

DOLLARVOTE.ORG™

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Suite 303
Arlington, VA 22201

Tel. 571 239-9061
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<http://www.dollartvote.org>

June 7, 2004

Rosemary C. Smith
Associate General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

AOR 2004-19

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUN - 8 P 1:38

RE: Advisory Opinion Request: Request for Further Information (2)

Dear Mrs Smith:

On behalf of DollarVote.org, Inc., I am writing to confirm and address a few points discussed with Mr Pugh on Friday, June 4 with respect to the Advisory Opinion Request ("AOR") submitted on May 19, 2004, and the letter of June 2, 2004, by DollarVote.org, Inc ("DollarVote.org" or "DollarVote" or "the Corporation") regarding the application to DollarVote's business of the Federal Election Campaign Act of 1971, as amended, ("FECA") and Federal Election Commission ("Commission" or "FEC") regulations.

I would like to confirm the following points discussed with Mr Pugh pertaining to DollarVote's AOR and to the letter of June 2:

- The "alternate recipient organizations" referred to in both documents will be 501(c)3 organizations. No PACs or political committees will be permitted to function as alternate recipient organizations.
- The "checkout confirmation" page, as depicted in the June 2 letter, includes a fee charged of customers to cover electronic transaction fees; these are the numbers marked by percentages. The final version of this page will indicate the nature of this fee more clearly.
- The borders of the web pages, which have been omitted from the screenshots of the June 2 letter for clarity, will contain primarily navigation menus and cosmetic material. The borders will not contain partisan or issue-specific recommendations or intimations, in the form of text or graphics, that might influence a customer's activity.
- A screenshot of the "personal profile," which customers may use to record and monitor their own contribution history (both inside and outside the purview of DollarVote.org), is

included below. Please recall from the AOR that the personal profile will not constitute the only check that campaign contribution limits are observed. As described in the AOR, DollarVote's technology will query database records of customer activity prior to transactions and halt transactions that would cause a customer to exceed contribution limits.

My Contribution History

At DollarVote.org

Date	Amount	Recipient	DollarBill	Alternate Recipient
July 19, 2004	\$10.00	Jonathan Quigley Doe	DollarBill #7: Right to Choose with Special Protections	Salvation Army
July 19, 2004	\$10.00	Sample Q. Candidate	DollarBill #7: Right to Choose with Special Protections	Salvation Army
July 19, 2004	\$20.00	[Pending Allocation]	DollarBill #6: No Marriage or Civil Unions	Red Cross

Outside DollarVote.org *Who you should enter this data*

Date	Amount	Recipient	State	Race	Notes
Jan 1, 2004	\$1,007.00	Jonathan Q. Doe	Pennsylvania	Senate	Check written at fundraising breakfast
May 6, 2004	\$100.00	Mary Lou Reiter	Nebraska	Senate	(Donated online at her website)

Summary

Total:	\$1147.00
At DollarVote.org:	\$40.00
Allocated:	\$20.00
Pending Allocation:	\$20.00
Outside DollarVote.org:	\$1107.00
Total Funds to Candidate: [Jonathan Quigley Doe]	\$1017.00

I believe DollarVote's AOR is now complete in the eyes of the Commission. Please call with any questions regarding this letter if you need further information.

Sincerely,



Andrew W. Mitchell
President
DollarVote.org

DOLLARVOTE.ORG™

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June 2, 2004

Rosemary C. Smith
Associate General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

2004 JUN - 8 P 1: 38

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

RE: Advisory Opinion Request: Request for Further Information

Dear Mrs Smith:

On behalf of DollarVote.org, Inc., I am writing in response to your letter of June 1, 2004, forwarded to me by email, requesting further information regarding the Advisory Opinion Request ("AOR") submitted on May 19, 2004 by DollarVote.org, Inc ("DollarVote.org" or "DollarVote" or "the Corporation") regarding the application to DollarVote's business of the Federal Election Campaign Act of 1971, as amended, ("FECA") and Federal Election Commission ("Commission" or "FEC") regulations.

Specifically, the Office of General Counsel has asked DollarVote.org to provide the following information:

1. Sample web pages that illustrate what a visitor to DollarVote.org would see at each step of the process;
2. Sample "DollarBills," or position statements; and
3. A description of how the "alternate recipient organizations" will be selected and describe any role those organizations had in their selection, including whether they agreed to participate.

These requests are addressed sequentially in the following sections.

1. Sample Web Pages

The following pages provide “screenshots” of the DollarVote.org process described in the Corporation’s Advisory Opinion Request (“AOR”) of May 19, 2004. While the full body of services provided by the website will constitute an interactive environment that could not be captured by any one linear process or series of screen captures, the “dollarvote” process described in the AOR dated May 19, 2004 can be summarized by the following sequence of screen captures:

- **Screen Capture of Registration**
- **Screen Capture of Registration (2)**
- **Screen Capture of Login Screen**
- **Screen Capture of a DollarVote**
- **Screen Capture of Shopping Cart**
- **Screen Capture of Attestation (1)**
- **Screen Capture of Attestation (2) – Candidates Have Already Made DollarPromises on Given Bill**
- **Screen Capture of Attestation (3) – No Promises on Given DollarBill to Date**
- **Screen Capture of Attestation (4) – Attestation is Required**
- **Screen Capture of Checkout**
- **Screen Capture of Checkout Confirmation**

These screen captures do not exhaustively depict the web pages available at DollarVote.org. Rather, they depict, in roughly chronological order, the DollarVote process from the customer’s perspective. Please note that the text and details of these pages are subject to redesign or change within the parameters of the guidance provided by the Commission. For the sake of clarity, graphics, menus, and similar content have been omitted from the screen captures. Circles and notes have been added to some screen captures in order to call attention to particularly relevant features on the page.

Screen Capture of Registration

Become a Member

Your Personal Details *Important Information about Your Membership*

First Name:	<input type="text"/>
Middle Name or Initial:	<input type="text"/>
Last Name:	<input type="text"/>
Date of Birth:	<input type="text"/>

Your Address

Street Address:	<input type="text"/>
City:	<input type="text"/>
State:	Alabama <input type="text"/>
Zip Code:	<input type="text"/>
Country:	United States
Telephone Number:	<input type="text"/>
E-Mail Address:	<input type="text"/>

Employment Details

Occupation:	<input type="text"/>
Employer Name:	<input type="text"/>

Screen Capture of Registration (2)

Your Password

Password:	<input type="text"/>
Password Confirmation:	<input type="text"/>

For Senatorial Candidates Only Eligibility Requirements

<input type="checkbox"/> I am running for Senate in the 2004 election.
State: <input type="text" value="Alabama"/>

Town Square Profile Optional

User Name:	<input type="text"/>	(used in your posts)
	<input type="checkbox"/>	Hide my email from other users
	<input type="checkbox"/>	Hide my (full) name from other users
<hr/>		
Homepage:	<input type="text"/>	
Image URL:	<input type="text"/>	
ICQ:	<input type="text"/>	
AOL:	<input type="text"/>	
Yahoo:	<input type="text"/>	
MSN:	<input type="text"/>	
Jabber:	<input type="text"/>	
Signature:	<input type="text"/>	

Continue

Screen Capture of Login Screen

Welcome! Please sign in

New Members

The modest membership fee of \$10.00 will earn you one year of full rights to the total DollarVote.org experience: voting on DollarBills, participating in the Town Square discussion room, personal user profile, News Clipping Service, DollarAlerts (e-mail alerts on issues of interest to you), DollarTracker, special events (Candidate Chats, Ask the Experts), and others as we grow and develop.

You will be part of a new, national, powerful online community of concerned citizens who want to return politics to a focus on the issues. See our [benefits and services](#) page for more information.



Returning Members

Email Address:

Site Password:

[Password forgotten? Click here.](#)



Screen Capture of a DollarVote

**chosen
DollarBill**

Same-sex marriage

Full Marriage Rights

Civil Unions

No Marriage or Civil Unions

All individuals have the right to marry with full marital privileges, regardless of the sexual orientation. This includes all state-recognized rights and all federally-recognized rights.

