



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Commissioners
Staff Director

FROM: Commission Secretary's Office *VJA*

DATE: August 30, 2024

SUBJECT: Statement Regarding Advisory Opinion 2024-11
(Caroline Gleich) – Vice Chair Ellen L. Weintraub

Attached is a statement from Vice Chair Ellen L. Weintraub. This matter was on the August 29, 2024 Open Meeting Agenda.

Attachment



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WASHINGTON, D.C. 20463

**STATEMENT OF VICE CHAIR ELLEN L. WEINTRAUB
REGARDING ADVISORY OPINION 2024-11 (CAROLINE GLEICH)**

On August 29, 2024, the Commission approved an advisory opinion concluding, in part, that Caroline Gleich, a candidate for U.S. Senate in Utah, may continue to appear in paid advertisements as part of her social-media influencer and marketing business as long as the advertisements comply with the Commission’s commercial transactions safe harbor for coordinated communications.¹ The Commission’s safe harbor has three elements: (1) the communication is a public communication in which a federal candidate is clearly identified only in his or her capacity as the owner or operator of a business that existed prior to the candidacy; (2) the medium, timing, content, and geographic distribution of the public communication are consistent with public communications made prior to the candidacy; and (3) the public communication does not promote, attack, support, or oppose (“PASO”) that candidate or another candidate who seeks the same office as that candidate.²

I supported this opinion and write to memorialize representations made by Ms. Gleich’s counsel at the open meeting on August 29, 2024. Ms. Gleich’s counsel told the Commission that she would not provide her services to non-profit corporations as part of her business during the 90-day window at issue. Additionally, Ms. Gleich’s counsel confirmed that she would participate in only commercial advertisements in a way that is consistent with what she had done before her candidacy. These oral representations were part of the official record before the Commission when it adopted this advisory opinion.

August 30, 2024

Date

A handwritten signature in blue ink that reads "Ellen L. Weintraub".

Ellen L. Weintraub
Vice Chair

¹ Advisory Opinion 2024-11 (Caroline Gleich) (Aug. 29, 2024).

² 11 C.F.R. § 109.21(i).