

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

MUR 8189

DATE COMPLAINT FILED: Nov. 30, 2023

DATE OF NOTIFICATIONS: Dec. 1, 2023

Aug. 8, 2024

LAST RESPONSE RECEIVED: Sept. 24, 2024

DATE ACTIVATED: Sept. 24, 2024

**STATUTE OF LIMITATIONS: Aug. 21, 2028-
Mar. 13, 2029**

ELECTION CYCLE: 2024

13 COMPLAINANT: Tonya Wingfield

18 **RELEVANT STATUTES**
19 **AND REGULATIONS:** 52 U.S.C. § 30116(a)(1), (f)
20 52 U.S.C. § 30118(a)
21 11 C.F.R. § 110.1(b)
22 11 C.F.R. § 110.9
23 11 C.F.R. § 114.2(b), (d)

24 INTERNAL REPORTS CHECKED: Disclosure Reports

25 FEDERAL AGENCIES CHECKED: None

26 I. INTRODUCTION

27 The Complaint alleges that Angela D. Alsobrooks and her principal campaign committee,
28 Alsobrooks for Senate and Jay Petterson in his official capacity as treasurer (the “Alsobrooks
29 Committee”), violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by
30 accepting excessive and prohibited in-kind contributions from Prince George’s County,
31 Maryland (“Prince George’s County” or the “County”), and that the County violated the Act by

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1 making such contributions.¹ Specifically, the Complaint alleges that Alsobrooks, who at the
 2 time of the alleged violations held office as County Executive for Prince George's County, used
 3 public funds to air a cable television and social media advertisement (the "Ad") that promotes
 4 her character, qualifications, and fitness for office for purposes of influencing her election for
 5 U.S. Senate. The Complaint alleges that the Ad is a coordinated communication and thus an
 6 excessive in-kind contribution that violates the Act's contribution limitations and prohibition on
 7 corporate contributions.² The Responses argue that the Ad is part of a public awareness and
 8 education campaign for a local economic development project and are not coordinated
 9 communications under Commission regulations.

10 The available information indicates that the Ad does not satisfy the content prong of the
 11 coordinated communications test under Commission regulations. Accordingly, we recommend
 12 that the Commission dismiss the allegations that the County made excessive and prohibited in-
 13 kind contributions in violation of 52 U.S.C. §§ 30116(a)(1) and 30118(a) and 11 C.F.R.
 14 §§ 110.1(b) and 114.2(b), and that Alsobrooks and the Alsobrooks Committee knowingly

¹ Because the Complaint alleges that Prince George's County, Maryland (the "County") violated the Act, the Office of Complaints Examination and Legal Administration notified the County as a respondent in this matter. *See* Compl. at 5 (Nov. 30, 2023) ("These advertisements violate federal campaign finance law. They are paid for by Prince George's County in vast excess of the \$3,300 contribution limit, which applies to the County just as to anyone else."); *see also Nader v. FEC*, 823 F. Supp. 2d 53, 67 (D.D.C. 2011) (holding that the Act "strips the agency of th[e] discretion" to notify "*any person* alleged in the complaint to have committed [a violation of FECA]." (alteration in original) (emphasis in original) (quoting 2 U.S.C. § 437g(a)(1)); *Libertarian Nat. Comm., Inc. v. FEC*, 930 F. Supp. 2d 154, 165 (D.D.C. 2013), *aff'd*, 2014 WL 590973 (D.C. Cir. Feb. 7, 2014) (holding that the statute's list of what is included under the term person is "meant to be expansive" and the Commission's prior interpretation "that a decedent's estate qualifies as a person follows logically from the basic tools of statutory interpretation").

² The Complaint also alleges that the Ad violates the Prince George's County Code, but we make no recommendations as to that allegation because it is outside of the Commission's jurisdiction. *See* Compl. at 1, 3-4 (addressing Todd M. Turner, Executive Director of the Prince George's County Office of Ethics & Accountability, as an additional recipient of the Complaint and alleging violations of the Prince George's County Code); *see also* Angela D. Alsobrooks & Alsobrooks for Senate Resp. at 1 n.1 (Feb. 14, 2024) ("Alsobrooks Resp.") (stating that the alleged violations of the Prince George's County Code "are not discussed in this Response because they are outside of the Commission's jurisdiction"); Prince George's County, Maryland Resp. at 1 n.1 (Sept. 24, 2024) ("Cty. Resp.") (same).

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1 accepted such contributions in violation of 52 U.S.C. §§ 30116(f) and 30118(a) and 11 C.F.R.
 2 §§ 110.9 and 114.2(d).

3 **II. FACTUAL BACKGROUND**

4 Angela D. Alsobrooks is the Senator-Elect for Maryland and was a candidate for the U.S.
 5 Senate during the 2024 election cycle.³ Alsobrooks announced her federal candidacy on May 9,
 6 2023.⁴ The Alsobrooks Committee is her principal campaign committee.⁵ Prior to her election
 7 to the U.S. Senate, Alsobrooks was the County Executive for Prince George's County.⁶ The
 8 County is located in the State of Maryland and borders Washington, D.C.

9 The Blue Line Corridor is an ongoing transit-oriented development project for public-
 10 private investment in a five-mile area along the Washington Metrorail system (the "Metro") in
 11 the County.⁷ The project appears to have been planned since at least 2021, when the County
 12 Executive's Office published the Prince George's County Economic Development Platform (the
 13 "County Development Platform") describing the Blue Line Corridor as an "anchor initiative."⁸

³ See MD. STATE BD. OF ELECTIONS, OFFICIAL 2024 PRESIDENTIAL GENERAL ELECTION RESULTS FOR U.S. SENATOR, https://elections.maryland.gov/elections/2024/General_Results/gen_results_2024_2.html (last updated Dec. 5, 2024, 2:20:03 PM); Angela Alsobrooks, Amended Statement of Candidacy at 1 (Apr. 12, 2024).

⁴ Angela Alsobrooks, Statement of Candidacy at 1 (May 9, 2023); see Press Release, Gina Ford, Communications Director, Alsobrooks for Senate, Angela Alsobrooks Launches Campaign to Represent Maryland in U.S. Senate (May 9, 2023) [REDACTED]

⁵ Alsobrooks for Senate, Amended Statement of Organization at 2 (Apr. 12, 2024).

⁶ See Alsobrooks Resp. at 2 ("Angela Alsobrooks was first elected as the County Executive of Prince George's County, Maryland in 2018 and was re-elected to a second term in 2022."); Cty. Resp. at 2 (same). Alsobrooks resigned as Prince George's County Executive on December 2, 2024. Letter from Angela D. Alsobrooks, Cty. Exec., Prince George's Cty., to Wes Moore, Governor, Maryland (Dec. 2, 2024), <https://www.princegeorgescountymd.gov/sites/default/files/media-document/Alsobrooks%20Resignation%20Letter.pdf>.

⁷ See, e.g., Lateshia Beachum & Erin Cox, \$400 Million Investment Approved for Redevelopment near FedEx Field, WASH. POST (Jan. 25, 2023), <https://www.washingtonpost.com/dc-md-va/2023/01/25/blue-line-alsobrooks-prince-georges/>.

⁸ CTY. EXEC. ANGELA D. ALSO BROOKS, PRINCE GEORGE'S COUNTY ECONOMIC DEVELOPMENT PLATFORM 22 (June 2021) [REDACTED] see also Rachel Chason, *Pr. George's Officials Say Long-Awaited Transformation is Coming*, WASH. POST (Apr. 18, 2022), <https://www.washingtonpost.com/dc-md-va/2022/04/18/prince-georges-blue-line/> (cited in Alsobrooks Resp. at 2 n.4; and Cty. Resp. at 2 n.2) ("The development of

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1 The Blue Line Corridor is funded by \$400 million in state bonds appropriated in 2022,⁹ as well

2 as federal grants and private investment, with reported investments totaling over \$1 billion.¹⁰

3 "Strengthening Prince George's" is a County-funded public awareness campaign for the

4 Blue Line Corridor.¹¹ An advertising agency, Hart, Inc.,¹² registered "strengtheningpgc.com" as

5 a domain name on August 21, 2023.¹³ The website states the following:

6 Strengthening Prince George's is County Executive Angela
 7 Alsobrooks' vision to build the commercial tax base by focusing
 8 economic development around transit hubs in the County. She and
 9 many other Prince George's leaders are securing investments that
 10 will bring new jobs, affordable housing, and amenities for all

Alsobrooks's current plan dates back at least to 2020[.]); Cty. Resp. at 2 ("The project's vision is a consolidation of over 15 different community planning processes dating back to 2010.").