Same-sex couples should have the right to enter into civil unions, recognized by the states, with full rights under state laws. Federal marriage rights would not apply to these unions under current law.

Marriage is defined as the union of a man and a woman. Recognition of other unions is inappropriate and/or unlawful at either state or federal levels.



Click to DollarVote

Screen Capture of Shopping Cart

Shopping Cart

<u>Remove</u>	<u>Qty.</u>	<u>Issue or Service</u>	<u>Total</u>
		Full Access to DollarVote Services (One-Year Membership)	\$10.00
<input type="checkbox"/>	<input type="text" value="5"/>	Immigration: Impose Stiff Restrictions (DollarBill #2)	\$52.50
<input type="checkbox"/>	<input type="text" value="1"/>	Abortion: Full Reproductive Rights for All Women (DollarBill #3)	\$10.50
			Sub-Total: \$73.00



You are logged in as **dashman (Andrew W Mitchell)**

We are a **BETA** site

© Copyright 2004 DollarVote.org, Inc.
[Contact Us](#)

Campaign Contribution Regulations

Federal law prohibits contributions from the general treasury funds of corporations, labor organizations or national banks. Therefore we are required to ask that you confirm the following statements:

1. This contribution is made from my own funds, and not those of another.
2. This contribution is not made from the general treasury funds of a corporation, labor organization or national bank.
3. I am not a Federal government contractor, nor am I a foreign national who lacks permanent resident status in the United States.
4. This contribution is made on a personal credit or debit card for which I have the legal obligation to pay, and is made neither on a corporate or business entity card nor on the card of another.

We may accept contributions from minor children (i.e., persons under 18 years of age) if the minor makes the decision to contribute knowingly and voluntarily, and the child contributes his or her own funds, and the contribution is not controlled by another individual or made from the proceeds of a gift given to provide funds to be contributed.

As mandated by the Federal Election Commission, we may forward contributions totaling up to \$2,000 from a particular individual to a particular federal candidate. Consequently, we can accept contributions of up to \$2,000 toward DollarBills that are pending a DollarPromise. We will reference your Political Profile, as maintained on this site, to help you respect this contribution limit. In the event that a contribution limit has inadvertently been exceeded, we will take steps to mitigate this error by informing the candidate, if funds have already been forwarded, or by sending funds to the alternate recipient organization that you designate below.

I accept

Screen Capture of Attestation (2) – Candidates Have Already Made DollarPromises on Given Bill

My DollarVote for DollarBill #7

I submit this transaction as a campaign donation to be earmarked in equal proportions to the following candidates, who have registered online "DollarPromises" to act, if elected or re-elected to office, in furtherance of the letter and the spirit of that position:

Jonathan Quigley Doe
Sample Q Candidate

I recognize that this transaction constitutes a campaign donation from me as an individual and not from DollarVote.org, Inc. I recognize that DollarVote.org, Inc. will retain no portion whatsoever of my donation.

I recognize that a "DollarPromise" is not a legally binding agreement with any candidate, but rather, an unofficial public agreement designed to encourage candidates' public credibility and accountability.

I agree

DollarVote.org asks that you choose an "alternate recipient organization" from the following list to ensure that we will know how to forward your funds under all conditions. Your contribution with respect to this DollarBill may be forwarded to the alternate recipient organization in either of these circumstances:

- No candidate has made a DollarPromise toward this bill by the promise deadline (the first Tuesday in October, 2004);
- Despite DollarVote.org's and your own double-checking, contributions in excess of federal limits have been earmarked and/or forwarded to a given candidate.

Providing for an alternate recipient enables DollarVote.org to comply with Federal Election Commission regulations, and in turn to provide our services to you.

Alternate Recipient:

I designate this organization as alternate recipient. (Required)

What the heck - throw in a contribution of one "vote" (\$10) for this organization. (Optional)

Screen Capture of Attestation (3) – No Promises on Given DollarBill to Date

My DollarVote for DollarBill #10

I submit this transaction as a campaign donation to the first congressional candidate who responds to this "DollarBill," or position statement, by registering an online "DollarPromise" to act, if elected or re-elected to office, in furtherance of the letter and the spirit of that position.

I recognize that this transaction constitutes a campaign donation from me as an individual and not from DollarVote.org, Inc. I recognize that DollarVote.org, Inc. will retain no portion whatsoever of my donation.

I recognize that a "DollarPromise" is not a legally binding agreement with any candidate, but rather, an unofficial public agreement designed to encourage candidates' public credibility and accountability.

I agree

DollarVote.org asks that you choose an "alternate recipient organization" from the following list to ensure that we will know how to forward your funds under all conditions. Your contribution with respect to this DollarBill may be forwarded to the alternate recipient organization in either of these circumstances:

- No candidate has made a DollarPromise toward this bill by the promise deadline (the first Tuesday in October, 2004);
- Despite DollarVote.org's and your own double-checking, contributions in excess of federal limits have been earmarked and/or forwarded to a given candidate.

Providing for an alternate recipient enables DollarVote.org to comply with Federal Election Commission regulations, and in turn to provide our services to you.

Alternate Recipient:

I designate this organization as alternate recipient. (Required)

What the heck - throw in a contribution of one "vote" (\$10) for this organization. (Optional)

Screen Capture of Attestation (4) – Attestation is Required

As mandated by the Federal Election Commission, we may forward contributions totaling up to \$2,000 from a particular individual to a particular federal candidate. Consequently, we can accept contributions of up to \$2,000 toward DollarBills that are pending a DollarPromise. We will reference your Political Profile, as maintained on this site, to help you respect this contribution limit. In the event that a contribution limit has inadvertently been exceeded, we will take steps to mitigate this error by informing the candidate, if funds have already been forwarded, or by sending funds to the alternate recipient organization that you designate below.

I accept <-- Please read the above and check your agreement to continue.

My DollarVote for DollarBill #7

I submit this transaction as a campaign donation to be earmarked in equal proportions to the following candidates, who have registered online "DollarPromises" to act, if elected or re-elected to office, in furtherance of the letter and the spirit of that position:
Jonathan Quigley Doe
Sample Q Candidate

I recognize that this transaction constitutes a campaign donation from me as an individual and not from DollarVote.org, Inc. I recognize that DollarVote.org, Inc. will retain no portion whatsoever of my donation.

I recognize that a "DollarPromise" is not a legally binding agreement with any candidate, but rather, an unofficial public agreement designed to encourage candidates' public credibility and accountability.

I agree <-- Please read the above and check your agreement to continue.

DollarVote.org asks that you choose an "alternate recipient organization" from the following list to ensure that we will know how to forward your funds under all conditions. Your contribution with respect to this DollarBill may be forwarded to the alternate

Screen Capture of Checkout

Billing Address

Please choose from your address book where you would like the invoice to be sent to.

 **Change Address**

Billing Address:



Andrew Mitchell
908 N Wayne St
#303
Arlington,
Virginia 22201
United States

Payment Method

Please select the preferred payment method to use on this order.

Please Select



Credit Card

Credit Card Owner:

Credit Card Number:

Credit Card Expiry Date:

PayPal

Continue Checkout Procedure to confirm this order.



Delivery Information

Payment Information

You are logged in as **dashman (Andrew W Mitchell)**

Screen Capture of Checkout Confirmation

Billing Address

Andrew Mitchell
908 N Wayne St #303
Arlington, Virginia 22201
United States

Payment Method
PayPal

Products

1 x One-Year Membership	0%	\$10.00
5 x DollarBill #2	5%	\$52.50
1 x DollarBill #3	5%	\$10.50



Delivery Information Payment Information Confirmation

You are logged in as deahman (Andrew W Mitchell)

2. Sample "DollarBills"

The following pages include sample DollarBills from the DollarVote.org web site. DollarBills are designed to be simple, actionable, and representative in aggregate of the salient alternative public views on a given issue.

