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Submitted electronically (sos.rules@state.nm.us)

Kari Fresquez, State Elections Director
Office of the New Mexico Secretary of State
325 Don Gaspar
Santa Fe, NM 87501

Re: Comments on Secretary's Proposed Rulemaking for Campaign Reporting Act

Dear Ms. Fresquez:

The Campaign Legal Center (CLC) is submitting these comments in regard to the draft rule on the Campaign Reporting Act issued by the Office of the Secretary of State on June 13th. The Campaign Legal Center is a nonprofit, nonpartisan organization that works to enact, implement, and defend effective campaign finance, lobbying, and ethics laws around the country. Since the organization's founding in 2002, CLC has participated in every major U.S. Supreme Court campaign finance case as well as numerous other federal and state court cases. Our work promotes every voter's right to participate in our democracy, to know who is funding elections, and to have a voice in our political process.

The proposed rule would provide greater disclosure of the sources of money being spent to influence New Mexico elections and clarify aspects of the state's campaign finance laws. In the comments below, CLC (1) provides an overview of key portions of the proposed rule; (2) analyzes the rule's constitutionality under the First Amendment of the U.S. Constitution; and (3) offers recommendations that we believe would serve to bolster the rule's effectiveness and constitutionality.

I. Proposed Rule 1.10.13.

In accordance with authority granted by sections 1-2-1 and 1-19-26.2 of the New Mexico Statutes Annotated, the Secretary of State has issued Proposed Rule 1.10.13 to implement provisions of the Campaign Reporting Act (CRA). The New Mexico Administrative Code currently lacks rules implementing the CRA, and Proposed Rule 1.10.13 is intended "to provide guidance to all persons, candidates, and committees covered by the Campaign Reporting Act in order to comply with campaign finance disclosure and reporting requirements."[1] In particular, the rulemaking addresses the scope of registration and reporting requirements for "political

[1] Notice of Proposed Rulemaking, 28 N.M. REG. (June 13, 2017), available at http://164.64.110.239/nmregister/xxviii/xxviii11/SOSnotice.htm.

committees;" clarifies the CRA's coverage of "coordinated expenditures;" and establishes specific rules for reporting "independent expenditures" made by non-committee entities.

A. Scope of "Political Committee" Registration

Proposed Rule Section 1.10.13.10 sets registration requirements for a "political committee."[2] The rule explains that prior case law limits the reach of New Mexico's statutory definition of "political committee,"[3] and the rule provides guidance on which "persons and entities" must register as a political committee in light of this precedent.

Accordingly, the rule stipulates that an entity must register as a political committee if: (1) it is a state or county political party; (2) it is "an association of two or more persons that has as its primary purpose making contributions to candidates, campaign committees or political committees or coordinated expenditures or any combination thereof and has received more than $500 in contributions or made expenditures of more than $500 in the preceding twelve months"; or (3) it is an association of at least two people "that has as its primary purpose making independent expenditures and that has received more than $5,000 in contributions or made expenditures of more than $5,000 in the preceding twelve months." § 1.10.13.10(A).

Thus, Proposed Rule 1.10.13 narrows political committee registration and reporting requirements to non-candidate groups that have the "primary purpose" of making contributions and expenditures, including independent expenditures, in connection to New Mexico elections. Elsewhere, the rule explains that an organization's "primary purpose" means the purpose for which the group is: (1) "created, formed or organized;" (2) has made the "majority of its expenditures during the current election cycle;" or (3) has devoted the majority of its personnel's working time within the current election cycle. § 1.10.13.7(T).

B. Coverage of "Coordinated Expenditures"

Proposed Rule 1.10.13 both defines "coordinated expenditure" and clarifies the CRA's application to such expenditures generally. Currently, the CRA does not define "coordinated expenditure" or expressly set reporting obligations for these expenses. Section 1.10.13.7(F) of the Proposed Rule defines "coordinated expenditure" as an expenditure "made by a person other than a candidate or campaign committee at the request or suggestion of, or in cooperation, consultation, or concert with, a candidate, an agent of the candidate, the candidate's campaign

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[2] The statute defines "political committee" to mean "two or more persons . . . organized or operated primarily for a political purpose," including "(1) political parties, political action committees or similar organizations composed of employees or members of any corporation, labor organization, trade or professional association or any other similar group that raises, collects, expends or contributes money or any other thing of value for a political purpose; (2) a single individual whose actions represent that the individual is a political committee; and (3) a person or an organization of two or more persons that within one calendar year expends funds in excess of five hundred dollars ($500) to conduct an advertising campaign for a political purpose." N.M. STAT. ANN. § 1-19-26(L).