⁹ See H.B. 897, 2022 Leg., 444th Sess. (Md. 2022). The appropriations bill was approved by then-Governor Lawrence J. Hogan, Jr. on April 12, 2022. See Alsobrooks Resp. at 2; Cty. Resp. at 2; *see also* Chason, *supra* note 8 ("During last year's [2021] session, the county secured about \$17 million in state funding for the project." (alteration added)). The Maryland Board of Public Works approved the Maryland Stadium Authority to issue the bonds in January 2023. *Prince George's County Blue Line Corridor Sports and Entertainment Facilities – Feasibility Study & Design/Build Services*, MD. STADIUM AUTH., <https://mdstad.com/projects/prince-georges-county-blue-line-corridor-sports-and-entertainment-facilities-feasibility> (last visited Dec. 17, 2024); *see* Alsobrooks Resp. at 2; Cty. Resp. at 2.

¹⁰ See Lateshia Beachum, *Washington-Area Trails Receive \$25 Million for Construction and Renewal*, WASH. POST (July 24, 2023), <https://www.washingtonpost.com/dc-md-va/2023/07/24/federal-grant-washington-trails/>; *Prince George's Secures Historic Investment Blue Line Corridor from Minority Developers*, MD. ASS'N CTYS. (Mar. 1, 2023), <https://conduitstreet.mdcounties.org/2023/03/01/prince-georges-secures-historic-investment-blue-line-corridor-from-minority-developers/>; Alsobrooks Highlights Blue Line Corridor Project's Minority Developers, WASH. INFORMER (Feb. 28, 2023), <https://www.washingtoninformer.com/alsobrooks-highlights-blue-line-corridor-projects-minority-developers/>.

¹¹ See Alsobrooks Resp. at 2; Cty. Resp. at 2.

¹² See Compl. at 2; *About*, HART, INC., <https://www.hartinc.com/about/> (last visited Dec. 17, 2024).

¹³ Compl. at 2 (citing *strengtheningpgc.com*, WHOIS, <https://www.whois.com/whois/strengtheningpgc.com> (last visited Dec. 17, 2024)); *see* *Registration Data Lookup Tool*, ICANN, <https://lookup.icann.org/en/lookup> (last visited Dec. 17, 2024) (search "strengtheningpgc.com"); *see also* Alsobrooks Resp. at 2 ("As part of this campaign, the County created a website, <https://strenghteningpgc.com>, which provided an overview of the planned development projects and their economic impact on the County."); Cty. Resp. at 2 (same).

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1 Prince Georgians, because Strengthening Prince George's begins
2 with the people who already call it home.¹⁴

3 The "Strengthening Prince George's" website links to pages describing proposed
4 facilities for the Blue Line Corridor and embeds related project illustrations from the County
5 Development Platform.¹⁵ The website provides the official government email and building
6 address for the County Executive's Office as contact information¹⁶ and links to the County's
7 official social media accounts.¹⁷ The County's official Facebook page posted videos related to
8 the "Strengthening Prince George's" campaign from August 16, 2023 through March 13, 2024.¹⁸

9 The County Executive Office's YouTube page also includes a playlist of twenty-four videos
10 related to the "Strengthening Prince George's" campaign dating back to October 4, 2023.¹⁹

11 "Strengthening Prince George's" appears to have been promoted by an advertisement
12 (the "Ad") that aired on cable, radio, digital streaming, and social media platforms from

¹⁴ *About*, STRENGTHENING PRINCE GEORGE'S, <https://strengthenpgc.com/about> (last visited Dec. 17, 2024) (cited in Compl. at 2). The statement is located at the bottom of each page of the website. *See* STRENGTHENING PRINCE GEORGE'S, <https://strengthenpgc.com/> (last visited Dec. 17, 2024). The same statement is reproduced verbatim on the County Executive Office's official website, which also links to www.strengthenpgc.com. *See* *Strengthening Prince George's*, PRINCE GEORGE'S CTY., MD., <https://www.princegeorgescountymd.gov/departments-offices/county-executive/strengthening-prince-georges> (last visited Dec. 17, 2024).

¹⁵ *See generally* STRENGTHENING PRINCE GEORGE'S, <https://strengthenpgc.com/> (last visited Dec. 17, 2024) (follow hyperlinks under "Projects").

¹⁶ *See Contact*, STRENGTHENING PRINCE GEORGE'S, <https://strengthenpgc.com/contact> (last visited Dec. 17, 2024) (cited in Compl. at 2) (providing "Strengthening Prince George's" contact information as "countyexecutive@co.pg.md.us" and "1301 McCormick Drive[,] Largo, MD 20774"); *Office of the County Executive*, PRINCE GEORGE'S CTY., MD., <https://www.princegeorgescountymd.gov/staff-directory/office-county-executive> (last visited Dec. 17, 2024) (providing County Executive's Office contact information as "countyexecutive@co.pg.md.us" and "1301 McCormick Drive[,] Suite 4000[,] Largo, MD 20774").

¹⁷ STRENGTHENING PRINCE GEORGE'S, *supra* note 16 (follow Facebook and X hyperlinks); *see* Prince Georges County Government e-Community, FACEBOOK, <https://www.facebook.com/PrinceGeorgesMD/> (last visited Dec. 17, 2024); PrinceGeorgesMD (@PrinceGeorgesMD), X, <https://x.com/PrinceGeorgesMD> (last visited Dec. 17, 2024).

¹⁸ *See generally* Prince Georges County Government e-Community, Videos, FACEBOOK, <https://www.facebook.com/PrinceGeorgesMD/videos> (last visited Dec. 17, 2024).

¹⁹ *See generally* Prince George's County Executive, *Strengthening Prince George's*, YOUTUBE, <https://www.youtube.com/playlist?list=PLjE4s2cEQfNwrLUEw7gi7ojZPRpreaEKR> (last visited Dec. 17, 2024) ("Explore the key economic development initiatives led by The Alsobrooks Administration in Prince George's County.").

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1 August 2023 to October 2023.²⁰ The Ad, which intercuts project illustrations from the County

2 Development Platform with apparent stock footage scenes, includes the following voice-over:

3 Everybody wants to do big things. But big things are the result of
 4 hundreds of small things done well every day. And that takes
 5 vision. County Executive Angela Alsobrooks's vision is of a
 6 Prince George's County where everyone prospers. Which is why
 7 she's teamed up with other County leaders to put the focus of more
 8 than \$1 billion of public-private investment where it belongs: on
 9 the people who live here. Because change only matters if you're a
 10 part of it. Strengthening Prince George's. Progress. Growth.
 11 Community.²¹

12 The Blue Line Corridor appears to have been described as Alsobrooks's "vision" since
 13 the release of the County Development Platform in 2021.²² This description has been repeated in
 14 official government statements and news stories related to the Blue Line Corridor.²³ For
 15 example, at an April 13, 2022 news conference with Alsobrooks at the Downtown Largo Metro

²⁰ See Alsobrooks Resp. at 2; Cty. Resp. at 2; *see also* Compl. at 2 (alleging that the Ad "began running on cable outlets and social media" "[o]n or about September 29, 2023"). The Ad is available on the County's website. *See PRINCE GEORGE'S CTY., MD.*, *supra* note 14.

²¹ Compl. at 2-3 (quoting @princegeorgescountyexecutive, *Strengthening Prince George's*, YOUTUBE (Oct. 4, 2023), <https://www.youtube.com/shorts/xetBEk3LjR8>); *see also* Alsobrooks Resp. at 3 (transcribing voiceover and describing corresponding images in Ad); Cty. Resp. at 3 (same). The final shot of the Ad includes text stating "strengtheningpgc.com" and a QR code linking to the website. *See* Alsobrooks Resp. at 3; Cty. Resp. at 3.

²² See CTY. EXEC. ANGELA D. ALSOBROOKS, *supra* note 8, at 2 ("This platform represents the County Executive's vision for a new way of doing business in Prince George's County.").

²³ See, e.g., MD. STADIUM AUTH., *supra* note 9 ("Prince George's County anticipates that all other proposed facilities would be constructed on land owned by the county and/or of public and quasi-public partners, all of whom were partners in creating the Blue Line Corridor vision."); Chason, *supra* note 8 ("But what is different this year is that there is a 'unified vision' behind the Blue Line revitalization efforts that's shared by the Alsobrooks administration, county council, legislative team and business community, said David Harrington, the outgoing president of the Prince George's Chamber of Commerce.").