While no DollarBill can be "objective," every DollarBill will receive the DollarVotes of customers and the DollarPromises of candidates insofar as it accurately represents the positions which customers and candidates are willing to advocate. Consequently, DollarBills will attain prominence on the website only insofar as they accurately reflect the views of their constituencies. Eventually, the Corporation hopes to develop the potential for self-organization by providing a forum for customers, candidates, and organizations to discuss and vet draft DollarBills before they are opened for DollarVote activity. (Note, however, that in no case will any DollarBill pertaining to a given election be amended after it has been opened for voting.)

DollarBill Samples (1)

Same-sex marriage

[\[Post comment\]](#) [\[Read comments\]](#)

Full Marriage Rights
DollarBill #5

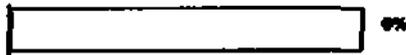


All individuals have the right to marry with full marital privileges, regardless of the sexual orientation. This includes all state-recognized rights and all federally-recognized rights.



for Full Marriage Rights

Civil Unions
DollarBill #9

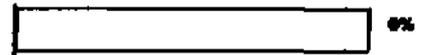


Same-sex couples should have the right to enter into civil unions, recognized by the states, with full rights under state laws. Federal marriage rights would not apply to these unions under current law.



for Civil Unions

No Marriage or Civil Unions
DollarBill #6



Marriage is defined as the union of a man and a woman. Recognition of other unions is inappropriate and/or unlawful at either state or federal levels.



for No Marriage or Civil Unions

Media Decency/Freedom of Speech

[Post comment] [Read comments]

Total Freedom of Expression DollarBill #10

 0%

The right of media to total freedom of expression is basic to the democratic process in the United States and guaranteed by the Constitution and the Bill of Rights. Under no circumstances may this basic freedom be abridged or removed in any fashion.

Vote

for Total Freedom of Expression

Responsibility of the Media DollarBill #12

 0%

Freedom of expression is a basic American right; however, the media has a responsibility to control its members in the interests of basic decency. This responsibility could include the following and similar measures:

- Self-regulation of individual media personnel;
- Self-regulation of media companies to ensure that content is not offensive on shows readily available to children;
- Formation of a media oversight committee composed of representatives from various companies and media to establish reasonable standards for decency and programming.

Responsibility of the Government DollarBill #11

 0%

It is the responsibility of the federal government to protect Americans from indecency in public venues, especially on media that reach millions. To ensure this protection, the following or similar measures could be used:

- Enact legislation that defines the parameters of decency;
- Enact legislation that provides fines for infraction of the principles of decency;
- Empower the FCC to provide oversight of the decency laws;
- Charge the Attorney General with the responsibility of prosecuting infractions and

Immigration

[\[Post comment\]](#) [\[Read comments\]](#)

Controlled, But Open, Borders DollarBill #1



Provide generous opportunities for immigration and naturalization while controlling borders and procedures to minimize abuse. Measures would most likely include some or all of the following:

- Expand the legal channels for immigrants to enter the country legally;
- Legalize employed illegal immigrants workers already within the United States as long as they have clean criminal records;
- Allow families of immigrants to enter the United States;
- Provide wage and legal protections for immigrants;

The Bush Proposal DollarBill #8



The biggest portion of the immigration problem is controlling the inflow of illegal immigrants. Recognize and legalize migrant workers needed by U.S. businesses.

- Provide three-year guest worker status to 8 million workers;
- Require proof of employment by these guest workers;
- Allow these guest workers to travel back and forth to their homelands at will;
- Allow these guest workers to move their families here if they are able to support them;
- Provide no guarantee of

Impose Stiff Restrictions DollarBill #2



Take control of the United States borders and reduce the inflow of immigrants. Measures would most likely include some or all of the following:

- Return to the previous levels of legal immigration of 300,000 per year;
- Give priority to prospective immigrants who have the education or special skills needed by the U.S. workforce;
- Provide stiff penalties for employers who employ illegal immigrants: increase vigilance in identifying such abuse, while providing all employers with tools, such as a national database, for identifying the immigration status

DollarBill Samples (4)

Abortion

[Post comment] [Read comments]

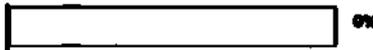
Full Reproductive Rights for All Women DollarBill #3



The right of all women to exercise full control of their bodies and reproductive functions is guaranteed without reservation by the Constitution and the U.S. Supreme Court. This would most likely the following:

- The right to choose whether to carry a pregnancy to term or to end it early;
- The right of young women to make their own, independent reproductive decisions;
- Full access to contraception for women of all ages;
- Equal and full access to medical care;

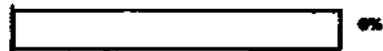
Right to Choose with Special Protections DollarBill #7



Women have the right to terminate their pregnancies subject to a few limitations that could include one or more of the following:

- Women must be advised of the risks of and alternatives to terminating their pregnancies;
- A brief waiting period (one to two days) may be required;
- The parents of minor women must be notified;
- Late term abortions (after 20 weeks) are not permitted unless the life or health of the woman is seriously endangered.

Right to Life DollarBill #4



Life begins at conception; therefore, no one has the right to terminate a pregnancy prematurely. This position would most likely include the following:

- Pregnancies resulting from rape or incest may, in some cases, be excepted;
- It is a crime to transport a minor across state lines for an abortion;
- It is a crime to perform an abortion;
- The murder of a pregnant woman is the taking of two lives and should be prosecuted as such

Vote

3. Selection of Alternate Recipients

No organization will be brought into connection with DollarVote.org's operations unwillingly. For the purpose of ensuring that the DollarVote process can provide for alternate recipients of earmarked funds when necessary, the Corporation will pre-select organizations which are likely to be of appeal as alternate recipients to the Corporation's clientele. To the extent possible, these organizations will be chosen for their advocacy of issues that have broad appeal, to preserve the non-partisan and issue-neutral character of the Corporation. Example organizations include the American Red Cross, the Salvation Army, and the NAACP. Alternate recipient organizations will be notified of their role in the DollarVote process and will be presented with the opportunity to refuse this role.

In addition to choosing and partnering with general-interest organizations, as described above, the Corporation may partner with issue-specific organizations (e.g., "pro-abortion"), so long as it is able to partner with counterbalancing organizations (e.g., "anti-abortion"). These partnerships will provide value to the DollarVote customer by enabling customers who so choose to designate alternate recipient organizations which are thematically oriented with their DollarVote on a particular issue. In all cases, these indirect affiliations or partnerships of the Corporation will be either strictly issue-agnostic or else issue-balanced.

As can be seen in the attestation screenshots included above, the Corporation intends to provide the opportunity to send a small direct contribution to the customer's chosen alternate recipient. This offering would constitute a logical service to the customer that is not directly related to the DollarVote process. Insofar as it facilitates contributions apart from the forwarding of earmarked contributions—which is a fail-safe condition, rather than a planned outcome—the Corporation may consider charging fees from its partner organizations. However, for the present time the Corporation intends to charge no fee and rather leverage its relationship with alternate recipient organizations for publicity and marketing purposes. The Corporation will avoid partnerships with organizations that would place unreasonable positive value on the forwarding of earmarked funds to an alternate recipient, since such an event is a fail-safe rather than a planned outcome of the DollarVote process.

4. Conclusion

Your attention in this matter is appreciated. Please call with any questions regarding this letter if you need further information.

Sincerely,



Andrew W. Mitchell
President
DollarVote.org

DOLLARVOTE.ORG™

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May 19, 2004

Lawrence H Norton, Esq
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 JUN -8 P 1:38

RE: Advisory Opinion Request

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Dear Mr. Norton:

I am submitting this Advisory Opinion Request ("AOR") on behalf of DollarVote.org, Inc ("DollarVote.org" or "DollarVote" or "the Corporation") regarding the application to DollarVote's business of the Federal Election Campaign Act of 1971, as amended, ("FECA") and Federal Election Commission ("Commission" or "FEC") regulations.

DollarVote.org is a Virginia C corporation incorporated in January 2004, and intending to commence business activity imminently. DollarVote's mission is to provide nonpartisan commercial services to both citizens and candidates for political office. The Corporation will provide informational and interactive services to the Internet community-at-large for a small annual subscription fee. Moreover, it plans to provide a "dollarvote" service, described at length below. DollarVote.org has not been established, financed, maintained, or controlled by any political party committee, other political committee, or any candidate for any Federal office. DollarVote.org's services are designed to favor no political party or candidate.

