

LOBBY WATCH



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Anonymous 'Citizens' Unite:

August 27, 2012

Perry Campaign Aide Formed Secretive PAC Tied to Rove

Jason Smith, an Ex-Aide to Senator Tommy Williams, Also Lobbies for Public Employees Union.

Soon after Rick Perry's presidential bid imploded in January, that campaign's national deputy political director became head of a political committee that has used—or abused—a related “charitable” non-profit to hide the source of most of its political funds.

In February Jason Scott Michael Smith helped form Las Vegas-based charitable non-profit called “[It's Now or Never, Inc.](#)” The following month this ex-Perry campaign aide helped form a related political [committee](#), which he heads. Smith's PAC must report its contributions and expenditures to the Federal Elections Commission (FEC). But It's Now or Never has used its non-reporting, non-profit arm to dodge disclosing who supplied most of the \$171,900 it raised to influence recent primary elections in Utah and Nevada. Smith's PAC reported to the FEC that 94 percent of the money that it raised came from its non-profit arm, which does not disclose its donors.¹

It's Now or Never's single biggest expenditure was a \$140,000 payment to the Karl Rove-affiliated Crossroads Media for TV ads attacking a Republican candidate to be Attorney General of Utah. The target of those attacks, Sean Reyes, lost to fellow Republican John Swallow (Reyes also has filed a lawsuit against Swallow and It's Now or Never).²

Washington's Center for Responsive Politics recently wrote about the unusually close pairing between It's Now or Never's charitable non-profit and political

committee. That [piece](#) cites Paul Ryan, senior counsel to the Washington-based Campaign Legal Center, who says close coordination between a PAC and a non-profit can raise legal questions. First, is the non-profit illegally allowing itself to be used as a “straw donor” by making political contributions on somebody else's behalf? Second, given that the IRS does not recognize campaign interventions as a charitable purpose, what legal, charitable cause does It's Now or Never promote?

It's Now or Never also reported spending \$8,000 to support Utah Senator Orrin Hatch's reelection and almost \$7,000 backing Barbara Cegavske's failed bid for a Nevada congressional seat. Despite its big play in the Utah attorney general's race, Now or Never PAC's [website](#) says it “will focus on fiscally conservative and responsible Congressional candidates” in “Southwestern swing races” in Arizona, Utah, Nevada, Texas and New Mexico.

Texan Jason Smith is the executive director of the It's Now or Never PAC and also sits on the board of its non-profit. This former aide to Texas Senator Tommy Williams lobbied briefly for Bryan Eppstein's Capitol Alliance before going solo. Smith has reported a lobby income of up to \$310,000 since 2010 representing the Texas Public Employees Association, American Traffic Solutions (intersection cameras) and Harris County and its transit authority.

The Center for Responsive Politics reported that Oklahoma attorney Anthony Ferate incorporated It's Now or Never and a similarly structured PAC active in [Pennsylvania's Republican primary](#). Ferate told the Center that his work on behalf of those entities is unrelated to his work as a lobbyist for gas-fracking giant Devon Energy. •

Jason Smith's Lobby Clients 2010 Through 2012

Client	Max. Value of Contract	Min. Value of Contract
Harris County	\$110,000	\$50,000
TX Public Employees Assn	\$75,000	\$35,000
Harris Co. Metro Transit Auth.	\$50,000	\$25,000
American Traffic Solutions	\$25,000	\$10,000
TOTALS	\$260,000	\$120,000

Notes

¹ The PAC did disclose receiving \$10,000 from Nevada's Legislative Business PAC, which has ties to Now or Never-backed congressional candidate Barbara Cegavske. It's Now or Never PAC also disclosed receiving \$1,000 from Marjorie Strayer, a lobbyist with the Washington-based Livingston Group.

² The lawsuit alleges that Swallow and the non-profit coordinated defaming attacks on Reyes. "Utah's GOP Attorney General Race Turns Into Furious Fight," *Salt Lake Tribune*, June 23, 2012. "Sean Reyes Sues Attorney General Opponent John Swallow for Defamation," *Deseret News*, June 22, 2012.