



M U L T I S T A T E

[Google gets green light to exempt campaign emails from spam detection](#) (U.S.)

The Federal Election Commission on Thursday advised Google that a proposed pilot program allowing political campaigns to evade automated spam detection would not violate federal campaign finance law.

The vote on the six-member body, which is split evenly by party, was four in favor and one against, with one abstention. One Democrat joined the three Republicans in endorsing the plan. Ellen Weintraub, a Democrat, voted instead to advise Google that such a program would represent a prohibited in-kind contribution. Shana Broussard, also a Democrat, abstained.

Bipartisan approval from the regulator clears the way for Google to implement the program, which would disable Gmail's ordinary spam filters for participating candidates and political committees, leaving individual users to mark unwanted emails manually. The pilot program, for any sender registered with the FEC whose emails do not contain illegal content or other material prohibited by Gmail's terms of service, is likely to last about six months, although the timing of its implementation was not immediately clear.

"We appreciate the FEC's speedy review of our request and we will reflect on the positive and negative feedback received during the public comment period," Google spokesman José Castañeda said. "Our goal during this pilot program is to assess alternative ways of addressing concerns from bulk senders, while giving users clear controls over their inboxes to minimize unwanted email. We will continue to monitor feedback as the pilot rolls out to ensure it is meeting its goals."

The company sought FEC approval for the program following a [pressure campaign](#) waged by Republicans, who accused Google of unfairly filtering its emails. Republican lawmakers and strategists drew on a March [study published](#) by researchers at North Carolina State University finding that Gmail sent 77 percent of right-wing candidate emails to spam in 2020, compared with 10 percent of left-wing candidate emails.

Google took issue with the study, saying it relied on a small sample size and old data while not accounting for which candidates had used recommended tools when sending bulk emails. People familiar with company discussions, who spoke on the condition of anonymity because they were not authorized to speak on the record, said Google was being scapegoated by Republican consultants seeking to shift the blame for poor fundraising caused by lists that have grown stale and recipients who have tired of incessant appeals, especially those coming from entities that have rented or purchased email addresses.

Online fundraising by Republicans has fallen off in recent months, declining by about 11 percent in the second quarter of the year, compared with the first, according to federal filings from WinRed, the main portal that processes donations for Republicans.

Google has defended its spam filters, which it says are effective in blocking more than 99.9 percent of spam, phishing and malware, but moved to modify them for political committees, anyway. The advisory opinion approved by the FEC reasoned that the proposed pilot program “would serve Google’s commercial interests in protecting its brand reputation and obtaining valuable data on how to enhance its product.”

The proposed program has not placated Republicans. The National Republican Senatorial Committee, the campaign arm of the Republican caucus, recently asked lawmakers to sign a [letter calling](#) the proposed pilot program “unacceptable,” according to a draft obtained by The Washington Post.

“It comes too late and it’s too risky for campaigns,” stated the draft letter, which has yet to be transmitted to Google, according to a person familiar with the matter who spoke on the condition of anonymity to address private communications.

An attorney for Google, Claire Rajan, told commissioners before the Thursday vote that the program was designed for commercial purposes and not to influence an election. And, in response to a question from Sean Cooksey, a Republican commissioner, about the suggestion that the pilot program was “actually being done in response to criticism from members of one political party,” Rajan said Google receives feedback from a range of voices as it pursues “product enhancement.”

Broussard asked whether product enhancement involves considering the perspective of users, thousands of whom wrote to the FEC to object to the proposed pilot program. Commissioners said Google’s request elicited a record number of public comments, almost all of them asking the FEC to turn Google down. Rajan said the comments reflect that “people don’t like spam.”

James Trainor III, a Republican commissioner, seemed to endorse the program as a hedge against claims of bias in Gmail's existing spam technology. "Is it not the case that by putting this pilot program in place, that Google is actually making a commercial decision to make sure that they are completely unbiased?" he asked. Rajan said the company made the decision to remain unbiased "long ago."

Weintraub, the lone commissioner who voted to advise against the proposed program, asked Rajan to affirm that Gmail's current filters treat political emails the same as they treat all other communications, which she did. The Democrat went on to say it raised "alarm bells" that Google would offer a free program only to political committees. "That sounds like the classic definition of an in-kind contribution," she said.

Her Democratic colleague who approved the draft opinion said she did so reluctantly. "I don't want to, and it is for the same reasons that all the commenters don't want to," said Dara Lindenbaum, vice chair of the FEC, who was sworn in this month. "But I think the law and the commission's regulations and commission's precedents permit this. I also don't want to hamstring innovation and pilot programs."

[California lawmaker faces scandal after lobbyist tweets about alleged affair](#)

(California)

Assemblyman Heath Flora, R-Ripon, is dealing with revelations of alleged extramarital affairs, as he completes a third term representing the 12th Assembly District and considers other ambitions.

Emily Hughes, a lobbyist for the California Medical Association before she left the job in May, wrote about the relationship on Twitter.

Hughes' Twitter comments were picked up [in an July story](#) in the San Joaquin Valley Sun.

The purported involvement with a medical industry lobbyist can create an ethics problem for Flora, who's a member of the Assembly Health Committee.

Flora said last week he would issue a statement about Hughes' allegations, but a statement was not released by noon Thursday.

According to Open Secrets, a research group that tracks money in politics, the health care sector has contributed the most to Flora's election campaigns, a total of \$386,750 since 2016. The California Medical Association has been the largest health-sector contributor to Flora, who has

received \$34,600 from the lobbying group, the sixth highest source of funding for Flora from a single contributor.

