



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Office of the Commission Secretary *LC*

DATE: September 25, 2023

SUBJECT: AOR 2023-06 (Texas Majority PAC) Comment from CLC

Attached is AOR 2023-06 (Texas Majority PAC) Comment from
Campaign Legal Center.

Attachment



RECEIVED

By Office of General Counsel at 9:25 am, Sep 25, 2023

RECEIVED

By Office of the Commission Secretary at 10:15 am, Sep 25, 2023

September 22, 2023

Lisa J. Stevenson, Esq.
Acting General Counsel
Federal Election Commission
1050 First St. NE
Washington, DC 20463
ao@fec.gov

Re: Advisory Opinion Request 2023-06 (Texas Majority PAC)

Dear Ms. Stevenson:

Campaign Legal Center (“CLC”) respectfully submits this comment on advisory opinion request (“AOR”) 2023-06, submitted to the Federal Election Commission (the “Commission”) by Texas Majority PAC (“TMP”), a nonfederal committee.¹

TMP’s core question is whether it may coordinate with federal candidates on what it calls a “paid canvass” supporting those candidates’ campaigns.² According to TMP, it will incur two categories of expenses in running the proposed paid canvass: (1) it will compensate individuals (via payments through a vendor) for learning to communicate with voters and for their time spent knocking on doors; and (2) it will pay for the design and production of literature that the individuals will distribute to voters.³ Some of this activity will include references to, or constitute express advocacy in support of, federal candidates that TMP has consulted with to obtain strategic non-public information about the candidates and their campaigns.⁴

TMP contends that it may coordinate with candidates on the paid canvass without making in-kind contributions to those candidates because the “paid canvass” does not satisfy the “coordinated communication” standard at 11 C.F.R. § 109.21, *i.e.*, a paid canvass does not meet the definition of “public communication” and therefore is

¹ See AOR 2023-06 (TMP) (Aug. 22, 2023), https://www.fec.gov/files/legal/aos/2023-06/202306R_1.pdf.

² See *id.* at 3.

³ *Id.* at 2.

⁴ *Id.*

not subject to the coordinated communication regulation.⁵ But even if that claim had merit, Commission regulations include a separate test, at 11 C.F.R. § 109.20, for coordinated expenditures that are “not made for a coordinated communication.”⁶ Thus, to conclude that the proposed conduct is lawful, the Commission would need to find that none of the activities described in the request is a “coordinated communication” under Section 109.21 *or* a “coordinated expenditure” under Section 109.20.

Based on the information presented in TMP’s request, it appears that at least some of its proposed activities would at least meet the definition of a “coordinated expenditure” under Section 109.20. Indeed, as TMP acknowledges, it “plans to consult with federal candidates, party committees, and their agents on these paid canvassing programs,”⁷ indicating that the resulting expenditures are “coordinated” since they are plainly “made in cooperation, *consultation*, or concert with . . . a candidate, a candidate’s authorized committee, or a political party committee.”⁸

Respectfully submitted,

/s/ Saurav Ghosh

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⁵ *See id.* at 3–7.

⁶ 11 C.F.R. § 109.20(b).

⁷ AOR 2023-06 at 3.

⁸ 11 C.F.R. § 109.20(a) (emphasis added).