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How Democratic attorney Marc Elias's legal tactics also helped Trump this election

A Federal Election Commission opinion in March that was thanks to legal pressure from Democratic attorney Marc Elias ended up giving an assist to the Trump campaign and is poised to reshape the campaign finance system.

The FEC opinion put forth that political campaigns and outside political action committees may coordinate on canvassing get-out-the-vote efforts, holding that such work does not constitute "public communications" in violation of federal rules.




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It was issued because Elias Law Group, the firm of the attorney who has shaped the Democratic Party's legal apparatus and has long represented top party brass, petitioned the regulator to allow a George Soros-funded PAC to work with party committees and campaigns in Texas.

The opinion was historic and sent shock waves throughout Washington, D.C., where law firms specializing in campaign finance had long advised their political clients that coordination between campaigns and PACs was a strict prohibition. The opinion also held that candidates can access voter data from door-knocking — so long as campaigns pay the outside groups for the information.

"When this came out, I don't think many, outside a select few political law practitioners, fully realized the implications of this advisory opinion," said Alexander Lee, an associate in the Political Law practice group at the conservative Compass Legal Group. "I was kind of running around town and making sure everyone on our side knew the changing landscape because I knew the Elias Law Group probably had a pre-written memo to implement this strategy for their clients."



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But," Lee said, "our side quickly got on top of it and, from the top of the ticket down, implemented this new campaign strategy effectively."


'Thank you, Marc'

The FEC advisory opinion, issued in March, paved the way for President-elect Donald Trump's 2024 campaign to enter into agreements for canvassing coordination with outside organizations, including a PAC funded by Elon Musk, the world's richest man.

Dubbed America PAC, the Musk-backed organization spent more than \$250 million boosting Trump in the 2024 presidential election, focusing on canvassing, text message get-out-the-vote initiatives, and digital advertising, FEC records show.

The groundwork was laid early.

Upon the FEC issuing its opinion, Trump's political director, James Blair, reportedly organized a meeting among Trump allies in Florida to discuss the new possibilities allowed under the law and what collaboration could look like.



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The get-out-the-vote apparatus, said Tim Saler, Trump's data consultant, was coordinated through data-sharing. The Trump campaign managed a volunteer program in 50 states to knock on millions of doors, while outside groups focused on battleground states.

"Thank you, Marc," Saler said after the election. "We appreciate you."

Following the FEC's opinion, moreover, the Trump campaign entered into a data-sharing and canvas coordination agreement with another group formed by allies of Sen. J.D. Vance (R-OH), Trump's running mate.

The organization, called Turnout for America, encouraged donors to fund its \$45 million plan for hundreds of canvassers to be deployed in seven swing states, the New York Times reported, citing an internal memo.

"Our mission is simply to execute on the president's ground game plan — the thought leadership is theirs," Chris Buskirk, the leader of the group and a close friend of Vance's, wrote in the memo. "The ads and the air war are theirs. The on-the-ground muscle is ours."

Turnout for America, according to a Real Clear Politics report, was on board with the canvassing effort "from the beginning" and "widely considered among Trump operatives as 'the gold standard.'" The super PAC is heavily funded by Republican megadonor Richard Uihlein and spent millions of dollars on literature distribution, printing, and postage this election cycle, FEC records show.

Turnout for America gained other GOP megadonor allies, including Energy Transfer Partners' Kelcy Warren, who cut a \$5 million check. Donations also flooded in from ABC Supply Chairwoman Diane Hendricks, Beal Bank Chairman Andrew Beal, and other wealthy conservatives, according to filings.

'Pretty big deal'

Elias's petition to the FEC that spurred the opinion was opposed by left-leaning watchdog groups — which held that it would contradict laws aiming to limit political influence among big-money donors.

Progressives have long taken aim at the campaign finance system, saying it empowers the ultrawealthy to influence politics without accountability. Still, Democrats benefited from "dark money" in recent years at a greater clip than Republicans. As Vice President Kamala Harris outfundraised Trump and spent far more money on

advertising, Elias's legal tactics appeared to provide Trump and his allies a newfound mechanism to neutralize the Democrats.

Elias, 55, worked on behalf of the Harris campaign in 2024 and the Biden campaign in 2020. His legal effort on behalf of the Soros-funded PAC once more placed the controversial attorney in the crosshairs of watchdogs — who, at times in recent years, have taken aim at Elias-tied groups over transparency problems and alleged illegality.

None of the tension was new. In July, a federal appeals court had ruled that the FEC should have investigated coordination between a super PAC and the 2016 presidential campaign for former Secretary of State Hillary Clinton, which counted Elias as its general counsel. Campaign Legal Center, a left-wing watchdog group, had previously filed a complaint with the FEC on the matter, but it was dismissed.

CLC was also put on blast by Elias earlier this year for suing the FEC over its dismissal of a complaint alleging violations by a Democratic super PAC, with the lawyer posting on social media, "The beneficiary of this effort is Donald Trump, Mitch McConnell, and the GOP. Don't be fooled."

Now, the FEC's Elias-spurred opinion involving the Soros-funded PAC means that campaigns may not need to devote as many resources in the future to their canvassing operations, according to Lee.

The attorney said that's because campaigns will be able to work with outside groups that have access to more money and are not subject to certain fundraising limits. Super PACs, a product of the Supreme Court's 2010 ruling in *Citizens United v. FEC*, are allowed to raise and spend unlimited sums of money.

"That's a pretty big deal," Lee said.

To Jason Torchinsky, a partner at Holtzman Vogel, Lee is correct regarding widespread campaign outsourcing being a possible outcome of the FEC's opinion.

"Campaigns will be looking to figure out how to incorporate cooperation with super PACs on ground game efforts moving forward," Torchinsky told the *Washington Examiner*. "I think that's great."


Partner Mike Columbo at Dhillon Law Group welcomed the new FEC ruling — holding that the broader campaign finance system is overregulated and still fails to stop corruption. Dhillon Law Group's founder, Harmeet Dhillon, was tapped by Trump to lead the Justice Department's civil rights division, while its partner, David Warrington, was picked for White House counsel.

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"This year's development restored some degree of realism to the system," Columbo said.

"If there is a group of people who want to work together to encourage people to vote, even for a particular candidate, I think this is a healthy and desirable thing we should want for democracy," Columbo added.


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'I'm the daddy here': Trump's latest move said to be 'putting Elon Musk on notice'

Story by Travis Gettys • 12h • 3 min read



Donald Trump and Elon Musk watch the launch of the sixth test flight of the SpaceX Starship rocket in Brownsville, Texas, U.S., November 19, 2024. Brandon Bell/Pool via REUTERS/File Photo
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President Donald Trump may have signaled that he's growing tired of his so-called co-president Elon Musk, according to MSNBC's Stephanie Ruhle.

The president on Tuesday announced a joint venture investing up to \$500 billion for infrastructure related to artificial intelligence by a new partnership formed by OpenAI, Oracle and SoftBank, but the CEO of one of those companies is the archenemy to Musk, who poured at least \$277 million of his own money into Trump's re-election campaign and has been at his side as a key adviser since the election.

"I will make one, maybe it's a political point but it's worth pointing out. [at] the press conference yesterday. [OpenAI CEO] Sam Altman.

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