



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Office of the Commission Secretary *LC*

DATE: August 4, 2022

SUBJECT: AO 2022-14 (Google LLC) 7 Individual Comments

Attached are 7 individual comments on AO 2022-14 (Google LLC).

This matter will be discussed on the Open Meeting of August 11, 2022.

Attachment

RECEIVED

By Office of the Commission Secretary at 2:11 pm, Aug 04, 2022

From: Jen Walla
To: [AO](#)
Subject: AO 2022-14
Date: Wednesday, August 3, 2022 10:50:17 PM

Please do not approve political ads being sent to our email. I do not want this, nor do I know any citizens who want that. Thank you.

Reference number for Google's request for this is "AO 2022-14"

Sincerely,

Jen Walla



Moorhead, MN 56560

From: Jeremiah Terry
To: [AO](#)
Subject: AO 2022-14
Date: Wednesday, August 3, 2022 2:26:57 PM

Nobody should get an exception to spam filter policy, especially not the most determined, egregious and malicious spammers in the nation - politicians.

From: Alyona
To: [AQ](#)
Subject: Google request AO 2022-14
Date: Wednesday, August 3, 2022 6:59:13 PM

Attention: Federal Election Commission.

Good evening!

As a long time gmail user, having guarded specifically my gmail inbox against spam for many years. I feel very strongly AGAINST Google virtually green-lighting a new source of spam. It doesn't matter that it's a pilot program and political emails only. Spam is spam

Please do not let this happen. I have 2 yahoo accounts I use when signing up for services or information might lead to spam so it's pretty much inevitable and expected, but I pay dearly with my time, manually removing the all the spammy garbage pouring in.

I've been only using my gmail for banking or government transactions and only the closest family members. I don't give out this address even to my friends and coworkers. The reason is the amount of spam is a lot lower. Last thing I want is more spam!

PLEASE PLEASE DON'T LET THIS HAPPEN!

Sincerely,
Alyona L.

AlyonaのiPhoneから送信

From: [Elizabeth DeBold](#)
To: [AQ](#)
Subject: Against AO 2022-14
Date: Wednesday, August 3, 2022 9:30:01 PM

The strong spam blocker in gmail is the reason I continue to recommend it and use it as a platform—if it is weakened in this manner, I won't be able to continue recommending it.

I am also concerned that in picking and choosing certain PACs, parties, and other organizations to get through the spam blockers automatically, Google will be intervening in a troubling manner in the political arena. How will such NPOs, PACs, and political organizations be chosen as those allowed through? Access to billions of consumer email addresses is an invaluable resource in the 21st century, and Google's priority should be maintaining the high level of spam protection they have always delivered, not selling their users out to politicians.

I am firmly against Google experimenting with allowing political emails through spam filters.

Thanks,

Elizabeth DeBold
Takoma Park, Maryland

From: [Josh Nelson](#)
To: [AO](#)
Subject: AO 2022-14
Date: Thursday, August 4, 2022 12:21:26 PM
Attachments: [Josh Nelson Comment on AO 2022-14 – Google’s Pilot Program to Permit Political Campaign Spam .pdf](#)

Federal Election Commission
1050 First Street, N.E.
Washington, DC 20463

Re: Comments in Opposition to Advisory Opinion Request 2022-14 re Google’s Pilot Program to Permit Political Campaign Spam

Commissioners,

I’m writing in response to Google LLC’s proposal to allow candidate committees, political party committees, and leadership political action committees to send unsolicited spam email without being subject to Gmail’s spam filtering algorithm, as outlined in Allen & Overy’s July 1, 2022 Advisory Opinion Request (2022-14).

Contrary to the assertions made by Allen & Overy partner Claire Rajan, Google LLC’s proposed pilot program would in fact constitute making in-kind contributions to Republican campaigns and committees in two concrete ways.

1. It would directly undermine Democrats’ adherence to best practices and significant investments in the opt-in status quo

Democrats have spent the past 20 years developing infrastructure and adhering to email deliverability best practices to build a [significant advantage](#) in small dollar online fundraising. These investments include but are not limited to:

- Maintaining extensive training programs on best practices for campaign staff who run email programs
- Developing a robust ecosystem of vendors, consultants and technology providers dedicated to growing opt-in email communities
- Investing tens of millions of dollars or more via campaign and committee expenditures in acquiring end-user opt-in permission to send bulk email communications

All of these investments were made in order to adhere to well-established best practices for

email deliverability, including those specified by Gmail itself. In fact, Gmail's help center includes a page entitled "[Prevent mail to Gmail users from being blocked or sent to spam](#)," which specifies the following:

“Don't send messages to people who didn't sign up to get messages from you. These recipients might mark unwanted messages as spam. Future messages to these recipients will be marked as spam.”

As a Gmail spokesperson [told Axios](#) in April in response to Republican complaints of bias in spam filtering, “Gmail users can move messages to spam, or to any other category. Gmail automatically adjusts the classifications of particular emails according to these user actions.”

In other words, to the extent that Republican campaign emails are disproportionately landing in Gmail spam folders, it is in large part due to the fact that Republican campaign emails are disproportionately sending unsolicited spam that recipients do not want to receive.