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1 station, then-Governor Lawrence J. Hogan, Jr. described the Blue Line Corridor as “the County
2 Executive’s . . . bold new vision for this area.”²⁴

3 The Complaint alleges that the Ad constitutes an in-kind contribution from the County
4 because it “contain[s] the functional equivalent of express advocacy” and has “no reasonable
5 interpretation other than as an appeal to support” Alsobrooks’s federal candidacy.²⁵ In support
6 of its allegations, the Complaint argues that the Ad “has been running on outlets favored by
7 Democratic primary voters like MSNBC and CNN — but not on those unlikely to reach
8 Democratic primary voters, like Fox News.”²⁶ The Complaint also asserts that the Ad contrasts
9 with previous County-funded advertising campaigns.²⁷

10 The Complaint argues that the County is subject to the Act’s limitations and prohibitions
11 on contributions and the County’s spending on the Ad exceeded the \$3,300 contribution limit.²⁸
12 The Complaint requests that the Commission investigate whether Alsobrooks directed the

²⁴ Gov. Larry Hogan, *Blue Line Corridor Project - April 13, 2022* at 2:29, YOUTUBE (Apr. 13, 2022), <https://www.youtube.com/watch?v=gDD99msxPvU>; see Chason, *supra* note 8. Hogan was Alsobrooks’s opponent in the 2024 Maryland general election for U.S. Senate. *See* Larry Hogan, Statement of Candidacy at 1 (Mar. 6, 2024); MD. STATE BD. OF ELECTIONS, *supra* note 3.

²⁵ Compl. at 3.

²⁶ *Id.* The Complaint also alleges that “[s]imilar advertisements are running on social media platforms like Facebook and Instagram,” but these ads are unavailable for our review. *Id.* (citing META AD LIBRARY, <https://www.facebook.com/ads/library/?id=6826133040766200> (last visited Dec. 17, 2024) (“This ad is no longer available[.]”)). The Complaint quotes the social media ads as stating the following: “Jobs. Housing. Amenities. Angela Alsobrooks is making sure \$1 billion in economic investments include everyone.” *Id.* The Responses do not substantively address the social media ads, stating only that “[t]o the extent an ad with such text was in fact disseminated by the County, . . . the Commission should find no reason to believe a violation of the Act has occurred and should dismiss the Complaint.” Alsobrooks Resp. at 2 n.6; accord Cty. Resp. at 2 n.4. Because the social media ads are unavailable, we limit our analysis of the alleged violations to the Ad discussed above.

²⁷ The Complaint states, “in the past, the County has run advertisements under the brand ‘Experience Prince George’s County,’ which are plainly crafted to encourage tourism, business location, and residence, with lower production values — and without mentioning Ms. Alsobrooks.” Compl. at 3 (citing Experience Prince Georges, *Prince George’s County, MD Experience, Expand, Explore!*, YOUTUBE (Oct. 29, 2014), <https://www.youtube.com/watch?v=evFmSwsPPL0>). Experience Prince George’s is a marketing organization independent of the County. *See* Business Entity Search, MD. DEP’T OF ASSESSMENTS & TAX’N, <https://egov.maryland.gov/BusinessExpress/EntitySearch> (search “Experience Prince George’s” in field “Business Name”) (last visited Dec. 17, 2024).

²⁸ Compl. at 4 (citing Advisory Opinion 2002-05 at 4 n.8 (Hutchinson) (“AO 2002-05”); and AO 1999-07 at 2 n.3 (Minnesota Secretary of State)); *id.* at 5.

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1 County to spend funds for the Ad or coordinated the “Strengthening Prince George’s”
 2 advertising campaign with the County and take action to prevent future County spending in
 3 violation of the Act and Commission regulations.²⁹

4 Alsobrooks and the Alsobrooks Committee filed a joint response; the County filed a
 5 substantively similar response.³⁰ In addition to detailing the Blue Line Corridor project and the
 6 related “Strengthening Prince George’s” advertising campaign, both Responses acknowledge
 7 that the County paid for the Ad.³¹ However, the Responses deny the allegations and assert that,
 8 because the Ad does not satisfy the content or conduct prongs of the Commission regulations on
 9 coordinated communications, it is not an in-kind contribution prohibited under the Act.³² The
 10 Responses also request that the Commission dismiss the allegations.³³

11 **III. LEGAL ANALYSIS**

12 The Act prohibits corporations from making contributions to federal candidates, and
 13 prohibits candidates, political committees (other than independent expenditure-only political
 14 committees and committees with hybrid accounts), and other persons from knowingly accepting
 15 or receiving corporate contributions.³⁴ The Act also prohibits any person from making excessive

²⁹ Compl. at 1, 5-6. The Complaint contends that “the public interest requires the County immediately to pull the advertisements” “or at least to remove their references to Ms. Alsobrooks,” *id.* at 5-6, and that “if the County continues to run the ads in their present form, the County would invite a knowing and willful violation, and potential criminal liability,” *id.* at 6.

³⁰ Compare Alsobrooks Resp. with Cty. Resp.

³¹ Alsobrooks Resp. at 2; Cty. Resp. at 2.

³² Alsobrooks Resp. at 2-6; Cty. Resp. at 2-5.

³³ Alsobrooks Resp. at 6; Cty. Resp. at 6.

³⁴ 52 U.S.C. § 30118(a); *accord* 11 C.F.R. § 114.2(a), (d).

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1 contributions to any candidate or candidate's authorized committee, and prohibits candidate
2 committees from knowingly accepting excessive contributions.³⁵

3 Under the Act, a "contribution" includes "any gift, subscription, loan, advance, or deposit
4 of money or anything of value made by any person for the purpose of influencing any election
5 for Federal office."³⁶ The term "anything of value" includes "all in-kind contributions."³⁷ An
6 in-kind contribution is an expenditure made by any person in "cooperation, consultation, or
7 concert with, or at the request or suggestion of, a candidate, [her or] his authorized political
8 committees, or their agents."³⁸ A communication that is coordinated with a candidate or the
9 candidate's committee is considered an in-kind contribution to that candidate or committee and
10 subject to the limitations, prohibitions, and reporting requirements of the Act and Commission
11 regulations.³⁹

12 Commission regulations provide a three-part test for determining whether a
13 communication is coordinated.⁴⁰ A communication is coordinated if it: (1) is paid for by a
14 person other than the candidate, authorized committee, or political party committee (the
15 "payment prong");⁴¹ (2) satisfies a content standard under 11 C.F.R. § 109.21(c) (the "content
16 prong");⁴² and (3) satisfies a conduct standard under 11 C.F.R. § 109.21(d) (the "conduct

³⁵ 52 U.S.C. § 30116(a)(1)(A), (f); *accord* 11 C.F.R. §§ 110.1(b), 110.9. For the 2024 election cycle, contributions by persons (other than multicandidate committees) to any candidate and the candidate's authorized committees were limited to \$3,300 per election. Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 88 Fed. Reg. 7,088, 7,090 (Feb. 2, 2023).

³⁶ 52 U.S.C. § 30101(8)(A); *accord* 11 C.F.R. § 100.52.

³⁷ 11 C.F.R. § 100.52(d).

³⁸ 52 U.S.C. § 30116(a)(7)(B)(i); *accord* 11 C.F.R. § 109.20(a).

³⁹ *See* 52 U.S.C. § 30116(a)(7)(B)(i); 11 C.F.R. § 109.21(a), (b); *see also id.* § 100.52(d).

⁴⁰ 11 C.F.R. § 109.21(a)-(b).

⁴¹ *Id.* § 109.21(a)(1).

⁴² *Id.* § 109.21(c).

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1 prong").⁴³ All three prongs must be satisfied for a communication to be coordinated under
 2 Commission regulations.⁴⁴ As discussed below, the available information indicates that the Ad
 3 does not satisfy the content prong of the coordinated communications test.

4 To satisfy the content prong, a communication must be (1) an electioneering
 5 communication;⁴⁵ (2) a public communication that disseminates, distributes, or republishes, in
 6 whole or in part, campaign material prepared by a candidate or the candidate's authorized
 7 committee; (3) a public communication that expressly advocates the election or defeat of a
 8 clearly identified candidate for Federal office; (4) a public communication that refers to a clearly
 9 identified House or Senate candidate and is publicly distributed or otherwise publicly
 10 disseminated in that candidate's jurisdiction 90 days or fewer before the election in which that
 11 candidate is participating; or (5) a public communication that is the functional equivalent of
 12 express advocacy.⁴⁶ The Ad does not satisfy any of these standards.