1. Overview of DollarVote.org

a. DollarVote.org's Planned Forwarding Activity: The DollarVote¹

DollarVote.org plans to accept contributions from individuals who will earmark such contributions to the candidate or candidates in a specific election for a particular office who make or have made a nonbinding but public "promise" with respect to a specified issue-oriented position statement (the "promising candidate(s)"). The intended office, the election year, and the political party of the eventual recipient of the earmarked funds are specified, in every instance, at the time of the earmarked contribution.

Multiple position statements, or "DollarBills," will be made available on DollarVote.org's website for earmarked contributions ("voting") during a particular election. A DollarBill, generally, is a simple statement of the legislative actions that should be taken relative to a specific issue. A subscriber to DollarVote's services may visit the site, select a position statement of interest, and initiate the voting procedure relative to that position statement. The customer dollarvotes by contributing funds to the candidate or candidates who "promise" relative to that position statement. The procedure then unfolds based on whether any candidate has yet promised against that position statement. If no candidate has yet promised relative to that DollarBill, the contribution is earmarked to the candidate for the designated office during the designated election of that year who makes a public, nonbinding "promise" that he or she, if (re-)elected, will legislate in accordance with the principles described in the DollarBill. Once the customer confirms his purchase, the funds contributed by the customer are routed to a merchant account separate from the Corporation's treasury funds. The funds will stay in that

¹ No reference in this letter to "voting" is intended to refer to the act of casting votes for a political office. All discussion of "voting" herein pertains to DollarVote.org's planned service, the DollarVote, whereby individuals give earmarked contributions to the federal candidates who make promises against predefined position statements, as described further in this document.

DollarVote, "dollarvote", "DollarBill", "DollarPromise" and "DollarVote.org" are trademarks of DollarVote.org, Inc. A patent on the DollarVote process is pending.

account until a candidate promises (after which they will be forwarded to that candidate within ten days) or until the second Tuesday of October passes, in which case the funds are forwarded to an "alternate recipient organization," as described presently. In the case that a candidate or candidates have already registered promises against this position statement, the contributed funds are distributed evenly among the promising candidates within 10 days of their receipt (once again, via a merchant account separate from the Corporation's treasury funds). In this latter case (when promises have already been registered), the recipients of the contribution funds are visible to the customer at the time of contribution.

When contributing funds, customers will be required to choose an "alternate recipient" or "alternate recipient organization" from a list of 501(c)3 organizations. This designation of alternate recipient is a provision for the contingency in which there is no promising candidate to receive the contributed funds by the deadline of the second Tuesday of October in the year of the election.

The timing and procedures for the registration of a promise by a candidate, and the sequent forwarding of funds, is governed by the following procedure. Once a DollarBill has been made available for contributions by customers, a candidate for the designated office in the designated election from the designated party may make a "promise" at any time through an automated process made available on DollarVote.org's website. DollarVote.org's staff will confirm this electronic promise within two days by receiving a signed facsimile of the DollarBill from the promising candidate. Lastly, a candidate must pay a substantial account fee to DollarVote.org, charged maximally once per election of any candidate. After the candidate's promise has been confirmed and the candidate has paid his or her account fee, DollarVote.org's website will publicly display the fact that the candidate has promised against the bill. If that candidate is the first candidate to register a promise, he or she will receive, within a period of ten days after confirmation of the promise, the funds that have been earmarked toward that position statement to date, minus electronic transaction charges. The first candidate to make a promise will continue to receive funds as they are contributed, always within ten days of their original receipt. Multiple candidates who have promised against the same DollarBill will receive contribution funds in equal proportion as they are earmarked and contributed, on a rolling basis, within ten days of their receipt from DollarVote.org customers.

The DollarPromise procedure is subject to the following procedures and restrictions:

- A limit may be set on the number of promising candidates who may simultaneously receive funds earmarked with respect to a particular position statement. (The Corporation may change this limit between general elections.)
- No candidate may be the "first promiser" on more than one DollarBill during an election.
- A limit may be set on the total amount of funds a candidate may receive during a designated election. (The Corporation may change this limit between general elections.)

- The “promise deadline” for registering a promise (electronically, previous to confirmation) will be set to a specific time on a specific day during the designated election. Promises will not be accepted for that election after the promise deadline.
- If no DollarPromise has been made with respect to a DollarBill by the promise deadline, each contribution earmarked for the promiser against that DollarBill will be forwarded to the alternate recipient organization chosen by the contributor, as described above. If the contributions are forwarded to an alternate recipient organization in the absence of a promising candidate, they will not be forwarded to any candidate for any office.
- Candidates may be disallowed from promising against certain combinations of DollarBills.

The details of each contribution are prespecified so that all direction over the contribution is exercised by the contributor and not by DollarVote.org. According to this process, the recipient candidate(s) will be either (a) the first promising candidate for the designated office, regardless of who that person may be; or else (b) those candidates who have promised (in equal proportion); based on whether any candidate has yet promised against that position statement.

b. Other Activity Planned by DollarVote.org

DollarVote.org plans to provide a number of services that complement its customer activity described in section 1a above. These services will be primarily informational and interactive, and they will not comprise campaign contributions by individuals or groups.

It is worth noting that DollarVote.org's planned service is not hypothetical, but rather a real and actual service, in the sense required by the Commission for Advisory Opinion Requests. From a technical standpoint, the Corporation is ready to begin its activity. Moreover, the Corporation has begun the ongoing process of engaging candidates and other constituencies as part of its marketing campaign. It is a feature of DollarVote.org's planned activity that the candidates who will be the beneficiaries of its services within a given period are not generally not known in advance. Just as, for example, WE LEAD did not know the eventual recipient of the earmarked funds it forwarded, and therefore could not and did not build a specific relationship with this individual, DollarVote.org cannot and will not build specific relationships with candidates, but rather will market its services to all relevant candidates. From this standpoint, the specific partnerships with candidates that are sometimes present in other political activities are, in the case of DollarVote.org, neither necessary, nor possible, nor appropriate. It is an intrinsic aspect of the business mechanism—and even the essence of the service—that candidates generally will be most interested in the DollarVote service to the extent that funds are increasingly earmarked for the promisers toward certain positions.

c. DollarVote.org's Business Model

DollarVote.org is a Virginia C corporation providing a variety of services to multiple categories of client, both publicly and by subscription. DollarVote.org will not receive any portion of contributions, as payment or in any other fashion, although it will charge a shipping and handling fee to cover the costs of the electronic transaction to the merchant account.

The candidates who participate by making DollarPromises also receive services of value from DollarVote.org, since the Corporation has enabled the earmarking and forwarding process by which they receive contributions. DollarVote.org will levy profitable compensation from these clients by charging fees for its services, as described in section 2a, below.

2. Forwarding Earmarked Contributions as a Compensated Corporate Service

In AO 2002-07, the Commission determined that it was permissible for a Corporation providing ISP services over the Internet to forward earmarked contributions to political committees under an array of specific conditions. DollarVote.org's service, which similarly entails forwarding individual earmarked contributions, meets the conditions that were highlighted by the Commission as central to the permissibility of this activity in AO 2002-07.

a. Commercially Reasonable Compensation

First, DollarVote's services to the candidate committees receiving funds will be compensated by a commercially reasonable payment. Consequently, the Corporation will avoid making an illegal corporate contribution to the political committees and violating 2 U.S.C. 441b. DollarVote.org's planned service will contribute something of value to candidates' political committees—namely, the value of the service of enabling and forwarding an individual's earmarked contribution. DollarVote.org will exact two forms of payment as compensation for this service: a fixed one-time (per election) fee, in return for DollarVote's arranging the service and creating and running the website; and a variable fee, charged for each transaction and based on the amount of funds. By virtue of this service and compensation, DollarVote's activity will constitute "a commercially reasonable relationship"—specifically, one in which DollarVote "receives the usual and normal charge for its services, including an adequate profit and compensation" (AO 2002-07).