Changing the opt-in email status quo amounts to penalizing Democrats for making investments in following clearly-established best practices. It would give a distinct electoral advantage to Republican campaigns and committees who have ignored those same best practices for years to their own detriment.

2. It would reward Republicans' disingenuous claims of Big Tech bias and mimic their preferred policy

Google's proposed pilot program is clearly in response to disingenuous Republican claims that Google and other Big Tech companies are biased against conservative causes. Following the release of an [academic paper](#) purporting to demonstrate such bias, Republican operatives orchestrated a public relations and advocacy effort designed to pressure Gmail to change its rules to allow campaigns to send unsolicited spam emails.

On March 31, researchers at North Carolina State University published a paper entitled “A Peek into the Political Biases in Email Spam Filtering Algorithms During US Election 2020.” The paper's big takeaway was that “Gmail marked 59.3% more emails from the right candidates as spam compared to the left candidates, whereas Outlook and Yahoo marked 20.4% and 14.2% more emails from left candidates as spam compared to the right candidates, respectively.”

The deeply flawed study failed to account for the fact that Republican campaigns are [notorious for sending](#) scammy and deceptive emails to people who didn't sign up to receive them, and that Republican campaigns frequently [fail to follow](#) basic email deliverability best

practices, all but ensuring that they're relegated to users' spam folders—where they belong.

Regardless, Fox News and other right-wing media outlets pounced on the study as proof that Gmail was intentionally undermining Republican fundraising efforts. FoxNews.com alone published [no less than four](#) separate stories promoting the study within a 20-day period in April.

At the same time, Republicans escalated their response. First, they shared “research” exclusively with Fox News purporting to show that Gmail’s spam filtering algorithm cost Republican candidates an estimated \$2 billion in donations since 2019. Then on April 26, the Republican National Committee, National Republican Congressional Committee and National Republican Senatorial Committee filed a [joint complaint](#) formally requesting that the Commission investigate whether Gmail is censoring Republican political emails.

The very next day, on April 27, Sen. Josh Hawley [sent a letter](#) to Google CEO Sundar Pichai accusing the company of “dictating the outcomes of an election” and demanding answers to a series of conspiratorial questions.

Finally, on June 16, a group of Republican senators introduced the [Political BIAS Emails Act](#), which would, [according to one of the sponsors](#), “prohibit large email platforms like Google’s Gmail from using filtering algorithms on emails sent from a political campaign unless the owner or user of the email account took action to apply a label such as spam.”

To date, this legislation has been [cosponsored](#) by 28 Republican senators and zero Democratic senators.

The Commission should be fully aware that Google’s proposed pilot program is nearly identical in substance to this highly-partisan bill that is part of the Republican agenda and is not supported by a single elected official in the Democratic Party. Surely it’s not a coincidence that Google’s July 1 advisory opinion request was made just 15 days after the highly-partisan Political BIAS Emails Act was introduced in the U.S. Senate.

By implementing the proposed pilot program, which has been [described in the press](#) as “a sop to Republicans,” Google would be intentionally catering to the Republican agenda in response to a pressure campaign orchestrated by Republican operatives and politicians.

For both of the reasons outlined above, I respectfully submit that the Commission must conclude that Google LLC’s proposed pilot program would constitute an in-kind contribution to Republican campaigns and committees.

I would be happy to discuss my concerns with the Commission at your convenience.

Thank you for your consideration.

Respectfully,

Josh Nelson
CEO, Civic Shout
Co-Founder, The Juggernaut Project

From: [Alan Chudnow](#)
To: [AQ](#)
Subject: Google's request AO 2022-14.
Date: Thursday, August 4, 2022 12:02:46 PM

Allowing Google to prioritize political emails would basically mean that Google was providing a large political donation to every politician sending emails to Gmail addresses. I strongly oppose this.

Alan Chudnow

Confidentiality Notice: This email is intended for the use of the individual addressee(s) named above and may contain information that is confidential, privileged, or unsuitable for overly sensitive persons with low self-esteem, no sense of humor, or irrational religious beliefs. If you are not one of the named recipients or otherwise have reason to believe you have received this message in error please notify the sender, delete the message from your computer, destroy your computer completely, and turn yourself over to the proper authorities if any still exist after the last election. Any dissemination, distribution, copying, or recollection of this email without the consent of Star Fleet Command is not authorized (either explicitly or implicitly) and constitutes an irritating social faux pas. Recipients suffering from an overwhelming fear of the unknown will be gratified to learn that there is no hidden message revealed by reading this warning backwards, however by pouring a complete circle of salt around yourself and your computer you can ensure that no harm befalls you and your pets. Void where prohibited by law or common sense. Not valid in Rhode Island, the lost city of R'lyeh, and the Xinghua province of China. Condiments available upon request. Copyright ©1964 Del Floria's Tailor Shop. All rights preserved.

From: Judy Ratchford
To: [AO](#)
Subject: AO 2022-14 comment
Date: Thursday, August 4, 2022 11:21:15 AM

I strongly object to Google's pilot program request to allow political emails to bypass spam filtering. Political emails are typically unsolicited and full of hyperbole and outright lies. They should be allowed only if the email user opts in.

I've received multiple political emails from a single candidate with different email addresses. Requiring people to manually block all these emails is ridiculous.