13 The available information does not indicate that the Ad or other "Strengthen Prince
 14 George's" ads were publicly distributed or disseminated within 30 days before the Maryland
 15 Primary Election held on May 14, 2024, within 60 days before the Maryland General Election

⁴³ The conduct standards listed in 11 C.F.R. § 109.21(d) are: (1) request or suggestion; (2) material involvement; (3) substantial discussion; (4) common vendor; (5) former employee; and (6) republication.

⁴⁴ 11 C.F.R. § 109.21(a); *see* Explanation and Justification for Coordinated and Independent Expenditures, 68 Fed. Reg. 421, 453 (Jan. 3, 2003).

⁴⁵ 11 C.F.R. § 109.21(c)(1). An "electioneering communication" means "any broadcast, cable, or satellite communication that: (1) refers to a clearly identified candidate for Federal office; (2) is publicly distributed within 60 days before a general election for the office sought by the candidate; or within 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate, and the candidate referenced is seeking the nomination of that political party; and (3) is targeted to the relevant electorate, in the case of a candidate for Senate or the House of Representatives." *Id.* § 100.29(a). "[C]ommunications over the Internet" are exempt from the definition of "electioneering communication." *Id.* § 100.29(c)(1).

⁴⁶ 11 C.F.R. § 109.21(c)(2)-(5); *see also* 52 U.S.C. § 30101(22) (defining "public communication" as a "communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising."); 11 C.F.R. § 100.26 (explaining that "the term *general public political advertising* shall not include communications over the Internet, except communications placed for a fee on another person's Web site").

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1 held on November 5, 2024, or within 90 days of either election.⁴⁷ According to the Responses,
 2 the Ad was broadcast on cable, radio, and online video and social media platforms from
 3 August 2023 through October 2023.⁴⁸ There is no information that indicates the County publicly
 4 disseminated the Ad or similar ads after this period.

5 The Ad also does not appear to disseminate, distribute, or republish campaign materials
 6 prepared by Alsobrooks or the Alsobrooks Committee.⁴⁹ The Ad reproduces project illustrations
 7 from the County Development Platform,⁵⁰ which the County Executive's Office published
 8 approximately two years before Alsobrooks announced her federal candidacy.⁵¹ The Responses
 9 deny that Alsobrooks or the Alsobrooks Committee prepared any materials in the Ad,⁵² and the
 10 available information does not indicate that the Ad is similar to any campaign materials prepared
 11 by the Alsobrooks Committee.⁵³

12 The Ad also does not expressly advocate for Alsobrooks's election or the defeat of her
 13 electoral opponents; nor does it contain the functional equivalent of express advocacy.⁵⁴ A
 14 communication contains express advocacy if (1) it uses words, phrases, or slogans that "in

⁴⁷ See 11 C.F.R. §§ 100.29(a)(2), 109.21(c)(4)(i).

⁴⁸ *Supra* note 20 and accompanying text.

⁴⁹ See 11 C.F.R. § 109.21(c)(2).

⁵⁰ *Supra* note 21 and accompanying text.

⁵¹ See *supra* notes 4, 8 and accompanying text.

⁵² Alsobrooks Resp. at 4; Cty. Resp. at 4.

⁵³ See, e.g., Angela Alsobrooks (@AlsobrooksforMD2024), YOUTUBE, <https://www.youtube.com/@AlsobrooksforMD2024> (last visited Dec. 17, 2024); GOOGLE ADS TRANSPARENCY CTR., <https://adstransparency.google.com/advertiser/AR17664781780676247553?topic=political®ion=US> (last visited Dec. 17, 2024) (showing all ads paid for by Alsobrooks for Senate since May 11, 2023); META AD LIBRARY, [https://business.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&is_targeted_country=false&media_type=all&search_type=page&source=fb-logo&start_date\[min\]=2023-05-09&start_date\[max\]&view_all_page_id=103171994635775](https://business.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&is_targeted_country=false&media_type=all&search_type=page&source=fb-logo&start_date[min]=2023-05-09&start_date[max]&view_all_page_id=103171994635775) (last visited Dec. 17, 2024) (showing all ads paid for by Alsobrooks for Senate since May 9, 2023). *But see also* The Economy, ALSO BROOKS FOR SENATE, <https://www.angelaalsobrooks.com/priority/the-economy> (last visited Dec. 17, 2024) ("She has attracted more than a billion dollars to the Blue Line Corridor[.]").

⁵⁴ See 11 C.F.R. § 109.21(c)(3), (5).

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1 context can have no other reasonable meaning than to urge the election or defeat of one or more
 2 clearly identified candidate(s)" or (2) "[t]he electoral portion of the communication is
 3 unmistakable, unambiguous, and suggestive of only one meaning; and . . . [r]easonable minds
 4 could not differ as to whether it encourages actions to elect or defeat one or more clearly
 5 identified candidate or encourages some other kind of action."⁵⁵

6 The Ad states that "County Executive Angela Alsobrooks's vision is of a Prince George's
 7 County where everyone prospers" and that "she's teamed up with other County leaders to put the
 8 focus of more than \$1 billion of public-private investment where it belongs: on the people who
 9 live here."⁵⁶ The Ad could thus be interpreted as beneficial to Alsobrooks's federal candidacy
 10 by raising her public profile. However, in context, the Ad has a reasonable meaning other than
 11 express advocacy. The purpose of the "Strengthening Prince George's" advertising campaign
 12 appears to be to inform County residents of "\$1 billion of public-private investment" in the Blue
 13 Line Corridor and its related projects.⁵⁷ The Ad does not refer to Alsobrooks's status as a federal
 14 candidate, identify her electoral opponents, or contain any apparent electoral content regarding
 15 her candidacy.⁵⁸ Insofar as the Ad refers to Alsobrooks, it does so only in her capacity as
 16 County Executive for Prince George's County.⁵⁹ Additionally, the Blue Line Corridor has been

⁵⁵ *Id.* § 100.22.

⁵⁶ *Supra* note 21 and accompanying text; *see also supra* note 2628 ("Angela Alsobrooks is making sure \$1 billion in economic investments include everyone.").

⁵⁷ *Supra* note 2123 and accompanying text; *see supra* note 10 and accompanying text.

⁵⁸ See Factual & Legal Analysis ("F&LA") at 7-9, MUR 6376 (Lori Edwards) (dismissing allegations where a county officeholder and simultaneous federal candidate appeared in public service announcements disseminated by the county because the communications did not focus on her role as a federal candidate and did not contain any electoral content regarding her candidacy); Statement of Reasons ("SOR"), Chairman Lenhard & Comm'rs. Von Spakovsky, Walther & Weintraub at 2-3, MUR 5770 (Laffey US Senate, *et al.*) (dismissing allegations where a city mayor and simultaneous federal candidate was identified in communications disseminated by the city listing accomplishments achieved by the city while the candidate was mayor). *But see* F&LA at 3, MUR 5410 (Oberweis) (finding content prong satisfied despite ad not clearly identifying individual as a federal candidate or containing any political message).

⁵⁹ *See supra* note 21 and accompanying text.

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1 described as Alsobrooks's "vision" since at least 2021, two years before Alsobrooks announced
 2 her federal candidacy.⁶⁰

3 Therefore, the Ad does not satisfy the content prong of the coordinated communications
 4 test. Because the content prong is not satisfied, we do not reach the issue of whether the Ad
 5 satisfies the conduct prong.⁶¹ Additionally, because the ads are not coordinated
 6 communications, they did not result in excessive and prohibited in-kind contributions.

7 Accordingly, we recommend that the Commission dismiss the allegations that the County made
 8 excessive and prohibited in-kind contributions in violation of 52 U.S.C. §§ 30116(a)(1) and
 9 30118(a) and 11 C.F.R. §§ 110.1(b) and 114.2(b), and that Alsobrooks and the Alsobrooks
 10 Committee knowingly accepted such contributions in violation of 52 U.S.C. §§ 30116(f) and
 11 30118(a) and 11 C.F.R. §§ 110.9 and 114.2(d).⁶²

12 **IV. RECOMMENDATIONS**

- 13 1. Dismiss the allegation that Prince George's County, Maryland violated 52 U.S.C.
 14 §§ 30116(a)(1), 30118(a) and 11 C.F.R. §§ 110.1(b), 114.2(b) by making
 15 excessive and prohibited in-kind contributions;
- 16 2. Dismiss the allegation that Angela D. Alsobrooks and Alsobrooks for Senate and
 17 Jay Petterson in his official capacity as treasurer violated 52 U.S.C. §§ 30116(f),
 18 30118(a) and 11 C.F.R. §§ 110.9, 114.2(d) by knowingly accepting excessive and
 19 prohibited in-kind contributions;
- 20 3. Approve the attached Factual and Legal Analysis;

⁶⁰ See *supra* notes 4, 22-24 and accompanying text.

