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2004 JUN 25 A 9 36

June 10, 2004

Lawrence M. Norton
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

AOR 2004-24

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF
GENERAL
COUNSEL

Dear Mr. Norton:

I write on behalf of NGP Software, Inc. ("NGP"), to seek an advisory opinion from the Federal Election Commission.

NGP is a for-profit corporation formed in 1997. We are the leading national software and technology consulting firm to Democratic principal campaign committees, Democratic-leaning political committees, state and local party committees, political fundraising firms, and political non-profits. We provide our clients with political and reporting software, database design, web sites and online contribution processing and other consulting services.

Our flagship product, NGP Campaign Office, is an integrated financial system with fundraising, prospecting, and federal and state campaign finance reporting features. Available in either a web-based online system or a desktop system, NGP Campaign Office offers dozens of features that allow users to:

- Track donors and their donation history, pledges, events and volunteers;
- Automatically generate FEC and state reports suitable for electronic filing;
- Perform simple or advanced sorts, searches and filters;
- Create customized fields and tags;
- Create merged letters and labels;
- Send merged faxes and e-mails;
- Generate reports using built-in templates including call sheets, batch reports, event reports, pledge reports, and volunteer reports, along with dozens of other reports; and
- Import data from other sources.

To remain competitive, we must constantly improve our products to meet the needs of our clients and satisfy market demand. Toward this end, we would like to upgrade NGP Campaign Office and offer our clients the ability to automatically see the contributions that their donors have made to other candidates, PACs and party organizations. Having comparative donor data would allow our clients to

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conduct fundraising more efficiently, and to resolicit existing donors who may have given more to other committees.

Under this proposal, we would obtain donor contribution histories from the FEC's online public records for individuals, political committees and other persons. We would then sort and organize these data, and match them into a client's database based on the client's needs.

We seek guidance from the Commission as to whether we may include this individual contributor data under circumstances where we might reasonably expect them to be used to assist in soliciting contributions. We also seek guidance as to whether our own sale (or inclusion) of these data, regardless of their intended use, would be a prohibited commercial use.

We know that, under 2 U.S.C. § 438(a)(4) and 11 CFR § 104.15, "any information copied from [FEC] reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee." We also know that previous FEC advisory opinions have broadly enforced these limits, such as in AOs 1986-25, 1985-16, 1984-2, 1981-38, 1981-5, 1979-18, 1979-3, 1986-25, 1985-16, 1984-2.

However, we do not know whether or how these restrictions would apply to this particular transaction. Nor do we know how the Commission might reinterpret their scope, in light of its recent practice of widely distributing such information through the Internet, or in light of the legal changes that occurred as a result of the Bipartisan Campaign Reform Act of 2002.

As a vendor whose principal purpose is to assist its clients in complying with Commission rules, we want to make sure that our operations conform to those rules also. For these reasons, we seek an advisory opinion before modifying our software and including FEC donor data in this manner.

Sincerely,



Nathaniel Pearman
President
NGP Software, Inc.