

MEMORANDUM

VIA EMAIL

TO: Interested Parties

FROM: Andrew H. Werbrock

DATE: April 6, 2026

RE: Coordinated Canvass Rules

Families for an Affordable SF (“Families”) is a federal “super PAC.” Super PACs may raise funds outside the federal contribution limits from U.S. citizens, permanent residents, and domestic corporations and unions (but not foreign nationals or federal contractors), but may not make any contributions to federal candidates or political party committees, whether monetary, in-kind or in the form of coordinated communications. Under Federal Election Commission (“FEC”) regulations, a public communication that is coordinated with a candidate and that expressly advocates for the candidate or that identifies the candidate during the 90 days before an election will generally be considered a coordinated communication. However, the FEC has found that certain types of communications do not qualify as “public communications” and, therefore, do not result in coordinated communications, even if they are coordinated with a candidate.

In Advisory Opinion 2024-01, the FEC determined that canvassing literature and scripts are not considered “public communications” because that definition only includes communications distributed through a medium controlled by and an audience established by a third party, as is the case with television, radio, or mailings; door-to-door canvassing, conducted on an individualized basis under a campaign’s own supervision, is a traditional grassroots activity “fundamentally different from the types of mass media enumerated in the statutory definition of ‘public communication.’”

Under that analysis, a PAC can conduct a canvass in coordination with a candidate without making a contribution, subject to the following parameters:

- The PAC must either recruit, employ, train, and direct the canvassers itself, or retain a vendor to do so.
- If the PAC retains a vendor, it must retain control over deciding the audience for the canvassing efforts. The third-party vendor cannot make this determination, but can work on the creation of the literature and scripts to be disseminated through the program.

- While a PAC may coordinate a paid canvassing program with a federal candidate, and obtain the candidate's feedback on those materials, it must retain final control over the contents of the scripts and literature, and may not reproduce or redistribute the candidate's own materials. Such activity would qualify as an in-kind contribution to the candidate, subject to the federal contribution limits and source restrictions.
- A PAC that is not eligible to contribute to federal candidates, such as Families, may not provide data obtained from the canvass to a candidate, unless the candidate pays the PAC fair market value for the data.

Thus, Families may pay the costs of conducting a canvass in coordination with its supported candidates and, so long as the guidelines above are followed, it would not result in a contribution to the candidates. However, if Families provides any other thing of value to a candidate that is not subject to this (or any other) exemption, the candidate must compensate Families for that expense, at fair market value.

Should you have any questions, please let us know.