⁶¹ See *supra* note 43 and accompanying text.

⁶² The allegations in the Complaint also raise the issue of whether Alsobrooks violated 52 U.S.C. § 30125(e) and (f) by directing the County to spend nonfederal funds in connection with a federal election. However, the "Strengthening Prince George's" advertising campaign does not appear to constitute an activity "in connection" with an election, as it does not expressly advocate the election or defeat of a candidate, solicit funds for a candidate's committee, or gather information on potential voters. See F&LA at 3, MUR 7106 (Citizens for Maria Chappelle-Nadal, *et al.*) (citing AO 2009-26 at 5 (State Representative Coulson); AO 2007-26 at 4 (Schock); and AO 2006-38 at 4 (Casey State Committee)); *see also* AO 2003-20 at 2 (Reyes) ("In analyzing the application of 2 U.S.C. § 441i(e), the threshold question is whether the funds involved are in connection with a Federal or non-Federal election under subsection (e)(1).").

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4. Approve the appropriate letters; and
 5. Close the file effective 30 days after the date the certification of this vote is signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday).

Lisa J. Stevenson
Acting General Counsel

12/19/2024

Date

Adrienne C. Baranowicz
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Deputy Associate General Counsel for Enforcement

Ana J. Peña-Wallace

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16 Attachment:

17 Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Angela D. Alsobrooks
Alsobrooks for Senate and Jay Petterson
in his official capacity as treasurer
Prince George's County, Maryland

MUR 8189

I. INTRODUCTION

8 This matter arises from a Complaint alleging that Angela D. Alsobrooks and her principal
9 campaign committee, Alsobrooks for Senate and Jay Petterson in his official capacity as
10 treasurer (the “Alsobrooks Committee”), violated the Federal Election Campaign Act of 1971, as
11 amended (the “Act”), by accepting excessive and prohibited in-kind contributions from Prince
12 George’s County, Maryland (“Prince George’s County” or the “County”), and that the County
13 violated the Act by making such contributions. Specifically, the Complaint alleges that
14 Alsobrooks, who at the time of the alleged violations held office as County Executive for Prince
15 George’s County, used public funds to air a cable television and social media advertisement (the
16 “Ad”) that promotes her character, qualifications, and fitness for office for purposes of
17 influencing her election for U.S. Senate. The Complaint alleges that the Ad is a coordinated
18 communication and thus an excessive in-kind contribution that violates the Act’s contribution
19 limitations and prohibition on corporate contributions.¹ The Responses argue that the Ad is part

¹ The Complaint also alleges that the Ad violates the Prince George's County Code, but the Commission makes no findings as to that allegation because it is outside of the Commission's jurisdiction. *See Compl.* at 1, 3-4 (addressing Todd M. Turner, Executive Director of the Prince George's County Office of Ethics & Accountability, as an additional recipient of the Complaint and alleging violations of the Prince George's County Code); *see also* Angela D. Alsobrooks & Alsobrooks for Senate *Resp.* at 1 n.1 (Feb. 14, 2024) ("Alsobrooks *Resp.*") (stating that the alleged violations of the Prince George's County Code "are not discussed in this Response because they are outside of the Commission's jurisdiction"); Prince George's County, Maryland *Resp.* at 1 n.1 (Sept. 24, 2024) ("Cty. *Resp.*") (same).

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1 of a public awareness and education campaign for a local economic development project and are
 2 not coordinated communications under Commission regulations.

3 The available information indicates that the Ad does not satisfy the content prong of the
 4 coordinated communications test under Commission regulations. Accordingly, the Commission
 5 dismisses the allegations that the County made excessive and prohibited in-kind contributions in
 6 violation of 52 U.S.C. §§ 30116(a)(1) and 30118(a) and 11 C.F.R. §§ 110.1(b) and 114.2(b), and
 7 that Alsobrooks and the Alsobrooks Committee knowingly accepted such contributions in
 8 violation of 52 U.S.C. §§ 30116(f) and 30118(a) and 11 C.F.R. §§ 110.9 and 114.2(d).

9 **II. FACTUAL BACKGROUND**

10 Angela D. Alsobrooks is the Senator-Elect for Maryland and was a candidate for the U.S.
 11 Senate during the 2024 election cycle.² Alsobrooks announced her federal candidacy on May 9,
 12 2023.³ The Alsobrooks Committee is her principal campaign committee.⁴ Prior to her election
 13 to the U.S. Senate, Alsobrooks was the County Executive for Prince George's County.⁵ The
 14 County is located in the State of Maryland and borders Washington, D.C.

15 The Blue Line Corridor is an ongoing transit-oriented development project for public-
 16 private investment in a five-mile area along the Washington Metrorail system (the "Metro") in

² See MD. STATE BD. OF ELECTIONS, OFFICIAL 2024 PRESIDENTIAL GENERAL ELECTION RESULTS FOR U.S. SENATOR, https://elections.maryland.gov/elections/2024/General_Results/gen_results_2024_2.html (last updated Dec. 5, 2024, 2:20:03 PM); Angela Alsobrooks, Amended Statement of Candidacy at 1 (Apr. 12, 2024).

³ Angela Alsobrooks, Statement of Candidacy at 1 (May 9, 2023); see Press Release, Gina Ford, Communications Director, Alsobrooks for Senate, Angela Alsobrooks Launches Campaign to Represent Maryland in U.S. Senate (May 9, 2023).

⁴ Alsobrooks for Senate, Amended Statement of Organization at 2 (Apr. 12, 2024).

⁵ See Alsobrooks Resp. at 2 ("Angela Alsobrooks was first elected as the County Executive of Prince George's County, Maryland in 2018 and was re-elected to a second term in 2022."); Cty. Resp. at 2 (same). Alsobrooks resigned as Prince George's County Executive on December 2, 2024. Letter from Angela D. Alsobrooks, Cty. Exec., Prince George's Cty., to Wes Moore, Governor, Maryland (Dec. 2, 2024), <https://www.princegeorgescountymd.gov/sites/default/files/media-document/Alsobrooks%20Resignation%20Letter.pdf>.

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1 the County.⁶ The project appears to have been planned since at least 2021, when the County
 2 Executive's Office published the Prince George's County Economic Development Platform (the
 3 "County Development Platform") describing the Blue Line Corridor as an "anchor initiative."⁷
 4 The Blue Line Corridor is funded by \$400 million in state bonds appropriated in 2022,⁸ as well
 5 as federal grants and private investment, with reported investments totaling over \$1 billion.⁹

⁶ See, e.g., Lateshia Beachum & Erin Cox, *\$400 Million Investment Approved for Redevelopment near FedEx Field*, WASH. POST (Jan. 25, 2023), <https://www.washingtonpost.com/dc-md-va/2023/01/25/blue-line-alsobrooks-prince-georges/>.

⁷ CTY. EXEC. ANGELA D. ALSOBROOKS, PRINCE GEORGE'S COUNTY ECONOMIC DEVELOPMENT PLATFORM 22 (June 2021); *see also* Rachel Chason, *Pr. George's Officials Say Long-Awaited Transformation is Coming*, WASH. POST (Apr. 18, 2022), <https://www.washingtonpost.com/dc-md-va/2022/04/18/prince-georges-blue-line/> (cited in Alsobrooks Resp. at 2 n.4; and Cty. Resp. at 2 n.2) ("The development of Alsobrooks's current plan dates back at least to 2020[.]"); Cty. Resp. at 2 ("The project's vision is a consolidation of over 15 different community planning processes dating back to 2010.").

