

Comment on AOR 2012-31

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Federal Election Commission
Office of the General Counsel
999 E St. NW
Washington, DC 20463

2012 SEP 10 PM 2: 21

OFFICE OF GENERAL
COUNSEL

RE: Comment on Advisory Opinion Request 2012-31

September 10, 2012

Dear General Counsel:

We write in support of Advisory Opinion Request (AOR) 2012-31 (<http://saos.nictusa.com/aodocs/1223966.pdf>) submitted by AT&T. We hope you will approve an opinion that is consistent with the outcome urged by the requestors. Doing so will ensure that AT&T and other wireless providers can charge uniformly low rates for all types of political text message campaign contributions.

Several articles have reported that some wireless companies may seek to charge up to 50 per cent in fees for political contributions made by text message. This would be unreasonably high and significantly more than what is charged for charitable contributions. These high rates could discourage both candidates and contributors from participating. To enhance the role of small donors and to ensure that their voices are maximized in the political process, we encourage you to allow all wireless providers to charge uniformly low rates for all types of political contributions made by text message.

Text message campaign contributions are significantly different than text messages sent for commercial services. As such, we think political donations made by text messages should be treated differently. Wireless providers charging uniformly low rates for all types of political text message contributions should not constitute an in-kind contribution, as long as wireless providers charge all candidates and political committees the same fees for these services.

We encourage you to reach an outcome consistent with the requestors' AOR, and we thank you for considering our views.

Sincerely,

Aaron Scherb
Legislative Program Manager
Public Campaign

Craig Holman
Government Affairs Lobbyist
Public Citizen