[3] *See New Mexico Youth Organized v. Herrera*, 611 F.3d 669 (10th Cir. 2010).

committee or political party for the purpose of . . . (1) supporting or opposing the nomination or election of a candidate, or (2) paying for an advertisement that refers to a clearly identified candidate and is published and disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election in which the candidate is on the ballot." § 1.10.13.7(F).

Additionally, Proposed Rule 1.10.13 clarifies that coordinated expenditures are considered in-kind contributions and "subject to the limits, prohibitions and reporting requirements of the Campaign Reporting Act." § 1.10.13.28(A). Certain campaign activities are excluded from the meaning of "coordinated expenditure," including a candidate's solicitation of funds for other candidates and political committees. § 1.10.13.28(C).

C. Reporting of "Independent Expenditures"

Proposed Rule 1.10.13 establishes event-driven reporting for independent expenditures made by persons and groups that are not political committees under the CRA. The rulemaking defines "independent expenditure" as an expenditure, not made in coordination with a candidate, that (1) expressly advocates the election or defeat of a clearly identified candidate or ballot measure; (2) is susceptible to no other reasonable interpretation than as an appeal to vote for or against a clearly identified candidate or ballot measure; or (3) refers to a clearly identified candidate or ballot measure and is disseminated to the relevant electorate within thirty days of a primary or sixty days of a general election. § 1.10.13.7(M).

Section 1.10.13.11 requires a person or group making independent expenditures in an aggregate amount over $1,000 within an election cycle to file a report disclosing information about the sources of funds used to make independent expenditures. If the person or group filing the report has made independent expenditures of $3,000 or less in the election cycle, the report must disclose each person who contributed over $200 in the last 12 months that was "earmarked or made in response to a solicitation to fund independent expenditures." *Id.* If the person or group has made over $3,000 in independent expenditures in the election cycle, the rule has two disclosure options. The person or group may either (1) set up a segregated bank account consisting only of funds contributed by individuals in order to fund independent expenditures, and report the name and address, along with the amount contributed, of each donor over $200 *to that segregated account* within the last twelve months; or (2) disclose the name, address, and amount given for every donor giving over $5,000 *to the person or group* within the last twelve months. *Id.*

II. Courts have broadly upheld disclosure requirements analogous to the proposed rule as constitutional under the First Amendment.

The U.S. Supreme Court has consistently viewed disclosure requirements as less restrictive than other campaign finance regulation since disclosure "impose[s] no ceiling on campaign-related activities" and does not inhibit political speech. *Citizens United v. FEC*, 310, 366 (2010) (quoting *Buckley v. Valeo*, 424 U.S. 1, 64 (1976) (per curiam)). Accordingly, the Court has assessed disclosure laws under a less rigorous standard of review than the scrutiny applied to campaign spending or contribution restrictions, requiring only a "substantial relation between the

disclosure requirement and a sufficiently important governmental interest." *Id.* at 366-69 (citation omitted).

The Court has recognized that disclosure serves three distinct government interests. Principally, the Court has emphasized that disclosure advances an interest in "provid[ing] the electorate with information, and insur[ing] that the voters are fully informed" about sources of political messaging. *Citizens United*, 558 U.S. at 368 (quoting *McConnell v. FEC*, 540 U.S. 193, 196 (2003)). Additionally, disclosure works to prevent actual and apparent corruption "by exposing large contributions and expenditures to the light of publicity." *McCutcheon v. FEC*, 134 S. Ct. 1434, 1459 (2014) (quoting *Buckley*, 424 U.S. at 67). Finally, disclosure helps to ensure enforcement of other campaign finance regulations, such as contribution limits, through documentation of political receipts and disbursements. *Buckley*, 424 U.S. at 67-68. Since the Supreme Court's decision in *Buckley*, federal courts have continually held that these interests are sufficiently important to justify any impact on First Amendment rights imposed by disclosure.

The Court has acknowledged the possibility of an as-applied challenge to a disclosure law if a group can show a "reasonable probability" that disclosure would subject its supporters to "threats, harassment, or reprisals from either Government officials or private parties." *Citizens United*, 558 U.S. at 370. However, courts have limited this exception to groups facing a genuine risk of "threats, harassment, or reprisals."[4] *Id*. at 370-71.

