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May 6, 2019

**BY E-MAIL**

Lisa J. Stevenson  
Acting General Counsel  
Federal Election Commission  
1050 First Street NE  
Washington, DC 20463

**Re: Comment on Advisory Opinion Request 2018-12, Draft C**

Dear Ms. Stevenson:

We are writing on behalf of Defending Digital Campaigns, Inc. (“DDC” or the “Organization”) to comment on Draft C of Advisory Opinion 2018-12. DDC supports the Commission’s analysis and conclusion in Draft C, but offers three points of clarification.

*First*, Draft C conditions the Commission’s approval on DDC’s commitment not to accept any donations from foreign nationals. DDC is comfortable abiding by this condition. Moreover, as DDC previously noted, it also plans to voluntarily disclose its donors.

*Second*, Draft C states that “DDC represented that funds for this project would be raised only from individuals and foundations.”<sup>1</sup> As DDC explained in its advisory opinion request, and as noted throughout Draft C, DDC’s proposed cybersecurity activities necessarily involve working with business entities. Some aspects of these partnerships would result in the business entities making in-kind donations to DDC. Thus, DDC plans to solicit and accept in-kind donations from persons other than individuals and foundations.

*Third*, at the Commission’s April 11, 2019 open meeting, DDC explained that it is waiting to begin “in-depth” planning of its fundraising activities until the Commission has responded to its advisory opinion request.<sup>2</sup> DDC added that “the only donors that we have *considered* for the Organization have been individuals and foundations.”<sup>3</sup> Although DDC presently is planning to solicit monetary donations only from individuals and foundations, it would like to preserve the flexibility to solicit and accept monetary donations from other sources in the future if necessary.

In light of the second and third points above, we respectfully ask the Commission to strike the relevant sentence on page 2 because it is inconsistent with DDC’s plans to accept in-kind

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<sup>1</sup> Draft C at 2.

<sup>2</sup> Open Meeting of April 11, 2019, at 28:50, <https://www.youtube.com/watch?v=7cwizNSQjYU&feature=youtu.be>.

<sup>3</sup> *Id.* at 29:10.

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donations from business entities and could be read to limit DDC's ability to raise monetary donations from sources other than individuals and foundations in the future if necessary.

DDC greatly appreciates the Commission's work on its advisory opinion request and this very important issue.

Very truly yours,

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