



December 4, 2017

The Honorable Thad Cochran  
Chairman  
U.S. Senate Committee on Appropriations  
Room S-128, The Capitol  
Washington, DC 20510

The Honorable Patrick Leahy  
Ranking Member  
U.S. Senate Committee on Appropriations  
Room S-146A, The Capitol  
Washington, DC 20510

**Re: Weakening the Definition of Coordination Between Political Parties and Candidates is Harmful to American Democracy**

Dear Chairman Cochran and Ranking Member Leahy,

Issue One strongly urges you to remove Section 633 from the FY2018 Financial Services and General Government Appropriations Bill. This provision relaxes the limitation on expenditures coordinated between political parties and candidates by weakening the definition of coordination. In our current age of six-figure dollar limits for contributions to political parties and voter frustration with the money-in-politics system, further weakening the laws that safeguard the public from corruption and the appearance of corruption poses an unacceptable danger to American democracy.

The Federal Election Campaign Act places limitations on how much money a political party committee can spend in coordination with a candidate as a way to help prevent against the corrupting influence of large campaign contributions. Since an expenditure coordinated with a candidate is essentially the same as a contribution given directly to that candidate, the law places a limitation on party-candidate coordinated expenditures as a way to prevent individual donors from exercising a corrupting influence over a candidate. As the Supreme Court stated:

There is no significant functional difference between a party's coordinated expenditure and a direct party contribution to the candidate, and there is good reason to expect that a party's right of unlimited coordinated spending would attract increased contributions to parties to finance exactly that kind of spending. Coordinated expenditures of money donated to a party are tailor-made to undermine contribution limits.<sup>1</sup>

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<sup>1</sup> FEC v. Colorado Republican Federal Campaign Comm., 533 U.S. 431, 464 (2001).

Currently, Federal Election Commission regulations define coordination as activity “made in cooperation, consultation or concert with, or at the request or suggestion of” a candidate.<sup>2</sup> Section 633 of the draft FY2018 Financial Services and General Government Appropriations Bill lowers the standard by only considering public communications (i.e., advertising) made by the party to be coordinated with a candidate if the communication is “controlled by, or made at the direction of the candidate.” That is a considerably narrower definition and appears to allow parties to make unlimited expenditures based on private conversation with candidates and non-public data shared by candidates, as long as the candidate does not direct the party to make the expenditure. This change would make the limit on coordinated expenditures functionally meaningless. Parties and candidates could easily share the information needed to make a coordinated expenditure valuable. It is not at all outlandish to expect that all supposedly independent expenditures will be discussed with candidates and that expenditures considered coordinated under this standard will be nonexistent.

Individuals are able to give much more to parties than the current candidate limit of \$2,700 per election — \$33,900 each year to each federal party committee plus an additional \$101,700 per year to each special party committee account, such as the building fund and legal fund. If Section 633 is included in the final legislation, it will allow candidates and donors to discuss large donations to the party committees, and then allow candidates and parties to discuss how that money should be spent. In essence, it is the same as allowing contributions many times larger than the current legal limit to go from donors to the campaign coffers of candidates.

Public trust in government and confidence is at rock bottom, and the vast majority of Americans believe that their elected officials are more responsive to deep-pocketed donors than regular voters and that the influence of money in politics is worse now than at any other time in their lives.<sup>3</sup> Weakening the definition of coordination will no doubt compound each of those problems and further damage the relationship between the American public and its elected representatives in Congress.

Furthermore, there is no justification for relaxing the standard for coordinated expenditures. Political parties are allowed to spend sizable amounts on coordinated expenditures

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<sup>2</sup> 11 C.F.R. § 109.20(a).

<sup>3</sup> “Public Trust in Government: 1958-2017,” Pew Research Center (May 3, 2017), available at <http://www.people-press.org/2017/05/03/public-trust-in-government-1958-2017/>; “Confidence in Institutions,” Gallup (last visited, Nov. 31 2017), available at <http://news.gallup.com/poll/1597/confidence-institutions.aspx>; “Americans Say Money In Politics Is A Top Five Concern This November,” Issue One-Ipsos Poll (June 17-20, 2016), available at: <https://www.issueone.org/new-poll-shows-money-in-politics-is-a-top-voting-concern/>.



— in practice, between \$97,400 and \$5.9 million on a congressional candidate.<sup>4</sup> That is in addition to the unlimited amounts of money they can spend on independent expenditures, meaning they already have ample ability to help elect their candidates to office. It is simply unnecessary to relax limitations on coordinated expenditures.

The American people are frustrated with the current system, and weakening the laws that help safeguard the public from corruption and the appearance of corruption poses an unacceptable danger to American democracy. Issue One strongly urges you to remove Section 633 from the FY2018 Financial Services and General Government Appropriations Bill.

Sincerely,

A handwritten signature in black ink that reads 'M McGehee'.

Meredith McGehee  
Executive Director  
Issue One

A handwritten signature in black ink that reads 'Tyler Cole'.

Tyler Cole  
Legislative Director and Policy Counsel  
Issue One

CC: Members of the Senate Appropriations Committee

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<sup>4</sup> “Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold,” Federal Election Commission, 82 Fed. Reg. 10904 (Feb. 16, 2017). Party spending on candidates for seats in the House of Representatives is \$48,700 in states with more than one congressional district and \$97,400 in states with a single district. The limits on spending in regards to Senate candidates varies based on the voting age population, ranging from a \$97,400 in states with the lowest populations up to \$2.9 million for candidates in California. However, those limits applies to federal party committees and the state party committees separately and a state committee is allowed authorize a national party committee to spend on its behalf, doubling the amount. R. Sam Garrett and L. Paige Whitaker, “Coordinated Party Expenditures in Federal Elections: An Overview,” CRS Report, pp. 1–2 (Aug. 15, 2016).