In *Citizens United*, the Supreme Court held that the federal disclosure requirements for "electioneering communications" had a "substantial relation" to the government's interest in "insur[ing] that the voters are fully informed about the person or group who is speaking" about a presidential candidate before an election. 558 U.S. at 368. In federal election law, "electioneering communications" are broadcast advertisements that (1) refer to a clearly identified candidate without expressly advocating the candidate's election or defeat, (2) air within thirty days of a primary or sixty days of a general election, and (3) target the relevant electorate for the office sought by the candidate. 52 U.S.C. § 30104(f)(3). In *Citizens United*, eight of the Court's nine Justices rejected the argument that the federal electioneering communications statute could only apply to communications that constituted express advocacy or its functional equivalent. Instead, the Court upheld the disclosure law even insofar as it covered some measure of "issue speech," such as the commercial advertisements for a political documentary that Citizens United had wished to broadcast. 558 U.S. at 371. This comprehensive disclosure was justified by the public's "interest in knowing who is speaking about a candidate shortly before an election." *Id.* at 369.[5]

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[4] *See, e.g., Brown v. Socialist Workers '74 Campaign Comm*., 459 U.S. 87 (1982) (holding Ohio's campaign disclosure laws could not be constitutionally applied to state communist party due to "substantial evidence of past and present hostility" against the party).

[5] The proposed rule also covers these communications. *See* § 1.10.13(7) ("'Independent expenditure' means an expenditure that . . . refers to a clearly identified candidate or ballot measure and is published and disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election at which the candidate is on the ballot.").

Citizens United has subsequently become a baseline for courts to evaluate disclosure rules that reach communications beyond express advocacy and its functional equivalent, and it is clear that the proposed rule satisfies the decision's standards.

Proposed Rule 1.10.13 mandates reporting of an advertisement that "refers to a clearly identified candidate or ballot measure and is published and disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election at which the candidate or ballot measure is on the ballot." §1.10.13.7(M)(3)(c). The proposed rule thus tracks the federal definition of "electioneering communication,"[6] and *Citizens United* clearly authorizes the disclosure of this kind of "electioneering communication" advertising.

Numerous federal circuits have relied on *Citizens United* to uphold similar disclosure laws.[7] Recently, the Tenth Circuit noted that *Citizens United* was "dispositive" in holding that Colorado could require disclosure of an electioneering communication advertisement that "[did] not reference any campaign or state any facts or opinions about" a candidate. *Independence Inst. v. Williams*, 812 F. 3d 787, 792-93 (10th Cir. 2016). In light of *Citizens United*, the court explained it was indisputable that disclosure "could extend beyond the functional equivalent of express advocacy" because "the public has an interest in knowing who communicates about a candidate shortly before an election." *Id.* at 798.

This precedent makes clear that the disclosure regime in Proposed Rule 1.10.13 is well-within the bounds of permissible regulation under the First Amendment. The rule has a "substantial relation" to New Mexico's "important" interest in informing its voters about sources of campaign advertising in the state. Moreover, the rule also advances the state's interests in preventing corruption and improving enforcement by clarifying the CRA's application to coordinated expenditures.

III. Campaign Legal Center's recommendations to strengthen Proposed Rule 1.10.13

The Campaign Legal Center supports the Secretary's efforts to increase disclosure with regard to funds spent to influence New Mexico elections and to provide greater clarity to members of the

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6 *See* 52 U.S.C. § 30104(f)(3).

7 *See, e.g., Yamada v. Snipes*, 786 F.3d 1182 (9th Cir. 2015), *cert. denied*, 136 S. Ct. 569 (2015); *Human Life of Wash., Inc. v. Brumsickle*, 624 F.3d 990 (9th Cir. 2010) (holding disclosure requirements applicable to issue speech connected to ballot measure); *Del. Strong Families v. Attn'y Gen. of Del.*, 793 F.3d 304 (3d Cir. 2015), *cert. denied sub. nom. Del. Strong Families v. Dunn*, 136 S. Ct. 2376 (2016) (upholding application of Delaware's disclosure laws to organization's voter guide); *Vt. Right to Life Comm. Inc., v. Sorrell*, 758 F. 3d 118 (2d Cir. 2014), *cert. denied*, 135 S. Ct. 949 (2015) (upholding Vermont's disclaimer requirement for electioneering communications); *Worley v. Fla. Sec'y of State*, 717 F. 3d 1238 (11th Cir. 2013) (upholding Florida's disclaimer requirements); *Ctr. for Individual Freedom v. Madigan*, 697 F. 3d 464 (7th Cir. 2012) (upholding application of political committee-status to organization that lacked "major purpose" of influencing elections); *Nat'l Org. for Marriage v. McKee*, 649 F. 3d 34 (1st Cir. 2011) (upholding Maine's on-ad disclosure requirements for communications referencing a candidate shortly before an election).

