



September 22, 2023

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Federal Election Commission  
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**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.<sup>1</sup>

TMP’s core question is whether it may coordinate with federal candidates on what it calls a “paid canvass” supporting those candidates’ campaigns.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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

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<sup>1</sup> See AOR 2023-06 (TMP) (Aug. 22, 2023), [https://www.fec.gov/files/legal/aos/2023-06/202306R\\_1.pdf](https://www.fec.gov/files/legal/aos/2023-06/202306R_1.pdf).

<sup>2</sup> See *id.* at 3.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

not subject to the coordinated communication regulation.<sup>5</sup> 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.”<sup>6</sup> 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,”<sup>7</sup> 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.”<sup>8</sup>

Respectfully submitted,

/s/ Saurav Ghosh

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<sup>5</sup> *See id.* at 3–7.

<sup>6</sup> 11 C.F.R. § 109.20(b).

<sup>7</sup> AOR 2023-06 at 3.

<sup>8</sup> 11 C.F.R. § 109.20(a) (emphasis added).