



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**MEMORANDUM**

**TO:** The Commission

**FROM:** Office of the Commission Secretary *LC*

**DATE:** September 9, 2022

**SUBJECT:** AO 2022-19 (Maggie for NH) Requestor Comment on Draft A

The following is a requestor comment on AO 2022-19  
(Maggie for NH) Draft A. This matter will be discussed  
on the Open Meeting of September 15, 2022.

**Attachment**



September 8, 2022

**BY ELECTRONIC MAIL DELIVERY**

The Honorable Allen Dickerson, Chair  
Federal Election Commission  
1050 First Street NE  
Washington, DC 20463

**Re: Comments Regarding Advisory Opinion 2022-19 Draft A**

Dear Chair Dickerson:

We submit these comments on behalf of Maggie for NH (the “Committee”) regarding Draft A of Advisory Opinion 2022-19. The Committee supports the conclusion reached by the Office of General Counsel in Draft A, which is consistent with the plain text and purpose of 11 C.F.R. § 102.17.

However, Draft A does not address the related question of whether the costs of the text messages described in the August 9, 2022 advisory opinion request (the “AOR”) would constitute in-kind contributions to the other committees listed on the Committee’s “split-it” fundraising pages. As described in Draft A, the Committee will send the text messages without the involvement of the other political committees listed on the split-it pages. However, due to coordination on other, completely separate communications, it is possible that the Committee will be in the possession of material, nonpublic information regarding the projects, plans, activities or needs of one of the political committees that is relevant to the text messages.

Based on Commission precedent, as described in the AOR, the text messages in question do not meet the definition of “public communications,” and therefore also do not meet the definition of coordinated communications.<sup>1</sup> And the Commission has previously determined that paid communications which do not meet the definition of coordinated communications cannot constitute in-kind contributions.<sup>2</sup>

For these reasons, we respectfully request that the Commission confirm the short code text messages described in the AOR are not public communications, and therefore under the Act and Commission regulations would not constitute in-kind contributions to the other committees listed on the Committee’s “split-it” fundraising pages.

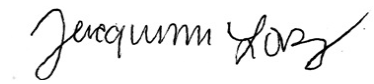
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<sup>1</sup> See AOR at 6-7.

<sup>2</sup> *Id.* at 7.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Jacquelyn Lopez". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Jacquelyn Lopez  
Varoon Modak  
*Counsel to Maggie for NH*