regulated community. We submit the following recommendations that we believe will improve the effectiveness of Proposed Rule 1.10.13 and help to safeguard it against constitutional challenge. The recommendations are organized according to the particular rule section to which they pertain.

Section 1.10.13.7 "Definitions"

1.10.13.7(A) "Advertisement": CLC suggests that the Secretary consider including paid online advertising, in addition to "internet videos," under "advertisement." As a widely accessible and inexpensive medium for political speech, the internet poses special challenges to effective campaign finance disclosure. Campaign actors are spending increasing sums on internet advertisements,[8] and these communications should not evade disclosure by virtue of being circulated online. We suggest the Secretary consider slightly expanding the definition of "advertisement" to include *paid* online campaign advertising. The Federal Election Commission (FEC) takes a similar approach, largely exempting online communications from advertising regulations except for "communications placed for a fee on another person's Web site." 11 C.F.R. § 100.26.[9] CLC recommends that the Secretary likewise cover paid online advertising on another person's or group's website under the definition of "advertisement."

1.10.13.7(I) "Expressly advocate": CLC suggests that the Secretary consider giving specific examples of express advocacy language within the regulatory definition. For example, the rule could explain "express advocacy includes, but is not limited to, phrases such as 'vote for, elect, support, re-elect, vote against, defeat, reject.'"[10]

1.10.13.7(M) "Independent expenditure": CLC suggests that the Secretary consider defining the term "relevant electorate." Other jurisdictions have done so in order to delineate the precise meaning of an "electioneering communication."[11] Additionally, the proposed rule defines an "independent expenditure" as "an expenditure that is . . . made to pay for an *advertisement* . . ." By conditioning the meaning of independent expenditure on the making of an "advertisement," reporting for independent expenditures potentially is limited to the specific types of communications catalogued within the term "advertisement." In a rapidly evolving digital

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8 *See* Russ Choma, *You're Going to See an Explosion of Online Political Ads in 2016*, MOTHER JONES, Jun. 25, 2016, http://www.motherjones.com/politics/2015/06/online-ad-explosion-2016/.

9 California's Fair Political Practices Commission takes a broader approach to online political communications. California requires disclosure whenever a recipient committee makes an expenditure for (1) online communications on another person's website or blog; (2) social media content; and (3) video content for posting online. CAL. CODE REGS. tit. 2, § 18421.5.

10 For regulations listing examples of "express advocacy" language, *see* 11 C.F.R. § 100.22; CAL. CODE. REGS. tit. 2, § 18225; OHIO ADMIN. CODE 111:2-2-01.

11 *See, e.g*, R.I. GEN. LAWS §17-25-3(14) ("A communication which refers to a clearly identified candidate or referendum is 'targeted to the relevant electorate' if the communication can be received by two thousand (2,000) or more persons in the district the candidate seeks to represent or the constituency voting on the referendum.").

landscape, this could constrain the Secretary's future ability to regulate independent expenditures made through novel media forms. Instead, CLC recommends the Secretary consider broader language such as "an expenditure that is . . . made to pay for a *communication* . . . ." Note that if you substituted "communication" for "advertisement," relevant exceptions to the term "advertisement" would need to be imported to the definition of "independent expenditure."

