



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission
Staff Director
General Counsel
Press Office
Public Disclosure

FROM: Commission Secretary *[Signature]*

DATE: May 24, 2012

SUBJECT: Comments on Draft AO 2012-17
(Red Blue T LLC, Armour Media, Inc.,
and m-Qube, Inc.)

Transmitted herewith is a timely submitted comment from Benjamin L. Ginsberg, Kathryn E. Biber, and Christopher O. Murray, on behalf of Romney for President.

Draft Advisory Opinion 2012-17 is on the May 24, 2012 open meeting agenda.

Attachment



ROMNEY
BELIEVE IN AMERICA

2012 MAY 24 A 9:00

May 24, 2012

SENT VIA FAX TO 202.208.3333 AND 202.219.3923

The Honorable Shawn Woodhead Werth
Commission Secretary
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Drafts A and B of Advisory Opinion 2012-17

Dear Madame Secretary:

On behalf of the Romney for President campaign, we write to encourage the Commission to approve Advisory Opinion Draft B.¹

Although the Commission declined in AO 2010-23 to permit one type of contribution-texting technology, the Requestors here have proposed an entirely different (and common) platform that addresses the Commission's previous concerns.

Unlike the proposal considered in AO 2010-23, the procedures suggested in this Advisory Opinion Request comply with forwarding requirements, reasonably limit the amount any one subscriber could donate, and properly separate corporate funds from political contributions. Requestors' proposal also complies with recordkeeping and reporting requirements. Many other types of processes, similar or dissimilar to what Requestors propose, could be equally permissible.

The concerns outlined in Draft A, in particular the concerns about group or family plans, are purely hypothetical. Similar problems are theoretically created when one individual regularly pays the credit card bill of someone else (as is common in some families). In that instance, reporting committees address the potential problem without blanket prohibitions on credit card contributions by requiring donors to certify eligibility and compliance with the law. The Commission should allow a similar solution here.

To be clear, reporting committees must work with any type of contribution-texting provider or aggregator to address problems of foreign contributors and the like. In practice, a committee

¹ Although we support the approval of AO 2012-17 Draft B, we do not endorse the Requestors' services specifically.

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with lax compliance processes could abuse any contribution system, but responsible committees are already familiar with important safeguards in the context of credit card contributions.

As a final point, although compliance with the Act and Commission regulations is important, it is equally important to note that permitting texting of political contributions will open up a new and highly accessible opportunity for citizens to support the candidates and political committees of their choice. Like credit cards and the internet before, the time to permit contributions via text has come. The American public has embraced texting as an important form of communication and commerce, and it is time for federal regulations to catch up.

Accordingly, we urge the Commission to promptly approve Advisory Opinion Draft B.

Sincerely,



Benjamin L. Ginsberg, National Counsel
Kathryn E. Biber, General Counsel
Christopher O. Murray, Deputy General Counsel

www.MittRomney.com

Paid for by Romney for President, Inc.