001

October 14, 2026

Sent via electronic mail

Re: Request for Reconsideration of Non-Public Board Opinion No. 2026-001

Dear Requestor:

On September 23, 2026, you asked for an advisory opinion regarding the application of Non-Public Board Opinion No. 2026-001 (the "Opinion") and the Policy Supplement to Board Regulation No. 1 (Campaign Finance) to spending by political parties in primary elections. Because your request concerns the application of the Opinion, which we issued to you on behalf of your clients on September 16, 2026, we treat your new inquiry as a request for reconsideration of the Opinion.

Pursuant to Board Regulation No. 4, a requestor of a previously issued advisory opinion may seek reconsideration of that opinion if the requestor can demonstrate that: (1) a material error of law has been made; (2) a material error of fact has been made; or (3) a change in materially relevant facts or law has occurred since the original request for an advisory opinion. Bd. Reg. 4 ¶ 4.23.

The Board may respond to a request for reconsideration by denying the request or by issuing an amended Advisory Opinion that modifies the original Opinion. Bd. Reg. No. 4 ¶ 4.26. A request for reconsideration does not suspend or stay the original Opinion that the Board issued to the requestor. See Bd. Reg. 4 ¶ 4.27.

I. Background

Your clients originally requested a formal, nonpublic advisory opinion addressing whether the United States Supreme Court's decision in *National Republican Senatorial Committee v. Federal Election Commission*, 146 S.Ct. 2404 (June 30, 2026) ("*NRSC")*, applies to the City's campaign finance laws.

In response, on September 16, 2026, we issued the Opinion in which we advised that the ruling in *NRSC* is applicable to the City's campaign finance law and discussed the legal and practical bases for the Policy Supplement to Board Regulation No. 1. The Opinion attached and incorporated by reference the Policy Supplement, which explains the Board's interim policy for purposes of enforcement and advice until such time as the Board adopts amendments to Board Regulation No. 1.

II. Discussion

Your September 23, 2026, letter asks whether a political party can make coordinated party expenditures on a primary election. You argue that *NRSC* requires that we permit such expenditures. We need not address whether this result is mandated by *NRSC* because the Opinion already answers your question in the affirmative.

Nothing in the Opinion or Policy Supplement prohibits or was intended to prohibit coordinated party expenditures in the context of a primary election. In describing the Policy Supplement, the Opinion notes that "*while the policy applies to all elections*, in a General or Special Election, a party can only make coordinated party expenditures for its own nominees." Bd. Op. 2026-001 at 5 (emphasis added). While this does not explicitly refer to primary elections, it clearly states that the limitation of coordinated party expenditures to the party's nominee applies *only* to spending to influence a General or Special election.

Put simply, coordinated party expenditures to influence a primary election may be made with any candidate for that party's nomination so long as the expenditures meet the other criteria laid out in the Policy Supplement. Because this result is already articulated in the Opinion, there is no mistake of law or fact that requires reconsideration.

III. Conclusion

The Opinion already provides that political parties can make coordinated party expenditures in any election, including a primary election. Accordingly, we find no error of law or fact in the Opinion and, therefore, deny the request for reconsideration.

Since you requested a non-public opinion, this Response to your Request for Reconsideration will not be made public. As required by the City Code, a version of this Response that has been redacted to conceal facts that are reasonably likely to identify your clients is being made public. Please contact General Counsel staff with any questions.

BY THE PHILADELPHIA BOARD OF ETHICS[1]

/s/ Ellen Mattleman Kaplan
Ellen Mattleman Kaplan, Esq., Chair
Wesley R. Payne, IV, Esq., Vice Chair
James R. Engler, Esq., Member
Hon. Idee C. Fox (Ret.), Member

[1] Board member Judge Nelson A. Diaz (Ret.) did not participate in consideration of this opinion.