1.10.13.7 (N) "In-kind contributions": CLC recommends the Secretary consider adding catch-all language to cover "goods, services, or *anything of value* offered to a candidate or committee in lieu of a monetary contribution." Federal Election Commission (FEC) regulations include an "anything of value" catch-all within the meaning of "contribution," and also give specific examples of "goods or services" that will qualify as an in-kind contribution.[12]

1.10.13.7(P) "Mixed purpose political committee": As a general matter, it is unclear whether a political committee making both independent expenditures and *monetary* contributions directly to candidates would have to register as a "mixed purpose political committee." The rule defines "mixed purpose political committee" as a committee that makes independent expenditures and coordinated expenditures. § 1.10.13.7(P). However, the rule treats a coordinated expenditure as an in-kind contribution, which is defined as a good or services offered to a candidate "in lieu of a monetary contribution." §§ 1.10.13.7(N); 1.10.13.18. Thus, a political committee making independent expenditures and *monetary* contributions to candidates, rather than coordinated expenditures, would not seem to qualify as a mixed purpose political committee under a strict reading of the rule's terms. CLC advises that the Secretary adjust the definition of mixed purpose political committee to clarify the term encompasses committees making independent expenditures and *coordinated expenditures or contributions*.

In addition, CLC suggests the Secretary consider adding language reiterating that mixed purpose political committees must make their coordinated and independent expenditures from separate accounts as stipulated by section 1.10.13.10(B)(2)(c)(iii). For example, "'Mixed purpose political committee' means a political committee that makes both coordinated and independent expenditures, *and that segregates funds used for coordinated expenditures and subject to contribution limits into a separate bank account from funds used for independent expenditures*."

1.10.13.10 "Political Committee Registration"

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[12] The FEC rule reads in relevant part:

> Unless specifically exempted . . . the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services is a contribution. Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged the political committee.
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> 11 C.F.R. § 100.52(d)(1).

In subsection (B)(2)(c)(ii), CLC suggests defining "contribution or coordination political committee." Currently, this term is not defined within the rule or in the CRA.

In addition, coverage under subsections (B)(4)-(6) is somewhat ambiguous. The proposed rule appears to use the term "political committee" in reference to groups registered as committees with the FEC and in other jurisdictions. However, New Mexico law defines a "political committee" as a group with the primary purpose of influencing state elections covered by the CRA. *See* N.M.S.A. § 1-19-26(L). It is uncertain whether the Secretary could require federally-registered PACs and out-of-state committees to register and report as New Mexico political committees unless they, in fact, have the primary purpose of influencing New Mexico elections.

1.10.13.11 "Reporting of Independent Expenditures"

As drafted, the Proposed Rule does not clearly obligate a person to file subsequent reports after the initial report under subsection B if the person makes additional independent expenditures. In order to clarify that reporting of subsequent expenditures is required, CLC suggests the Secretary add language to the end of subsection B such as "If any such person makes or incurs subsequent independent expenditures, the person shall report such expenditures pursuant to this section."

In subsection D, the reporting of donors is phrased in terms of "contributions." However, the CRA defines a "contribution" as "money or other thing of value . . . that is made or received for a *political purpose*." N.M. STAT. ANN. § 1-19-26(F) (emphasis added). Since "political purpose" means "influencing or attempting to influence an election," *id.* § 1-19-26(M), CLC is concerned that couching donor disclosure requirements in terms of contributions may not reach donations to an organization's general treasury not explicitly made "for a political purpose." CLC suggests the Secretary consider alternative language such as "Report the name and address of, and amount of *each donation* made by, each person who provided more than a total of five thousand dollars . . . ."

In subsection F, it is not clear when a person would have to file a report of an independent expenditure over $3,000 if it is made prior to fourteen days before an election. CLC suggests specifying the time to file a report for these expenditures.

1.10.13.27 "Primary and General Election Cycles for Purposes of Contribution Limits"

CLC suggests the Secretary consider cross referencing to the statutory definition of "election cycle," section 1-1-3.1 N.M.S.A.,[13] as some of the proposed rule's reporting requirements are triggered by contributions and expenditures "during an election cycle." *See* § 1.10.13.11. An added cross reference to the statutory definition will make it clear what is meant by "election cycle" and ensure consistency with current law.

1.10.13.28 "Coordinated Expenditures"

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13 "'[E]lection cycle' means the period beginning on the day after the last general election and ending on the day of the general election." N.M. STAT. ANN. § 1-1-3.1(A).

There is some inconsistency between this section and the definition of "coordinated expenditure." In section 1.10.13.7(F), a "coordinated expenditure" is "an expenditure that is made by a person *other than a candidate or campaign committee* . . . . ." However, this section provides "When a person, *campaign committee*, or political committee pays for an advertisement that is a coordinated expenditure . . ." Since New Mexico limits contributions from one candidate campaign committee to another, CLC recommends that the Secretary amend the "coordinated expenditure" definition to stipulate the term covers "an expenditure that is made by a person *other than a candidate or campaign committee making an expenditure on behalf of the candidate's own election* . . . ."

