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By Office of General Counsel at 12:53 pm, Oct 25, 2021

From: [Tony Ward](#)
To: [Joanna Waldstreicher](#)
Cc: [Amy Rothstein](#)
Subject: Re: Advisory Opinion 2021-10 - supplemental information
Date: Friday, October 22, 2021 10:33:06 AM

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By Office of the Commission Secretary at 2:08 pm, Oct 25, 2021

This confirms that your understanding as outlined is correct.

Thanks,
Tony Ward

On Thu, Oct 21, 2021 at 11:07 AM Joanna Waldstreicher <JWaldstreicher@fec.gov> wrote:

Dear Mr. Ward:

We would like to thank you and Messrs. Russo and St. Martin for speaking with us yesterday about the advisory opinion request submitted on behalf of Retail Benefits Inc. (“RBI”). We would like to verify our understanding of the information that was provided during our discussion. Please respond to this email to confirm the information below, or to clarify or correct any information as necessary. Your response may be posted on the Commission’s website as a supplement to the advisory opinion request.

1. RBI proposes to build a customized mobile app and browser extension (collectively, “software”) for any political committee that agrees to participate in the rebate program described in RBI’s advisory opinion request. Thereafter, RBI will continue to manage the software behind the scenes for each participating committee. RBI generally will allow committees to determine the appearance and language of the software, except that express advocacy will not be permitted.
2. In exchange for receiving RBI’s software, participating committees will be responsible for marketing the software as their own to their supporters.
3. Participating political committees will be able to leverage their existing relationships to invite supporters to participate in the rebate program, including via committee email and web-link. However a committee decides to market the program, the committee will conduct initial outreach through the committee’s own communication channels.
4. Individuals who register to participate in a political committee’s program may shop from participating merchants through the committee’s branded software. Individuals

will access the software through links provided by the committee or through the committee's app store. Through that software, an individual will set up an account and agree to terms of service ("TOS") customized for each political committee. The TOS will constitute an agreement between the individual and the political committee. An individual's contribution election will similarly be made through the committee's software, not through RBI.

5. The program proposed by RBI for political committees follows RBI's established business model for other entities. For years, RBI has offered and participated in similar business arrangements with both for-profit and some non-profit affiliates. RBI builds software for the affiliates, in exchange for which the affiliates market their branded software to their customers which, in turn, generate revenue for RBI and the affiliates' customers in the form of rebates when the customers make qualifying purchases from participating merchants.
6. RBI and its affiliates enter into licensing agreements that set forth the software that RBI will provide, how the money will flow, what the affiliates can do with the software, and how they can market it.
7. RBI also enters into agreements with participating merchants. Rebate amounts are set by the merchants, not by RBI.
8. RBI does not engage in direct-to-consumer activity or enter into agreements with individual consumers.
9. RBI states that its affiliates occupy a role similar to the role that political committees occupy under its proposal. RBI will generally treat political committees the same as its existing for-profit and non-profit affiliates, except as needed to comply with campaign finance law.
10. RBI's for-profit affiliates can also offer their customers ways to use their rebates that complement the affiliates' core business, message, or goals. For example, an energy company affiliate might allow its customers to use their earned rebates to reduce their energy bills.

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PLEASE NOTE NEW ADDRESS AS OF 3/1

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