



BEAVER LEGAL CORPORATION  
NONPROFIT AND CAMPAIGN FINANCE COMPLIANCE

**RECEIVED**

By Office of the Commission Secretary at 7:36 am, Jan 26, 2024

January 25, 2024

**VIA E-MAIL**

Phone: (949) 441-5352

Lisa J. Stevenson  
Federal Election Commission  
Office of General Counsel  
1050 First Street, NE  
Washington, DC 20002  
Email: [ao@fec.gov](mailto:ao@fec.gov)

Re: Request for Advisory Opinion on behalf of Congresswoman Maxine Waters and Citizens for Waters

Dear Ms. Stevenson:

Through the undersigned counsel, Congresswoman Maxine Waters and Citizens for Waters (“Requestors”) seeks an advisory opinion pursuant to 52 U.S.C. § 30108 from the Federal Election Commission (“Commission”) regarding the application of the Federal Election Campaign Act of 1971, as amended (the “Act”), for the design, print and mailing of brochures featuring Congresswoman Waters with her endorsements of federal and non-federal candidates and her positions of support for or opposition of ballot measures to be voted on the upcoming California March 5, 2024 primary election ballot. We respectfully requested expedited consideration under 52 U.S.C. § 30108(a)(2) since this request is being submitted by a candidate and the authorized committee of that candidate within 60 days of an election involving the requestors.

### **Factual Background**

Congresswoman Maxine Waters represents California’s 43<sup>rd</sup> District in the United States House of Representatives and has a principal campaign committee, Citizens for Waters (“CFW”), FEC ID#C00167585.

Congresswoman Waters intends to design, publish and mail brochures featuring her endorsements of federal and non-federal candidates together with her positions of support for or opposition of ballot measures to be voted on the upcoming March 5, 2024 primary ballot which will be paid for by CFW. The Commission previously issued advice letter AO 2004-37

regarding the appearance of federal candidates on Congresswoman Waters' brochures produced by her principal campaign committee.<sup>1</sup>

The brochures CFW intends to produce for the March 5, 2024 California primary will include the same design layout described in AOR 2004-37 with the Congresswoman Waters' personal comments and opinions of federal and non-federal candidates. In addition to her endorsements of candidates, the brochure will include Congresswoman Waters' positions of support of or opposition to ballot measures. The space consumed and prominence of the federal and non-federal candidates and ballot measures on the brochure will be determined by the candidate or ballot measure's prominence on the election ballot.

CFW will receive reimbursements from all candidates and ballot measures to be included in the brochure for each candidate or ballot measure's pro-rata share of the costs to design, publish and mail the brochure.<sup>2</sup> Congresswoman Waters will not establish, finance, maintain or control any of the non-federal committees reimbursing CFW. CFW will receive reimbursements from the following sources to reimburse CFW:

1. Non-federal candidates will reimburse CFW using the candidates' own personal funds or their non-federal candidate committees;
2. State Independent expenditure only political committees ("State IEOPC") supporting or opposing a non-federal candidate; and
3. Ballot measure committees ("BMC") supporting or opposing a ballot measure.

As described in AO 2004-37, reimbursements to appear on the brochure shall be determined by pro-rating the total costs of designing and distributing the brochure to the non-federal candidate or committee using the same "time and space method" to determine the pro-rata costs for federal candidates as required by 11 CFR §106.1.

Since the brochure is produced by CFW, only federal funds will be used to pay for the design, production and mailing of the brochures. Reimbursements from the above-listed sources to appear in the brochure must be made from federally permissible funds<sup>3</sup> and CFW will not accept reimbursements that exceed any non-federal candidate or committee's pro-rata share of the costs.

CFW will submit invoices to all non-federal candidates and committees which specifically state that Congresswoman Waters and CFW is only soliciting and accepting funds from federally permissible funds. Reimbursements received from non-federal candidates and committees must submit signed invoices attesting that their payment is from federally permissible funds when payment is received.

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<sup>1</sup> AO 2004-37 excluded advice regarding non-federal committees at that time.

<sup>2</sup> Pursuant to AO 2004-37, federal candidates reimburse CFW for their pro-rata share using the "time and space" valuation method provided in 11 CFR 106.1 within a reasonable period of time.

<sup>3</sup> Federally permissible funds mean funds that do not exceed the applicable contribution limitations of the Act and from sources that would not be prohibited under the Act from contributing directly to Congresswoman Waters.

Lisa J. Stevenson, Federal Elections Commission

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### Question Presented

The Commission has already provided AO 2004-37 relating to federal candidates featured on Congresswoman Water's brochure. This request specifically seeks advice regarding reimbursements from non-federal candidates and their committees, State IEOPCs and BMCs to appear on the brochures produced by CFW.

Can CFW receive reimbursements from individuals, non-federal candidate committees, State IEOPCs and BMCs to appear in the brochure using federally permissible funds?

We appreciate the Commission's consideration of this request.

Very Truly Yours,



Leilani R. Beaver

Counsel for Citizens for Waters

cc: Congresswoman Maxine Waters  
David Gould

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