



Clarification for record re AOR 2014-20

Sai

to:

ao

02/11/2015 05:30 PM

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Responding briefly to clarify some points in draft AORs A and B:

1. Draft A & B, page 4, fn 4: "Because the requestor is a federal committee, and because the request does not appear to contemplate any state or local election activity, this opinion does not address the application of section 30121 to volunteer services provided by foreign nationals in connection with nonfederal elections."

MYL PAC does intend to engage in state and local election activity, in accordance with the laws of those jurisdictions, using different accounts to handle non-federal expenditures and contributions, in accordance with the Commission's previous guidance on such issues.

Broadly speaking, the same intellectual property would be used for all of MYL PAC's activities, whether federal, state, or local.

Naturally, some code will be specific to a particular jurisdiction's rules, but most of it — e.g. payment processing, user profiles, etc. — would work the same throughout. Similarly, MYL PAC would use broadly consistent overall branding in all its activities, but some may be tailored to a particular area.

Because we need safe harbor to ensure that we will be able to use our intellectual property regardless of the locations where we are active, we request that the opinion specifically address the application of § 30121.

I apologize for any unclarity on this issue in our original request.

2. Draft A, page 5, paragraph 2: "The request does not make clear whether certain other proposed activities — such as those involving "trademarks" and "trade dress" — would be related to the requestor's website and would therefore constitute "internet activities" within the meaning of the Commission's regulations."

MYL PAC expects to operate primarily online through its website, but does intend to distribute communications by mail, TV, etc in the

future as well. As with state or local activities, such communications would of course use the same general branding and other IP throughout.

It would not be feasible or sensible, and would restrict MYL PAC's speech, to require MYL PAC to have one set of branding that is only used online (or federally) and an entirely different set, made by entirely different contributors, that is used in other media (or non-federally).

Making such a distinction would essentially prevent MYL PAC from accepting volunteer services that affect its IP, as it would not be able to rely on being able to use the same IP in all of its activities.

Aside from these clarifications, and the request to address § 30121 application, we do not have any other comments on either draft at this time, as we will need more time to read and compare them before doing so.

I hope that these clarifications are helpful for the Commission's discussion, and look forward to discussing the drafts with the Commission this Thursday.

Sincerely,  
Sai  
President, Make Your Laws PAC