More specifically, the reasoning in the instance of Careau & Co. refers to the precedent regarding what is a "commercially reasonable relationship" as established in AO 1994-33. In that advisory opinion, the Commission identified two factors as material to the reasonableness of a commercial relationship: first, that the vendor (in this case, DollarVote.org) receive adequate profit, and second that services or contribution proceeds are not advanced without assurance of adequate compensation. In the case of DollarVote.org, these criteria are met in the following fashion. DollarVote.org will meet the first criterion of maintaining profitability by charging the candidates who receive funds a combination of fixed and variable fees sizeable enough to generate a commercially normal profit. DollarVote.org's service satisfies the second condition by associating its services directly with the advancement of contributions, and charging for these services precisely at the time of the advancement of contributions, so that in no case will contributions be advanced without assurance of compensation to the Corporation.

In deeming the services of Careau & Co. and Mohre Communications to be adequately compensated, the Commission explicitly contrasts Careau's program with "affinity marketing programs" that previously have been deemed impermissible. In these programs, a corporation will market its services to potential customers identified as supporters of a particular political party or candidate, receiving only an endorsement from the party or other political committee, and in some cases even paying the political party a fee or a portion of revenues in return for the endorsements (for example, Leading Edge Communications, Inc planned to contribute 11% of revenues to participating parties; see 1992-40, and similarly AO 1988-12, AO 1979-17). The Commission cites the normal compensation of the service corporation—not to include mere endorsement—as the circumstance distinguishing a permissible commercial relationship from an affinity marketing program (AO 2002-07). As described above, DollarVote.org's planned service levies commercially reasonable fees from the candidate committees receiving its services, and it does not contribute any portion of corporate treasury funds or revenues to these candidate committees, as in the case of Careau & Co.

Aside from Careau & Co., one commercial relationship that has been judged bona fide by the Commission is Aristotle Publishing, Inc's service (AO 1999-22). Aristotle's services, which specifically concerned software allowing Federal candidates to receive contributions by credit card through the Internet, were deemed admissible on grounds that included the observation that adequate compensation was obtained for these services. DollarVote.org's service is substantively similar to this service, with the distinction that DollarVote's services are provided not through a downloadable purchased software, but through an online web platform (i.e., a web page) for which commissions pay a one-time fee per election. (Another distinction from Aristotle's case is that, in the case of DollarVote.org's service, the recipients of individuals' contributions are unnamed at the time of contribution; precedent supporting this aspect of the service are discussed in section 2 below).

b. Advancement of Earmarked Funds by a Corporation

The second circumstance (after proper compensation) cited as relevant to Careau & Co. in AO 2002-07, and similarly fulfilled by DollarVote.org, is that funds delivered to candidate committees are "earmarked" by the Corporation's customers, and these funds are forwarded to candidates through the use of a merchant account. The Advisory Opinion states:

Moreover, you have described your proposal as one in which the customers of Mohre would directly " earmark " contributions to various political committees. A subscriber would always be required to contribute or donate the \$2.00 per month portion of the fee and that amount (minus certain transaction costs) is always forwarded to a Federal committee or a 501(c)(3) organization through the use of a merchant account. Therefore, this amount would not become corporate treasury funds of Careau and Mohre and these funds would not by themselves be deemed corporate contributions to the Federal committees. (AO 2002-07)

The earmarking feature of DollarVote.org's planned service differs from the earmarking described in this citation in two salient aspects. First, the amount and the timing of the payments given by DollarVote's customers differ from the service provided by Mohre. The amount of funds earmarked in DollarVote's service is not \$2.00, but rather any multiple of \$10.00 (within the limitations of campaign contributions; security

measures are discussed below). Since the amount of donation alters neither the fact that the funds are earmarked, nor the fact that funds are kept in a merchant account and do not constitute corporate contributions to the candidate committees, the variable donation amount should not negatively impact the permissibility of DollarVote's service as a compensated corporate service insofar as earmarking is concerned. Another difference in DollarVote.org's service is in the timing of the payment: according to the planned service, DollarVote.org customers do not earmark funds every month, but rather "at will," within the limitations of campaign contribution law. Nonetheless, funds are earmarked according to a standard procedure whereby funds are forwarded through a merchant account and will not become corporate treasury funds. Consequently, the timing of earmarked contributions at DollarVote.org should not negatively impact the permissibility of DollarVote's service as a compensated corporate service, insofar as earmarking is concerned. (The differences in payment amount and timing require modified screening and security procedures, as discussed below).

Another difference between the earmarking procedure at DollarVote.org and the earmarking procedure at Mohre Communications is that the individual contributions in DollarVote's service are earmarked not to named candidate committees, but rather to the committees of candidates who are unnamed but will be determined through a predefined process. The precedent supporting the earmarking of contributions to unnamed candidates is discussed in section 3, below; however, the substance of the precedent is that contributions earmarked to unnamed candidates are permissible under certain circumstances. Moreover, earmarked contributions to unnamed candidates can be directed through a merchant account just as traditional earmarked contributions. Consequently, this difference from the instance of Mohre Communications ought not negatively impact the permissibility of DollarVote's service as a compensated corporate service. In conclusion, since contributions are still adequately earmarked, and the funds do not constitute corporate contributions to the receiving candidate committees, the differences between DollarVote's planned services and the services planned by Mohre Communications do not negatively impact the permissibility of DollarVote's service as a compensated corporate service, insofar as earmarking is concerned.

c. Screening, Processing and Tracking Procedures

The third condition (after proper compensation, and earmarked contributions) cited as relevant to Careau & Co. in AO 2002-07, and similarly fulfilled by DollarVote.org, is that the corporation employ screening procedures to prevent the making of prohibited contributions. DollarVote.org plans to emulate the procedures supported by precedent—specifically, the precedent identified in AO 2002-07 as relevant, which is Advisory Opinions 1999-9 and 1999-22. However, since the precedent described in section 3 below bears on screening, processing, and tracking procedures, we will defer this discussion until section 4.

d. Restrictions on Corporations Regarding Solicitations

Federal election campaign law prohibits the solicitation of political contributions by a corporation from anyone except the stakeholders of that corporation—namely, the stockholders and their families and its executive or administrative personnel and their families. 2 U.S.C. 441b(b)(4)(A)(i). The primary definition of solicitation is to "ask that another person make a contribution, donation, transfer of funds, or otherwise

provide anything of value, whether the contribution, donation, transfer of funds, or thing of value, is to be made or provided directly, or through a conduit or intermediary." 11 CFR 300.2(m).

As has been described, DollarVote.org's planned activity does not involve any activity whereby the Corporation furnishes political contributions of any kind. The Corporation does not maintain an SSF fund or engage in the activities of an SSF fund. Accordingly, the Corporation does not "solicit" in the fashion in which corporations often solicit for political contributions (e.g., from shareholders, for a specific cause, through an SSF). Rather, the question in DollarVote.org's case is whether the Corporation's planned activity, including the marketing of the Corporation's services to the public, would constitute solicitation.

Precedent indicates that the Corporation's planned activity would constitute not solicitation, but rather a part of the Corporation's commercial service to political candidates, for which it receives reasonable compensation. This argument has already been articulated in section 2a above. Here it will suffice to add that the Commission ruled in AO 1999-22, and reinforces in AO 2002-7, that it is a commercially admissible activity to market services that enable customers to contribute. This judgment has been made with respect to marketing via telephone and via Internet (AO 2002-7, 1999-22, 1995-34, 1994-33, and 1990-14).

3. Designating Earmarked Contributions to an Unnamed Candidate

In DollarVote's planned service, the customers do not earmark their individual contributions directly to candidates by name; rather, each contribution is to a candidate who is at the time unnamed and who later, once eligibility has been determined according to a specific formula, makes a public but nonbinding "promise" in reference to a position statement that is posted on the DollarVote.org web site and which the individual contributor has specifically associated with his funds at the time of contribution. In other words, the recipient of each individual contribution is designated not by name, but by criteria that will uniquely identify the recipient at a future point and under all foreseeable possible conditions.

