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Inside this Issue:

03 | Message from COGEL's President

Michael Boda

04 | 2023 COGEL Conference

06 | Demystifying Lobby Compliance: The Importance Of Practical Resources

Tyler Kleinman

08 | More Collaboration, Less Recitation

Alexander Kipp

09 | COGEL Connect: A Yearlong Success in Member Engagement and Learning

10 | COGEL Quiz

11 | Government Ethics Reflections in Late 2023

Steve Berlin

12 | Enforcement Panels at COGEL 2023 Ready to Bring It!

Mark Wasielewski, Esq.

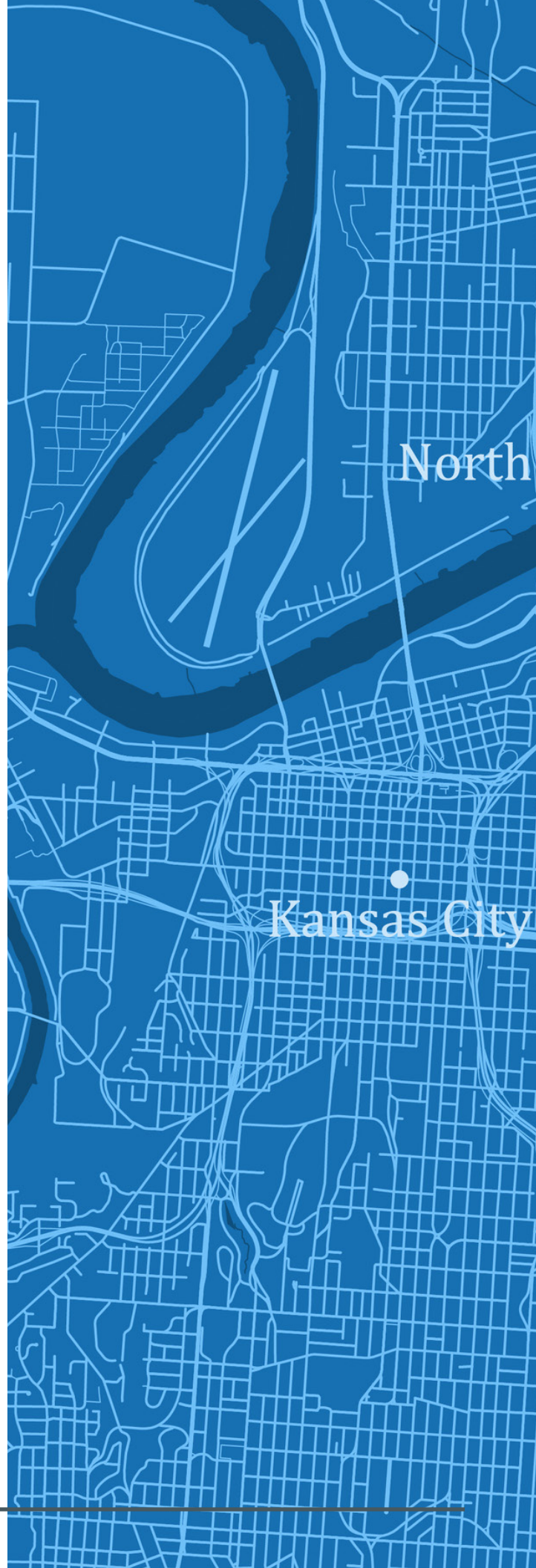
14 | Super PAC Coordination Raises Corruption Concerns

Saurav Ghosh

16 | Book Review: "Sesqui! Greed, Graft, and the Forgotten World's Fair of 1926"

by Thomas Keels

Susan Willeke



Super PAC Coordination Raises Corruption Concerns

In 2010, when the Supreme Court upended a century of legal precedent to enable corporations to make unlimited independent expenditures, it emphasized that the independence and transparency of these expenditures sufficiently mitigated corruption concerns. But how “independent-expenditure-only” groups, including super PACs, have operated in the years since *Citizens United* belies the notion that this election spending is truly independent from candidates, and this lack of independence raises significant corruption concerns.

As a condition of being permitted to accept unlimited contributions and money from corporations, super PACs are legally barred from coordinating with candidates, yet many appear to flout this restriction. Super PACs are often organized and run by close associates of a candidate, and staffers rotate between the candidate’s campaign and super PAC. Candidates appear, speak, and fundraise at super PAC events, where attendees might be justifiably astounded to learn that the group sponsoring the event was legally required to remain independent from the candidate. Recently a super PAC even began canvassing and collecting voter data on a candidate’s behalf, taking on basic electioneering functions that appear to be fundamentally incompatible with independence from the candidate.

This dynamic becomes a corruption concern when we look at who’s picking up the tab: In recent elections, many super PACs have been funded with six- and seven-figure contributions from a handful of deep-pocketed special interests. In the 2022 election, Senate candidates in Ohio and Arizona relied heavily on single candidate super PACs predominantly financed by a single billionaire benefactor, whose sponsorship kept their candidacies afloat regardless of support from among their prospective constituents. Multiple 2022 House candidates illegally transferred “soft money” raised through state political committees—including federal contractor contributions that are prohibited under federal law—to the super PACs supporting their congressional campaigns.

These troubling developments are the result of deregulatory court decisions and the fact that since *Citizens United*, the Federal Election Commission (FEC) has apparently never found that a candidate or political party illegally coordinated with an independent-expenditure-only group, despite ample evidence of such coordination. Worse, the FEC has allowed candidates and political parties to openly coordinate with super PACs via websites, social media, or other publicly accessible platforms, a practice commonly known as “redboxing.”

The upshot of this failure to enforce the law is that super PACs and candidates alike grow bolder in transgressing the boundary that is supposed to keep them apart, and special interests appear to have concluded that political access and influence are for sale to those willing and able to write big checks.

Reversing course would require a revised conception—by Congress or the FEC—of “coordination” that actively seeks to combat the ways in which super PACs work hand in glove with candidates and political parties. For instance, recent rule changes in Philadelphia and Allegheny County, PA have trailblazed efforts to confront super PAC coordination, including redboxing, in local elections; federal regulators could follow the same path. The need for such reforms is pressing, as the day-to-day threat of corruption (or at least its appearance) remains very real—with the trust of voters hanging in the balance.

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