⁸ See H.B. 897, 2022 Leg., 444th Sess. (Md. 2022). The appropriations bill was approved by then-Governor Lawrence J. Hogan, Jr. on April 12, 2022. See Alsobrooks Resp. at 2; Cty. Resp. at 2; *see also* Chason, *supra* note 7 ("During last year's [2021] session, the county secured about \$17 million in state funding for the project." (alteration added)). The Maryland Board of Public Works approved the Maryland Stadium Authority to issue the bonds in January 2023. *Prince George's County Blue Line Corridor Sports and Entertainment Facilities – Feasibility Study & Design/Build Services*, MD. STADIUM AUTH., <https://mdstad.com/projects/prince-georges-county-blue-line-corridor-sports-and-entertainment-facilities-feasibility> (last visited Dec. 17, 2024); *see* Alsobrooks Resp. at 2; Cty. Resp. at 2.

⁹ See Lateshia Beachum, *Washington-Area Trails Receive \$25 Million for Construction and Renewal*, WASH. POST (July 24, 2023), <https://www.washingtonpost.com/dc-md-va/2023/07/24/federal-grant-washington-trails/>; *Prince George's Secures Historic Investment Blue Line Corridor from Minority Developers*, MD. ASS'N CTYS. (Mar. 1, 2023), <https://conduitstreet.mdcounties.org/2023/03/01/prince-georges-secures-historic-investment-blue-line-corridor-from-minority-developers/>; Alsobrooks Highlights Blue Line Corridor Project's Minority Developers, WASH. INFORMER (Feb. 28, 2023), <https://www.washingtoninformer.com/alsobrooks-highlights-blue-line-corridor-projects-minority-developers/>.

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1 “Strengthening Prince George’s” is a County-funded public awareness campaign for the

2 Blue Line Corridor.¹⁰ An advertising agency, Hart, Inc.,¹¹ registered “strengtheningpgc.com” as

3 a domain name on August 21, 2023.¹² The website states the following:

4 Strengthening Prince George’s is County Executive Angela
 5 Alsobrooks’ vision to build the commercial tax base by focusing
 6 economic development around transit hubs in the County. She and
 7 many other Prince George’s leaders are securing investments that
 8 will bring new jobs, affordable housing, and amenities for all
 9 Prince Georgians, because Strengthening Prince George’s begins
 10 with the people who already call it home.¹³

11 The “Strengthening Prince George’s” website links to pages describing proposed

12 facilities for the Blue Line Corridor and embeds related project illustrations from the County

13 Development Platform.¹⁴ The website provides the official government email and building

14 address for the County Executive’s Office as contact information¹⁵ and links to the County’s

¹⁰ See Alsobrooks Resp. at 2; Cty. Resp. at 2.

¹¹ See Compl. at 2; *About*, HART, INC., <https://www.hartinc.com/about/> (last visited Dec. 17, 2024).

¹² Compl. at 2 (citing *strengtheningpgc.com*, WHOIS, <https://www.whois.com/whois/strengtheningpgc.com> (last visited Dec. 17, 2024)); *see Registration Data Lookup Tool*, ICANN, <https://lookup.icann.org/en/lookup> (last visited Dec. 17, 2024) (search “strengtheningpgc.com”); *see also* Alsobrooks Resp. at 2 (“As part of this campaign, the County created a website, <https://strengtheningpgc.com>, which provided an overview of the planned development projects and their economic impact on the County.”); Cty. Resp. at 2 (same).

¹³ *About*, STRENGTHENING PRINCE GEORGE’S, <https://strengtheningpgc.com/about> (last visited Dec. 17, 2024) (cited in Compl. at 2). The statement is located at the bottom of each page of the website. *See STRENGTHENING PRINCE GEORGE’S*, <https://strengtheningpgc.com/> (last visited Dec. 17, 2024). The same statement is reproduced verbatim on the County Executive Office’s official website, which also links to www.strengtheningpgc.com. *See Strengthening Prince George’s*, PRINCE GEORGE’S CTY., MD., <https://www.princegeorgescountymd.gov/departments-offices/county-executive/strengthening-prince-georges> (last visited Dec. 17, 2024).

¹⁴ *See generally* STRENGTHENING PRINCE GEORGE’S, <https://strengtheningpgc.com/> (last visited Dec. 17, 2024) (follow hyperlinks under “Projects”).

¹⁵ *See Contact*, STRENGTHENING PRINCE GEORGE’S, <https://strengtheningpgc.com/contact> (last visited Dec. 17, 2024) (cited in Compl. at 2) (providing “Strengthening Prince George’s” contact information as “countyexecutive@co.pg.md.us” and “1301 McCormick Drive[,] Largo, MD 20774”); *Office of the County Executive*, PRINCE GEORGE’S CTY., MD., <https://www.princegeorgescountymd.gov/staff-directory/office-county-executive> (last visited Dec. 17, 2024) (providing County Executive’s Office contact information as “countyexecutive@co.pg.md.us” and “1301 McCormick Drive[,] Suite 4000[,] Largo, MD 20774”).

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1 official social media accounts.¹⁶ The County's official Facebook page posted videos related to
 2 the "Strengthening Prince George's" campaign from August 16, 2023 through March 13, 2024.¹⁷
 3 The County Executive Office's YouTube page also includes a playlist of twenty-four videos
 4 related to the "Strengthening Prince George's" campaign dating back to October 4, 2023.¹⁸

5 "Strengthening Prince George's" appears to have been promoted by an advertisement
 6 (the "Ad") that aired on cable, radio, digital streaming, and social media platforms from
 7 August 2023 to October 2023.¹⁹ The Ad, which intercuts project illustrations from the County
 8 Development Platform with apparent stock footage scenes, includes the following voice-over:

9 Everybody wants to do big things. But big things are the result of
 10 hundreds of small things done well every day. And that takes
 11 vision. County Executive Angela Alsobrooks's vision is of a
 12 Prince George's County where everyone prospers. Which is why
 13 she's teamed up with other County leaders to put the focus of more
 14 than \$1 billion of public-private investment where it belongs: on
 15 the people who live here. Because change only matters if you're a
 16 part of it. Strengthening Prince George's. Progress. Growth.
 17 Community.²⁰

¹⁶ STRENGTHENING PRINCE GEORGE'S, *supra* note 15 (follow Facebook and X hyperlinks); *see* Prince Georges County Government e-Community, FACEBOOK, <https://www.facebook.com/PrinceGeorgesMD/> (last visited Dec. 17, 2024); PrinceGeorgesMD (@PrinceGeorgesMD), X, <https://x.com/PrinceGeorgesMD> (last visited Dec. 17, 2024).

¹⁷ *See generally* Prince Georges County Government e-Community, *Videos*, FACEBOOK, <https://www.facebook.com/PrinceGeorgesMD/videos> (last visited Dec. 17, 2024).

¹⁸ *See generally* Prince George's County Executive, *Strengthening Prince George's*, YOUTUBE, <https://www.youtube.com/playlist?list=PLjE4s2cEQfNwrLUEw7gi7ojZPRpreaEKR> (last visited Dec. 17, 2024) ("Explore the key economic development initiatives led by The Alsobrooks Administration in Prince George's County.").

¹⁹ *See* Alsobrooks Resp. at 2; Cty. Resp. at 2; *see also* Compl. at 2 (alleging that the Ad "began running on cable outlets and social media" "[o]n or about September 29, 2023"). The Ad is available on the County's website. *See* PRINCE GEORGE'S CTY., MD., *supra* note 13.

²⁰ Compl. at 2-3 (quoting @princegeorgescountyexecutive, *Strengthening Prince George's*, YOUTUBE (Oct. 4, 2023), <https://www.youtube.com/shorts/xeTBEk3LjR8>); *see also* Alsobrooks Resp. at 3 (transcribing voiceover and describing corresponding images in Ad); Cty. Resp. at 3 (same). The final shot of the Ad includes text stating "strengtheningpgc.com" and a QR code linking to the website. *See* Alsobrooks Resp. at 3; Cty. Resp. at 3.

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1 The Blue Line Corridor appears to have been described as Alsobrooks's "vision" since
 2 the release of the County Development Platform in 2021.²¹ This description has been repeated in
 3 official government statements and news stories related to the Blue Line Corridor.²² For
 4 example, at an April 13, 2022 news conference with Alsobrooks at the Downtown Largo Metro
 5 station, then-Governor Lawrence J. Hogan, Jr. described the Blue Line Corridor as "the County
 6 Executive's . . . bold new vision for this area."²³

7 The Complaint alleges that the Ad constitutes an in-kind contribution from the County
 8 because it "contain[s] the functional equivalent of express advocacy" and has "no reasonable
 9 interpretation other than as an appeal to support" Alsobrooks's federal candidacy.²⁴ In support
 10 of its allegations, the Complaint argues that the Ad "has been running on outlets favored by
 11 Democratic primary voters like MSNBC and CNN — but not on those unlikely to reach

²¹ See CTY. EXEC. ANGELA D. ALSO BROOKS, *supra* note 7, at 2 ("This platform represents the County Executive's vision for a new way of doing business in Prince George's County.").