Precedent for this kind of contribution—funds contributed to a candidate who is unnamed, but uniquely specified based on future events—is established in Advisory Opinion 2003-23, which concerns the activity of the Federal political committee WE LEAD. The services described in WE LEAD's request for an advisory opinion differ from DollarVote's planned services in many respects, perhaps the most notable of which is that WE LEAD is a political committee, whereas DollarVote.org is an apolitical corporation. Nonetheless, the earmarking process enabled by WE LEAD is substantially identical to the earmarking process planned by DollarVote.org in many respects.

WE LEAD's planned activity is summarized in AO 2003-23 as the following:

You indicate that WE LEAD plans to solicit and accept contributions up to \$2,000 from individuals who would earmark such contributions to the "presumptive nominee" of the Democratic Party ("Party") for the office of President of the United States. You define the "presumptive nominee" as the

candidate who, no later than 5:00 P.M. Eastern Daylight Time ("EDT") on the seventh day prior to the start of the 2004 Democratic National Convention, has received enough pledged delegates to win nomination on the first ballot at the 2004 Democratic National Convention. The pledged delegates must be registered with and certified by the Secretary of the Democratic National Committee ("DNC").

You state that WE LEAD plans to forward all earmarked contributions to the primary committee of such presumptive nominee as soon as the nominee is identified, but not later than July 20, 2004, which is the sixth day prior to the scheduled start of the 2004 Democratic National Convention. You indicate that if no presumptive nominee has been identified by 5:00 P.M. EDT on July 19, 2004, WE LEAD plans to forward the earmarked contributions to the DNC. You indicate that if the contributions are forwarded to the DNC, they will not be forwarded to any candidate for President or other Federal office.

This precedent is relevant to DollarVote.org's planned activity specifically insofar as it supports the permissibility of providing a service in which contributions are earmarked to an unnamed candidate. The Commission deemed WE LEAD's activity as permissible, so long as the activity fulfilled four conditions (labeled 1A-1C, 2 in AO 2003-23). Specifically, the planned activity was deemed permissible because it provided a clear process for determining the identity of the recipient of the funds; because it did not entail that the forwarding organization control or direct the destination of earmarked funds; because it could be harmonized with the timing requirements relevant to forwarding funds; and because it accounted for all contingencies in identifying a recipient of the funds. These conditions are addressed individually below.

a. Earmarking to an Unidentified Candidate

The Commission's regulations define an earmarked contribution, in part, as one that is made to a "clearly identified candidate or a candidate's authorized committee." 11 CFR 110.6(b)(1). As observed in AO 2003-23, "The Commission has interpreted this regulation to allow contributions to be earmarked for an undetermined Federal candidate in certain circumstances." The Commission has allowed earmarking contributions to unnamed candidates in the instances described in AO 2003-23 (WE LEAD), AO 1982-23, and AO 1977-16.

According to AO 2003-23, these judgments were justified by the fact that "candidates were identifiable as to specific office, party affiliation, and election cycle, although the names of the eventual nominees were not known." For example, in the case of WE LEAD, the specific office of the earmarked candidate was predetermined to be President, the party affiliation was predetermined to be Democrat, and the election cycle was predetermined to be the 2004 general election. In the case cited by AO 1982-23, the unnamed candidate was uniquely identified to be the 1982 Republican candidate in the 24th District. In the case cited by AO 1977-16, the unnamed candidate was uniquely identified as the Republican candidate for the 1980 Senate election in Iowa. These cases firmly establish a precedent for earmarking contributions to an unnamed candidate of any federal office, party affiliation, and election cycle, so long as that candidate is uniquely specified.

The substance of this precedent is not the designation of a candidate by federal office, party affiliation, and election cycle, in particular. Rather, the specification

of federal office, party affiliation, and election cycle is relevant in that it designates a candidate uniquely. In designating a candidate uniquely, the recipient of the funds of an earmarked contribution may be uniquely identified. In other words, it is the uniqueness of earmarking specification, rather than the categories of earmarking specification, that maintains the permissibility of an earmarked contribution relative to the traditional case, in which the recipient is explicitly named. Earmarked contributions to an unnamed candidate, after all, have been deemed permissible insofar as they can be related to traditional earmarked contributions, which uniquely identify the recipient candidate not solely by the categories of federal office, party, and election cycle, but rather with recourse to another category—the candidate's name.

In DollarVote's planned service, the candidates receiving earmarked funds are identified by a specific category of office (e.g., U.S. Senate), a political party or subset of political parties (e.g., Democrat), an election cycle (e.g., the 2004 general election), and a uniquely identifying future event (i.e., the public registering and confirming of a predetermined "promise" by a preestablished process). WE LEAD's planned service similarly identified an unnamed recipient based on a future event—namely, as the candidate who, no later than 5:00 P.M. Eastern Daylight Time on the seventh day prior to the start of the 2004 Democratic National Convention, had received enough pledged delegates (registered with and certified by the Secretary of the Democratic National Committee) to win nomination on the first ballot at the 2004 Democratic National Convention. As in the case of WE LEAD, DollarVote's planned service uniquely identifies the recipient of earmarked funds based on a combination of categorical facts and the outcomes of future events. Moreover, even circumstances in which DollarVote enabled funds to be earmarked to one of multiple offices (e.g., Senate candidate or candidate for House of Representatives) and one of multiple party affiliations (e.g., only Republican or only Democrat) would not negatively impact the validity of the activity in this respect, so long as every earmarked contribution clearly and uniquely identified the recipient of that particular contribution by office, party, and election cycle (for example, through customer specification of these details by means of a web interface). DollarVote's service will ensure that it is not possible for a customer to earmark funds without confirming the specifications of office, party affiliation, and election cycle for the recipient. Hence, in all cases DollarVote's planned activity, similar to the cases of precedent, ensures that all candidates to receive earmarked funds are uniquely identifiable by specific office, party affiliation, and election cycle.

b. Direction and Control over Earmarking

The source or contributor of earmarked funds is judged by the degree of direction or control exerted by the forwarder of these funds. As AO 2003-23 states: "If the intermediary or conduit exercises any direction or control over the choice of the recipient candidate, however, the contributions are treated as contributions from both the original contributors and from the intermediary or conduit to the recipient candidate. 11 CFR 110.6(d)." The question in the case of WE LEAD, and also in the case of DollarVote.org, is whether the entity's planned activity of forwarding earmarked funds would constitute an activity that exerts direction—in which case contributions would be treated as from both the Corporation's customers and from the Corporation—or as an activity that does not exert direction over the funds—in which case the contributions would be treated as from the customers only.

The earmarked contributions enabled by DollarVote.org's planned services should be deemed contributions from the customers only, by virtue of the process (described in section 3a above) whereby unnamed candidates are uniquely specified. In fact, the unique specification of an unnamed recipient is mutually reinforcing and indeed logically mutually inclusive with the circumstances in which a forwarding entity exercises no direction or control over the recipient of funds. This fact is clear from the consideration that if a contributor has uniquely specified the recipient of earmarked funds, a forwarding organization has been uniquely instructed to whom those funds must be forwarded and in fact could not exercise control except by directing the funds to someone other than the recipient specified by the contributor, in which case the forwarding entity has not properly "forwarded" the contributed funds. Conversely, in an activity in which a contributor fails to uniquely specify the recipient of an earmarked contribution, the forwarding organization must exercise direction over the funds if it is to deliver the contributed funds at all, there being no unique recipient of those funds. Finally, an entity's ability to deliver earmarked funds without exercising direction as to the recipient is sufficient evidence that the recipient has been uniquely specified.

