

California Fines Super PAC for Coordinating Mass Mailings with Candidate

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The California Fair Political Practices Commission (FPPC) recently settled an enforcement action against Voters for a New California, a state-level Super PAC, over charges that the committee coordinated a mass mailing with the candidate featured in the mailers. Although proponents of increased campaign finance regulation have accused Super PACs and candidates throughout the nation of illegal coordination, the FPPC's enforcement action may be the first of its kind against a Super PAC (as proving coordination is often fact-intensive and difficult).

According to the FPPC, the Super PAC spent nearly \$29,000 on mass mailings advocating for the election of Luis Alejo in connection with the 2010 Democratic primary for an open state assembly seat.

Joaquin Ross, a principal officer for the Super PAC, was also Alejo's campaign manager and approved the Super PAC's payment of the mass mailings. Since Ross held dual roles with the Super PAC and Alejo's campaign, coordination in this case was easier to prove.

Given that nearly \$29,000 was spent on the coordinated communications, which are considered in-kind contributions under California law, the Super PAC and Ross agreed to pay a \$3,000 fine for making an excessive contribution to Alejo's campaign. The Super PAC and Ross also will pay an additional \$3,500 fine for reporting the mass mailing as an independent expenditure when Ross knew that it was coordinated and should have been treated as an in-kind contribution.

Authors

Michael E. Toner
Partner
202.719.7545
mtoner@wiley.law