²² See, e.g., MD. STADIUM AUTH., *supra* note 8 ("Prince George's County anticipates that all other proposed facilities would be constructed on land owned by the county and/or of public and quasi-public partners, all of whom were partners in creating the Blue Line Corridor vision."); Chason, *supra* note 7 ("But what is different this year is that there is a 'unified vision' behind the Blue Line revitalization efforts that's shared by the Alsobrooks administration, county council, legislative team and business community, said David Harrington, the outgoing president of the Prince George's Chamber of Commerce.").

²³ Gov. Larry Hogan, *Blue Line Corridor Project - April 13, 2022* at 2:29, YOUTUBE (Apr. 13, 2022), <https://www.youtube.com/watch?v=gDD99msxPvU>; see Chason, *supra* note 7. Hogan was Alsobrooks's opponent in the 2024 Maryland general election for U.S. Senate. See Larry Hogan, Statement of Candidacy at 1 (Mar. 6, 2024); MD. STATE BD. OF ELECTIONS, *supra* note 2.

²⁴ Compl. at 3.

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1 Democratic primary voters, like Fox News.”²⁵ The Complaint also asserts that the Ad contrasts
 2 with previous County-funded advertising campaigns.²⁶

3 The Complaint argues that the County is subject to the Act’s limitations and prohibitions
 4 on contributions and the County’s spending on the Ad exceeded the \$3,300 contribution limit.²⁷
 5 The Complaint requests that the Commission investigate whether Alsobrooks directed the
 6 County to spend funds for the Ad or coordinated the “Strengthening Prince George’s”
 7 advertising campaign with the County and take action to prevent future County spending in
 8 violation of the Act and Commission regulations.²⁸

9 Alsobrooks and the Alsobrooks Committee filed a joint response; the County filed a
 10 substantively similar response.²⁹ In addition to detailing the Blue Line Corridor project and the
 11 related “Strengthening Prince George’s” advertising campaign, both Responses acknowledge

²⁵ *Id.* The Complaint also alleges that “[s]imilar advertisements are running on social media platforms like Facebook and Instagram,” but these ads are unavailable for our review. *Id.* (citing META AD LIBRARY, <https://www.facebook.com/ads/library/?id=6826133040766200> (last visited Dec. 17, 2024) (“This ad is no longer available[.]”)). The Complaint quotes the social media ads as stating the following: “Jobs. Housing. Amenities. Angela Alsobrooks is making sure \$1 billion in economic investments include everyone.” *Id.* The Responses do not substantively address the social media ads, stating only that “[t]o the extent an ad with such text was in fact disseminated by the County, . . . the Commission should find no reason to believe a violation of the Act has occurred and should dismiss the Complaint.” Alsobrooks Resp. at 2 n.6; *accord* Cty. Resp. at 2 n.4. Because the social media ads are unavailable, the Commission limits its analysis of the alleged violations to the Ad discussed above.

²⁶ The Complaint states, “in the past, the County has run advertisements under the brand ‘Experience Prince George’s County,’ which are plainly crafted to encourage tourism, business location, and residence, with lower production values — and without mentioning Ms. Alsobrooks.” Compl. at 3 (citing Experience Prince Georges, *Prince George’s County, MD Experience, Expand, Explore!*, YOUTUBE (Oct. 29, 2014), <https://www.youtube.com/watch?v=evFmSwsPPL0>). Experience Prince George’s is a marketing organization independent of the County. *See Business Entity Search, MD. DEP’T OF ASSESSMENTS & TAX’N*, <https://egov.maryland.gov/BusinessExpress/EntitySearch> (search “Experience Prince George’s” in field “Business Name”) (last visited Dec. 17, 2024).

²⁷ Compl. at 4 (citing Advisory Opinion 2002-05 at 4 n.8 (Hutchinson) (“AO 2002-05”); and AO 1999-07 at 2 n.3 (Minnesota Secretary of State)); *id.* at 5.

²⁸ Compl. at 1, 5-6. The Complaint contends that “the public interest requires the County immediately to pull the advertisements” “or at least to remove their references to Ms. Alsobrooks,” *id.* at 5-6, and that “if the County continues to run the ads in their present form, the County would invite a knowing and willful violation, and potential criminal liability,” *id.* at 6.

²⁹ Compare Alsobrooks Resp. with Cty. Resp.

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1 that the County paid for the Ad.³⁰ However, the Responses deny the allegations and assert that,
 2 because the Ad does not satisfy the content or conduct prongs of the Commission regulations on
 3 coordinated communications, it is not an in-kind contribution prohibited under the Act.³¹ The
 4 Responses also request that the Commission dismiss the allegations.³²

5 **III. LEGAL ANALYSIS**

6 The Act prohibits corporations from making contributions to federal candidates, and
 7 prohibits candidates, political committees (other than independent expenditure-only political
 8 committees and committees with hybrid accounts), and other persons from knowingly accepting
 9 or receiving corporate contributions.³³ The Act also prohibits any person from making excessive
 10 contributions to any candidate or candidate's authorized committee, and prohibits candidate
 11 committees from knowingly accepting excessive contributions.³⁴

12 Under the Act, a "contribution" includes "any gift, subscription, loan, advance, or deposit
 13 of money or anything of value made by any person for the purpose of influencing any election
 14 for Federal office."³⁵ The term "anything of value" includes "all in-kind contributions."³⁶ An
 15 in-kind contribution is an expenditure made by any person in "cooperation, consultation, or
 16 concert with, or at the request or suggestion of, a candidate, [her or] his authorized political

³⁰ Alsobrooks Resp. at 2; Cty. Resp. at 2.

³¹ Alsobrooks Resp. at 2-6; Cty. Resp. at 2-5.

³² Alsobrooks Resp. at 6; Cty. Resp. at 6.

³³ 52 U.S.C. § 30118(a); *accord* 11 C.F.R. § 114.2(a), (d).

³⁴ 52 U.S.C. § 30116(a)(1)(A), (f); *accord* 11 C.F.R. §§ 110.1(b), 110.9. For the 2024 election cycle, contributions by persons (other than multicandidate committees) to any candidate and the candidate's authorized committees were limited to \$3,300 per election. Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 88 Fed. Reg. 7,088, 7,090 (Feb. 2, 2023).

³⁵ 52 U.S.C. § 30101(8)(A); *accord* 11 C.F.R. § 100.52.

³⁶ 11 C.F.R. § 100.52(d).

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1 committees, or their agents.”³⁷ A communication that is coordinated with a candidate or the
 2 candidate’s committee is considered an in-kind contribution to that candidate or committee and
 3 subject to the limitations, prohibitions, and reporting requirements of the Act and Commission
 4 regulations.³⁸

5 Commission regulations provide a three-part test for determining whether a
 6 communication is coordinated.³⁹ A communication is coordinated if it: (1) is paid for by a
 7 person other than the candidate, authorized committee, or political party committee (the
 8 “payment prong”);⁴⁰ (2) satisfies a content standard under 11 C.F.R. § 109.21(c) (the “content
 9 prong”);⁴¹ and (3) satisfies a conduct standard under 11 C.F.R. § 109.21(d) (the “conduct
 10 prong”).⁴² All three prongs must be satisfied for a communication to be coordinated under
 11 Commission regulations.⁴³ As discussed below, the available information indicates that the Ad
 12 does not satisfy the content prong of the coordinated communications test.

³⁷ 52 U.S.C. § 30116(a)(7)(B)(i); *accord* 11 C.F.R. § 109.20(a).

³⁸ See 52 U.S.C. § 30116(a)(7)(B)(i); 11 C.F.R. § 109.21(a), (b); *see also id.* § 100.52(d).

³⁹ 11 C.F.R. § 109.21(a)-(b).

⁴⁰ *Id.* § 109.21(a)(1).

⁴¹ *Id.* § 109.21(c).

⁴² The conduct standards listed in 11 C.F.R. § 109.21(d) are: (1) request or suggestion; (2) material involvement; (3) substantial discussion; (4) common vendor; (5) former employee; and (6) republication.

⁴³ 11 C.F.R. § 109.21(a); *see* Explanation and Justification for Coordinated and Independent Expenditures, 68 Fed. Reg. 421, 453 (Jan. 3, 2003).