Accordingly, it is a statement that an entity exerts no direction or control over the delivery of earmarked funds to note that the contributor has, in earmarking the funds, specified the direction of those funds under all contingencies. This logic is in fact the approach of AO 2003-23, which states that WE LEAD exerts no direction because the recipient candidate "will be the presumptive Democratic Presidential nominee no matter who that person is" and because WE LEAD "also clearly identifies the entity - the DNC - that will receive the earmarked contributions if no Presidential candidate receives sufficient delegates to secure the nomination seven days before the start of the Democratic National Convention." Similarly, the recipient of each earmarked contribution forwarded by DollarVote.org will be that candidate for the designated office, from the designated party, in the designated election, who makes a public but nonbinding promise, according to a predetermined online process confirmed by signed facsimile, regarding the statement specified by the contributor and published on the website, regardless of who that candidate may be. Furthermore, in the event that there is no such candidate by the second Tuesday of October in the year of the election, the funds will be forwarded to the alternate recipient organization specified by the contributor at the time of contribution.

c. Timing of Forwarding of Funds

The general requirement that contributions earmarked for a candidate must be forwarded within 10 days of receipt was judged by the Commission not to apply to the planned services of WE LEAD. The Commission's judgment was based on the following grounds:

WE LEAD will not know, and has no way of knowing, the identity of the Democratic Party's nominee when it solicits and receives earmarked contributions until the DNC certifications show that a candidate has become the party's presumptive nominee. Thus, the timing requirements of 2 U.S.C. 432(b)(2) and 11 CFR 102.8(a) are not triggered until the presumptive nominee is chosen by the method described in your request. (AO 2003-23)

This decision was based on the precedent established in Advisory Opinion 1982-23. In the case described in AO 1982-23, funds were earmarked to the Republican

congressional candidate for the 24th congressional district of New York before that candidate was determined, and as a result, similarly to the situation of WE LEAD, the local committee forwarding the funds "did not know, and had no way of knowing" the identity of the recipient until the Republican congressional candidate was identified through the course of future events. Similarly, in executing its planned service, DollarVote.org will not know, and have no way of knowing, the identity of the recipient of funds earmarked for the candidate making a specific "promise" until that candidate is determined by future events (i.e., until a candidate has made a promise according to DollarVote's procedure during the specified election).

In the circumstances of AO 1982-23, AO 2003-23, and DollarVote.org's planned activity, this condition is concomitant with the practice of enabling earmarked contributions to an unnamed candidate, as described in section 3a, above; accordingly, conclusions drawn with respect to that activity and the timing of forwarding of funds should be consistent and mutually reinforcing.

Accordingly, DollarVote.org should be subject to the same timing requirements placed on WE LEAD in AO 2003-23 and on the local political committee described in AO 1982-23. The Commission decided in AO 2003-23 that "the timing requirements of 2 U.S.C. 432(b)(2) and 11 CFR 102.8(a) are not triggered until the presumptive nominee is chosen by the method described in your request." Similarly, the timing requirements of 2 U.S.C. 432(b)(2) and 11 CFR 102.8(a) should not be triggered in the case of DollarVote.org's planned activity until the promising candidate is determined by the method described in this request. Since promises toward different position statements will be made by candidates at different times, "promising candidates" for distinct earmarked contributions will generally not be simultaneously determined; nevertheless, in all instances, the funds earmarked for the candidate promising toward a particular statement will be forwarded within ten days of that candidate's identification according to the process described in this request. (See also section 3e, below.)

d. Contingency Plan / Alternate Recipient

The Commission decided in AO 2003-23 that the permissibility of WE LEAD's activity (of enabling individual contributions earmarked to unnamed candidates) was supported in part by the fact that, "Your request also clearly identifies the entity - the DNC - that will receive the earmarked contributions if no Presidential candidate receives sufficient delegates to secure the nomination seven days before the start of the Democratic National Convention." Rephrased without reference to the particulars of that case, this condition stipulates that the destination of contribution funds must be prespecified to account for all possible contingencies; specifically, the contribution should include a specification for the destination of the funds in the case in which, contrary to plan, the identity or identities of the unnamed individual or individuals is not determined by the course of events following the earmarked contribution. This requirement is consistent with the requirements already discussed, in sections 3a and 3b above, concerning activity that enables the earmarking of contribution funds to unnamed candidates. Specifically, in order that DollarVote.org exercise no control over the destination of contribution funds, as discussed in section 3a, the Corporation must ensure that earmarked contributions are made as part of a process that is predefined and well-defined with respect to all contingencies, so that, in all cases, the destination of funds is clear and no judgment as to their destination is required.

e. Earmarked Contributions to Identified Candidates

For the sake of clarity it may be useful to reiterate that once a candidate has promised toward a particular position statement, that candidate will be the identified recipient of all funds contributed to the promiser of that position statement for the remainder of election in question. Whereas, prior to the promise, a contribution earmarked to the "promising candidate" is earmarked to an as-yet unidentified candidate, a contribution to the "promising candidate" after the promise is earmarked to an identified candidate, and the contributor's funds will be forwarded to that candidate. Similarly, if multiple candidates have promised toward a position statement, there will be multiple identified recipients of contributions earmarked to the "promising" candidates; in this case, the contributed funds will be forwarded in equal portions to these identified candidates.

In cases in which the recipients of earmarked funds can be identified at the time of a contribution, the names of the recipients will be presented to the contributor prior to the finalization of the contribution. In these cases, the recipient of earmarked funds will be identified at the time of contribution, and the timing requirements for the forwarding of funds will be triggered at the time of contribution.

4. Relevant Specifics of DollarVote's Planned Service

DollarVote.org's screening, processing, and tracking procedures are meant to incorporate and emulate two areas of precedent which have already been touched upon in the preceding sections. First, the Commission has identified the importance of screening procedures to corporations forwarding earmarked contributions as a compensated corporate service (such as in the instance of Careau & Co., AO 2002-07). The Commission has also highlighted screening and tracking standards in the case of forwarding earmarked contributions to unnamed candidates (such as in the instance of WE LEAD, AO 2003-23). DollarVote's procedures are designed to respect and integrate these areas of precedent, particularly as identified in AO 1999-22 and AO 1999-9.

Throughout its planned activity, the Corporation will screen contributions for impermissible or nonmatchable contributions through a series of sequential measures; it will process contributions only insofar as they have been deemed permissible; it will record all necessary contributor information and comply with reporting requirements; it will disallow individuals from exceeding contribution limits within the purview of its service proactively (and reactively, if necessary); and it will provide a mechanism by which customers can manage their contribution activity to date and their planned contributions, both within and without the scope of DollarVote's services, for the purpose of encouraging compliance with contribution limits.

a. Screening Procedures

First, through the Corporation's web site, customers view the position statement and are presented with the opportunity to contribute funds to the candidate or candidates who "promise" against that statement. The form will contain attestation language, derived from the Commission's guidance in Advisory Opinion 1995-9, informing prospective donors of the Act's contribution limits and source restrictions.

Since DollarVote.org intends to facilitate contributions from minors, the form will also include an attestation concerning contributions from minors, which language also is derived from Advisory Opinion 1995-9.

The attestation language will include the following:

Federal law prohibits contributions from the general treasury funds of corporations, labor organizations or national banks. Therefore we are required to ask that you confirm the following statements:

1. This contribution is made from my own funds, and not those of another.
2. This contribution is not made from the general treasury funds of a corporation, labor organization or national bank.
3. I am not a Federal government contractor, nor am I a foreign national who lacks permanent resident status in the United States.
4. This contribution is made on a personal credit or debit card for which I have the legal obligation to pay, and is made neither on a corporate or business entity card nor on the card of another.

We may accept contributions from minor children (i.e., persons under 18 years of age) if the minor makes the decision to contribute knowingly and voluntarily, and the child contributes his or her own funds, and the contribution is not controlled by another individual or made from the proceeds of a gift given to provide funds to be contributed.

The failure to check any of the attestation boxes will cause DollarVote.org's web site to reject the form, and display a message noting the applicable source restriction, for example: "We're sorry. Federal law prohibits contributions from the general treasury funds of corporations, labor organizations or national banks." It will then prompt the donor either to correct any missing or inaccurate information or to cancel the transaction.

Additionally, DollarVote.org plans to inform prospective contributors that their contributions are being earmarked, pursuant to 11 CFR 110.6(b), and that the promising candidate who receives the contribution will be publicly identified on DollarVote.org's disclosure reports.