Additionally, the scope of this section is diminished by use of term "advertisement" in subsection A ("When a person, campaign committee, or political committee pays for an *advertisement* that is as coordinated expenditure . . . ."). In addition to advertisements, there are non-communicative methods of coordinating with a candidate, such as campaign-strategy expenditures and partisan get-out-the-vote activity, that the Proposed Rule would not cover because it is limited to expenditures for an "advertisement." To cover a broader range of coordinated activity, CLC suggests the Secretary consider changing subsection A to read "When a person, campaign committee, or political committee *makes a coordinated expenditure* . . ."

Finally, we are concerned that subsection C would create a considerable loophole in the regulation of coordinated expenditures. By allowing candidates to solicit funds for political committees, the rule would enable a candidate to fundraise for an independent expenditure political committee capable of accepting unlimited contributions, including corporate contributions, and to make express advocacy expenditures on the soliciting candidate's behalf. This exception would effectively nullify the CRA's contribution limits as a candidate could ask a wealthy donor to give the statutory maximum in contributions to his campaign committee then direct the donor to make a much larger contribution—potentially in excess of $1 million—to an independent expenditure committee created for the sole purpose of supporting that candidate's election.

For precisely these reasons, Minnesota's campaign finance agency refused to permit a candidate to solicit unlimited contributions for an independent expenditure committee. In 2014, the Minnesota Campaign Finance and Public Disclosure Board issued an advisory opinion addressing whether a state candidate could solicit unlimited contributions for an independent expenditure political committee without compromising the independence of subsequent expenditures by the committee benefitting the candidate. Minn. Campaign Fin. & Pub. Disclosure Bd. Op. 437 at 2 (Feb. 11, 2014).[14] The Board concluded that a candidate soliciting contributions for an independent expenditure political committee "constitutes cooperation that destroys the independence of any subsequent independent expenditures made by the IEPC to affect the Candidate's election." *Id.* at 5. In its reasoning, the Board observed that "[a]llowing a candidate to solicit contributions to an independent expenditure political committee [] defeats the purpose of the independent expenditure statutes: to insure that independent expenditures are, in

[14] The complete advisory opinion is available on the Campaign Finance & Public Disclosure Board's website. *See* http://www.cfboard.state.mn.us/ao/AO437.pdf.

fact, completely independent of the candidate." *Id.* at 4. Moreover, "permitting candidates to solicit contributions to an independent expenditure political committee that then makes expenditures for that same candidate would provide a way for contributors to circumvent the limits on contributions to a candidate." *Id.* at 5. Other states have comparable fundraising or solicitation restrictions in-place.[15]

CLC thereby recommends that the Secretary weigh whether the exception for candidate solicitations is prudent considering its capacity to undermine core components of the CRA.

IV. Conclusion

For all of the above-stated reasons, the Campaign Legal Center concludes that Proposed Rule 1.10.13 is constitutionally sound under the First Amendment. We respectfully urge the Secretary to consider the additional changes to the Proposed Rule as outlined in these comments. We appreciate the opportunity to submit these comments.

Sincerely,

Tara Malloy
Senior Director, Appellate Litigation & Strategy

Austin Graham
Policy Specialist

[15] *See, e.g.*, ARIZ. REV. STAT. ANN. § 16-922(c)(3) (citing as rebuttable evidence of coordination whether "the candidate is or has been authorized to raise money or solicit contributions on behalf of the person making the expenditure."); CAL. CODE REGS. tit.2, § 18225.7(d)(5) (creating "a rebuttable presumption that an expenditure funding a communication is made at the behest of a candidate . . . [if] the candidate who benefits from the expenditure solicits funds for or appears as a speaker at a fundraiser for the committee making the expenditure, thereby participating in the committee's fundraising strategy."); N.Y. ELEC. LAW § 14-107 (d)(ii) ("Coordination shall include . . . The candidate or an agent of the candidate appears at any fundraising event hosted by an independent expenditure committee, or its agent, making a payment or expenditure that benefits that candidate within two years of the general election, primary or special election in which the candidate is a candidate for nomination or election.").