Hughes, 34, said her own reason for [tweeting about the relationship](#) is to show constituents another side of the assemblyman. Some who closely follow politics said the revelations are more than juicy gossip.

Lise Talbott, chairwoman of the Stanislaus County Democratic Party, said politicians' sex lives are their business, but it's a concern to hear the assemblyman had an affair with a CMA lobbyist given his seat on the Assembly Health Committee.

"As politicians we take ethics classes and I think he has certainly betrayed that training and the trust of his constituents to maintain that straight line," said Talbott, who serves on the Waterford City Council. "I would feel the same if it was a Democrat we were talking about."

Flora represents a district with high enrollment in the Medi-Cal program for the poor, and a regional medical services hub centered in Modesto.

A romantic relationship with a medical industry lobbyist triggers conflict-of-interest rules that might require Flora to abstain from matters before the Health Committee. It also triggers limits on the value of gifts.

In addition, public officials are expected to avoid perceptions of impropriety, so the public has trust in government, said Sean McMorris, ethics and accountability program manager for California Common Cause, a nonprofit that promotes good government.

"Obviously, life happens and people fall in love," McMorris said. "But public officials are held to higher standards and it's right for the public to scrutinize their actions."

If an elected official on a legislative committee is dating a person with a firm that lobbies that committee, "it does not look good from the perspective of public perception," McMorris said.

Flora did not respond to questions from The Bee about whether he recused himself from hearing CMA-sponsored bills before the Health Committee.

Hughes said in a text Wednesday that Flora "voted on CMA bills." She added, "he and I never spoke about CMA bills, for that very reason."

A sampling of the record shows that Flora voted on two bills considered a priority for CMA last year. He supported Senate Bill 575, authored by fellow Valley legislator Anna Caballero to increase taxes on e-cigarette and vaping products, and opposed Sen. Richard Pan's Senate Bill 510, ensuring coverage for costs of COVID-19 testing.

Flora did not vote on Assembly Bill 457, a telehealth bill introduced by Assemblyman Miguel Santiago, a Democrat from Southern California. If Flora were disqualified from voting on CMA bills, due to the alleged relationship with the lobbyist, political reform laws would prohibit him from voting at all on the three bills.

McMorris said that conflict-of-interest rules are complex and elected officials facing a potential conflict often rely on legal counsel for advice on abstaining or participating on an item. Flora did not make himself available to discuss whether he sought advice due to the alleged affair with Hughes.

Political reform rules in California say a public official in a dating relationship does not have to keep track of gifts, unless the person is a registered lobbyist.

When it is a person registered to lobby that agency, the individual has a \$10-per-month limit on gifts to the public official. McMorris said there's a separate rule for public officials: A legislative official is expected to track fair market value of gifts and getting more than \$500 a year from a single source can disqualify the official from a decision — to avoid bias or appearance of impropriety.

Hughes said she was aware of the monetary limits on gifts and was inclined to "go Dutch" when dining out with Flora.

A SHORTENED TRIP TO MEXICO

Hughes first tweeted about her alleged affair with Flora in April, sharing details of a trip to Sayulita, Mexico, to attend her brother's wedding in spring 2020. Soon after their arrival, Gov. Gavin Newsom announced COVID-19 shutdown orders that threatened to restrict travel across the border.

"So my partner, my person, my wedding date and I struggled with whether he should fly home. (The next morning) he woke up and went back to the airport because an Assembly member couldn't be caught in Mexico with his mistress in the middle of a pandemic," Hughes wrote.

She said in an interview last week that her tweets in the past five months are about her alleged relationship with Flora, even if some of them don't mention his name. She said they took out-of-state trips together, discussed raising children and traveled to meet her relatives in Oregon and Virginia.

She tweeted about sharing what she saw as romantic evenings with the assemblyman in a number of cities.

"I can't imagine all the people we met — bartenders, servers, flight attendants, hotel staff, couples in pools and restaurants — in Palm Springs, San Diego, Austin, Scottsdale, Bandon, Portland and D.C., who never even knew who they were talking to, but assumed we were a happy couple," Hughes tweeted on July 31.

Hughes said the alleged affair ended in early July after she confronted the assemblyman about her suspicion he was seeing another woman. According to her tweet July 12, she was contacted by the grief-stricken husband of the woman after Flora had told her the woman was only a friend, Hughes said.

Another tweet said Hughes was giving up her career in Sacramento "to tell the truth of the (time) I spent in hiding for a man I thought was one-of-a-kind, while I was one-of-many."

Flora's wife, Melodie, filed for divorce in April in San Joaquin County Superior Court.

WILL ALLEGATIONS STYMIE POLITICAL AMBITIONS?

Three political consultants contacted by The Modesto Bee did not want to comment by name for this article. As for Flora's chances of higher office in the future, one consultant noted that Donald Trump had marital infidelity issues in his past, but was elected president of the United States.

Hughes, who was born in Southern California and raised in Oregon, said she met Flora years ago, before she moved to Sacramento, at a New Way California conference for charting a new course for the GOP. She holds a political science degree from Southern Oregon University.

Upon moving to Sacramento for a new job, she spent a lot of time in Flora's office because she had known his staff members for years, she said, adding it almost became her second office. She worked for another employer in Sacramento and then joined the CMA in November 2020, according to her LinkedIn profile.

Allegations of infidelity won't likely affect Flora's campaign for the newly drawn 9th Assembly District seat in November. Flora was unopposed in the June primary and faces a write-in candidate in November. The 9th District includes eastern Stanislaus and San Joaquin counties and the Sierra foothills.