Second, to contribute, a donor will have to successfully complete an electronic form on DollarVote.org's web site, and decide to transmit that form to DollarVote.org for further processing. The form will require a prospective donor to provide at least the same information identified as "required" in Advisory Opinion 1999-9:

- The contributor's name
- The contributor's name as it appears on the card
- The billing address on record with the issuer of the card
- The card number
- The expiration date
- The contributor's mailing address; and
- The amount of the contribution

Third, consistent with the Commission's guidance in Advisory Opinion 1999-9, if a prospective donor fails to provide any of the required information or fails to check any of the attestation boxes, the contribution will be rejected. The contributor will be prompted either to correct any omission or inaccurate information, or cancel the transaction.

Fourth, all contributions will be checked against DollarVote.org's records of that contributor's history at the site, and any contribution resulting in a total contribution in excess of \$2,000 to a single federal candidate during that general election—including any contribution in excess of \$2,000 to the promiser of a DollarBill which has not yet been promised against—will be rejected at the web site. In addition, each prospective contributor will be informed that if he or she has made other contributions to the committee that receives his or her earmarked contribution (e.g., the promising candidate(s) or the prespecified political party), those contributions will be aggregated with his or her earmarked contribution and any amount exceeding the relevant contribution limit will be refunded by the recipient committee. In addition, DollarVote.org will provide a service enabling site members to track their contributions both within and without the environment of the website. (This service is discussed in section 4d below.)

Fifth, to screen further for corporate or business entity cards, DollarVote.org intends to take advantage of the fact that corporate or business entity credit cards are generally billed directly to the entity's offices, rather than to an individual's home. If the billing and residential addresses provided by the prospective donor are different, DollarVote.org's web site will display the following message:

We've noticed that the billing address on your card is different from your home address. Please remember that we cannot accept corporate or business entity credit cards, and that your contribution must be made on a card that represents your own personal funds.

The donor will then be prompted either to continue with the transaction or cancel it altogether.

b. Processing Procedures (Previous to Forwarding)

When the online form has been successfully completed, the donor transmits it for "real time" processing. The credit card data is sent directly to the credit processing company, which will cross check the submitted information with the processing company's own records on the contributor's name, billing address, account number and card expiration date.

DollarVote.org intends to use the services of an Internet credit card processing vendor which has the capability to compare the contributor information submitted to DollarVote.org with the name, address and other billing information on file with the issuer of the contributing credit or debit card. (Hereinafter use of the term "credit card" by itself should be read to include "debit card" as well as other similar electronic fund transfer methods.) This capability will allow the DollarVote.org to verify the identity of those who contribute via credit card with the same degree of confidence that political committees generally accept checks via direct mail and other forms of

solicitation that are consistent with Commission regulations, while not necessarily involving direct personal contact between DollarVote.org staff and donors.

In the event the contribution is rejected by the processing company, the campaign will then display a message to the prospective donor that the contribution has been rejected. In the event the credit card submission is approved, DollarVote.org will send a confirming message to the donor expressing appreciation for the contribution, will note the contribution in its database, and will then receive the contribution, less the processing fee. All approved contributions are deposited into a bank account established by DollarVote.org exclusively for earmarked contributions. This account is not only separate from DollarVote.org's other corporate accounts, but is also maintained at an entirely different financial institution. DollarVote.org also will request that the donor contact DollarVote.org promptly either by phone or by e-mail with any questions or concerns about the contribution, or about the process through which it was made.

c. Forwarding Procedures

As discussed in section 3c, above, the funds earmarked for the candidate promising against a particular position statement will be forwarded within ten days after the identification of that candidate, which will occur when a candidate (for the prespecified office, during the prespecified election, and from the prespecified party) registers a "promise" through the mechanism supplied by the DollarVote website and this promise is confirmed. Generally, the promises associated with different position statements will be made at different times. Accordingly, the forwarding requirements pertaining to funds relating to different position statements will in general not be triggered simultaneously, though the funds pertaining to the same position statement will always be forwarded together.

When funds are forwarded, DollarVote.org will inform the candidate committees of the identity of the depository bank so that each candidate committee may disclose the depository on an amended statement of organization, in accordance with the Commission's guidance in Advisory Opinion 1995-34. Further, to facilitate any audit process and to avoid commingling of committee proceeds and DollarVote.org's corporate funds, DollarVote.org also will maintain separate book accounts for each political customer. All Internet contributions will be forwarded to the campaigns (less any agreed processing fee) in accordance with the time requirements of 2 U.S.C. 432(b)(1) and (2), and 11 CFR 102.8.

The information provided by DollarVote.org to the candidate committee includes, at a minimum:

- The committee's account number
- The contributor's name and address
- The contributor's employer and occupation
- Date and total amount of contribution
- Unique contribution confirmation number
- Address verification used (billing address and zip code; also voter record matches if applicable.)

DollarVote.org will retain all contributor-supplied information, all records of each deposit into each political committee account, and all records of transfers

to each political committee. DollarVote.org affirms that it will make such records available at the Commission's request or as otherwise required by law.

d. Reporting and Compliance Procedures

DollarVote.org plans to identify each contribution as earmarked for the promising candidate on its disclosure report for the reporting period in which each such earmarked contribution was received, in accordance with 11 CFR 110.6(c)(1)(ii). At the time the earmarked contributions are forwarded to the "promising" candidate's campaign committee, DollarVote.org plans to send the recipient candidate's committee a check from DollarVote.org for the total amount of all earmarked contributions along with a report containing all required information with respect to each earmarked contribution in accordance with 11 CFR 110.6(c)(1)(i), (iii) and (iv). Finally, DollarVote.org plans to report the disbursement of the earmarked contributions to the recipient committee on its disclosure report for the reporting period during which the disbursement was made.

DollarVote.org's web platform should prove uniquely effective in enforcing and tracking compliance with the contribution limits established by campaign law. DollarVote.org's database-driven system will record the details of all transactions and link them with individual profiles that customers must create and maintain as subscribers to the site.

The following usage requirements placed on the Corporation's customers will help ensure that the law is observed:

- Customers will be furnished with a service by which they can enter and track their total contribution activity during the current election, both inside and outside the purview of DollarVote.org's services. (In the event that a customer opts not to maintain a profile according to the Corporation's recommendation, the Corporation will still automatically track the customer's activity within its purview.)
- A customer may contribute a maximum of \$2,000 to any DollarBill which has not yet been promised against; further contributions will be rejected by the site before they are processed. (Since no candidate may be the first promiser on more than one bill, this rule ensures that limits cannot be exceeded through future events in which "two" unnamed candidates are the same person.)
- When a customer earmarks contributions to the promisers of a bill, the customer's previous contribution history to that candidate or candidates will be referenced by the Corporation database.
- In the event that a contribution exceeding legal limits is identified at the time of processing, the Corporation will reject the processing, inform the customer of the exceeded limit, and require that the customer change the recipient of the contribution or else cancel the contribution.
- In the event that a contribution exceeding legal limits is identified after the initial transaction has been processed, but before the contribution has been forwarded, the contribution will be forwarded to the alternate

recipient organization specified by the customer at the time of contribution.

- In the event that a contribution exceeding legal limits is identified after the contribution funds have been forwarded to a candidate, the Corporation will promptly notify the candidate, receive the funds that were delivered in excess of the contribution limit, and forward those funds to the alternate recipient organization specified by the customer at the time of contribution.

5. DollarVote's Mission in the Context of Campaign Finance Law

Finally I would like to remark that DollarVote.org's planned activity not only complies with the Commission's position on the relevant aspects of this activity, but also reflects the spirit of our campaign finance law and has potential to provide a great service to citizens and political candidates. This service should empower citizens to support their positions on issues they care about within the framework of our current legal system. Similarly, it will help political candidates obtain funding in accordance with their endorsement of positions that are of popular interest, and it will encourage candidates to make and keep election promises.

For the reasons discussed above, I request on behalf of the Corporation that the Commission issue an advisory opinion confirming that DollarVote.org may offer the planned services described in this document.

Please call with any questions regarding this letter if you need further information.

Sincerely,



Andrew W. Mitchell
President
DollarVote.org