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1 To satisfy the content prong, a communication must be (1) an electioneering
 2 communication;⁴⁴ (2) a public communication that disseminates, distributes, or republishes, in
 3 whole or in part, campaign material prepared by a candidate or the candidate's authorized
 4 committee; (3) a public communication that expressly advocates the election or defeat of a
 5 clearly identified candidate for Federal office; (4) a public communication that refers to a clearly
 6 identified House or Senate candidate and is publicly distributed or otherwise publicly
 7 disseminated in that candidate's jurisdiction 90 days or fewer before the election in which that
 8 candidate is participating; or (5) a public communication that is the functional equivalent of
 9 express advocacy.⁴⁵ The Ad does not satisfy any of these standards.

10 The available information does not indicate that the Ad or other "Strengthening Prince
 11 George's" ads were publicly distributed or disseminated within 30 days before the Maryland
 12 Primary Election held on May 14, 2024, within 60 days before the Maryland General Election
 13 held on November 5, 2024, or within 90 days of either election.⁴⁶ According to the Responses,
 14 the Ad was broadcast on cable, radio, and online video and social media platforms from

⁴⁴ 11 C.F.R. § 109.21(c)(1). An "electioneering communication" means "any broadcast, cable, or satellite communication that: (1) refers to a clearly identified candidate for Federal office; (2) is publicly distributed within 60 days before a general election for the office sought by the candidate; or within 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate, and the candidate referenced is seeking the nomination of that political party; and (3) is targeted to the relevant electorate, in the case of a candidate for Senate or the House of Representatives." *Id.* § 100.29(a). "[C]ommunications over the Internet" are exempt from the definition of "electioneering communication." *Id.* § 100.29(c)(1).

⁴⁵ 11 C.F.R. § 109.21(c)(2)-(5); *see also* 52 U.S.C. § 30101(22) (defining "public communication" as a "communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising."); 11 C.F.R. § 100.26 (explaining that "the term *general public political advertising* shall not include communications over the Internet, except communications placed for a fee on another person's Web site").

⁴⁶ *See* 11 C.F.R. §§ 100.29(a)(2), 109.21(c)(4)(i).

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1 August 2023 through October 2023.⁴⁷ There is no information that indicates the County publicly
2 disseminated the Ad or similar ads after this period.

3 The Ad also does not appear to disseminate, distribute, or republish campaign materials
4 prepared by Alsobrooks or the Alsobrooks Committee.⁴⁸ The Ad reproduces project illustrations
5 from the County Development Platform,⁴⁹ which the County Executive's Office published
6 approximately two years before Alsobrooks announced her federal candidacy.⁵⁰ The Responses
7 deny that Alsobrooks or the Alsobrooks Committee prepared any materials in the Ad,⁵¹ and the
8 available information does not indicate that the Ad is similar to any campaign materials prepared
9 by the Alsobrooks Committee.⁵²

10 The Ad also does not expressly advocate for Alsobrooks's election or the defeat of her
11 electoral opponents; nor does it contain the functional equivalent of express advocacy.⁵³ A
12 communication contains express advocacy if (1) it uses words, phrases, or slogans that "in
13 context can have no other reasonable meaning than to urge the election or defeat of one or more
14 clearly identified candidate(s)" or (2) "[t]he electoral portion of the communication is

⁴⁷ *Supra* note 19 and accompanying text.

⁴⁸ See 11 C.F.R. § 109.21(c)(2).

⁴⁹ *Supra* note 20 and accompanying text.

⁵⁰ See *supra* notes 3, 7 and accompanying text.

⁵¹ Alsobrooks Resp. at 4; Cty. Resp. at 4.

⁵² See, e.g., Angela Alsobrooks (@AlsobrooksforMD2024), YOUTUBE, <https://www.youtube.com/@AlsobrooksforMD2024> (last visited Dec. 17, 2024); GOOGLE ADS TRANSPARENCY CTR., <https://adstransparency.google.com/advertiser/AR17664781780676247553?topic=political®ion=US> (last visited Dec. 17, 2024) (showing all ads paid for by Alsobrooks for Senate since May 11, 2023); META AD LIBRARY, [https://business.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&is_targeted_country=false&media_type=all&search_type=page&source=fb-logo&start_date\[min\]=2023-05-09&start_date\[max\]&view_all_page_id=103171994635775](https://business.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&is_targeted_country=false&media_type=all&search_type=page&source=fb-logo&start_date[min]=2023-05-09&start_date[max]&view_all_page_id=103171994635775) (last visited Dec. 17, 2024) (showing all ads paid for by Alsobrooks for Senate since May 9, 2023). But see also The Economy, ALSO BROOKS FOR SENATE, <https://www.angelaalsobrooks.com/priority/the-economy> (last visited Dec. 17, 2024) ("She has attracted more than a billion dollars to the Blue Line Corridor[.]").

⁵³ See 11 C.F.R. § 109.21(c)(3), (5).

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1 unmistakable, unambiguous, and suggestive of only one meaning; and . . . [r]easonable minds
 2 could not differ as to whether it encourages actions to elect or defeat one or more clearly
 3 identified candidate or encourages some other kind of action.”⁵⁴

4 The Ad states that “County Executive Angela Alsobrooks’s vision is of a Prince George’s
 5 County where everyone prospers” and that “she’s teamed up with other County leaders to put the
 6 focus of more than \$1 billion of public-private investment where it belongs: on the people who
 7 live here.”⁵⁵ The Ad could thus be interpreted as beneficial to Alsobrooks’s federal candidacy
 8 by raising her public profile. However, in context, the Ad has a reasonable meaning other than
 9 express advocacy. The purpose of the “Strengthening Prince George’s” advertising campaign
 10 appears to be to inform County residents of “\$1 billion of public-private investment” in the Blue
 11 Line Corridor and its related projects.⁵⁶ The Ad does not refer to Alsobrooks’s status as a federal
 12 candidate, identify her electoral opponents, or contain any apparent electoral content regarding
 13 her candidacy.⁵⁷ Insofar as the Ad refers to Alsobrooks, it does so only in her capacity as
 14 County Executive for Prince George’s County.⁵⁸ Additionally, the Blue Line Corridor has been

⁵⁴ *Id.* § 100.22.

⁵⁵ *Supra* note 20 and accompanying text; *see also supra* note 2527 (“Angela Alsobrooks is making sure \$1 billion in economic investments include everyone.”).

⁵⁶ *Supra* note 2022 and accompanying text; *see supra* note 9 and accompanying text.

⁵⁷ See Factual & Legal Analysis (“F&LA”) at 7-9, MUR 6376 (Lori Edwards) (dismissing allegations where a county officeholder and simultaneous federal candidate appeared in public service announcements disseminated by the county because the communications did not focus on her role as a federal candidate and did not contain any electoral content regarding her candidacy); Statement of Reasons (“SOR”), Chairman Lenhard & Comm’rs. Von Spakovsky, Walther & Weintraub at 2-3, MUR 5770 (Laffey US Senate, *et al.*) (dismissing allegations where a city mayor and simultaneous federal candidate was identified in communications disseminated by the city listing accomplishments achieved by the city while the candidate was mayor). *But see* F&LA at 3, MUR 5410 (Oberweis) (finding content prong satisfied despite ad not clearly identifying individual as a federal candidate or containing any political message).

⁵⁸ *See supra* note 20 and accompanying text.

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1 described as Alsobrooks's "vision" since at least 2021, two years before Alsobrooks announced
2 her federal candidacy.⁵⁹

3 Therefore, the Ad does not satisfy the content prong of the coordinated communications
4 test. Because the content prong is not satisfied, the Commission does not reach the issue of
5 whether the Ad satisfies the conduct prong.⁶⁰ Additionally, because the ads are not coordinated
6 communications, they did not result in excessive and prohibited in-kind contributions.

7 Accordingly, the Commission dismisses the allegations that the County made excessive and
8 prohibited in-kind contributions in violation of 52 U.S.C. §§ 30116(a)(1) and 30118(a) and
9 11 C.F.R. §§ 110.1(b) and 114.2(b), and that Alsobrooks and the Alsobrooks Committee
10 knowingly accepted such contributions in violation of 52 U.S.C. §§ 30116(f) and 30118(a) and
11 11 C.F.R. §§ 110.9 and 114.2(d).

⁵⁹ *See supra* notes 3, 21-23 and accompanying text.

⁶⁰ *See supra* note 42 and accompanying text.