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OFFICE OF GENERAL
COUNSEL

Office of General Counsel
Attn: Adav Noti, Esq., Acting Associate General Counsel for Policy
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Repledge Advisory Opinion Request

Dear Mr. Noti:

Pursuant to 52 U.S.C. § 30108 and 11 C.F.R. § 112, I, Eric M. Zolt, on behalf of Repledge ("Repledge") and my co-founders, Jonathan DiBenedetto and Noah Ornstein, request an advisory opinion with respect to the application of the Federal Election Campaign Act (FECA) to Repledge's operation of a web-based platform that allows individuals to remove pledged dollars in equal amounts from opposing candidates for federal office (the candidate's principal campaign committee, the ("federal committees")) and direct those dollars to nonprofit, tax-exempt Section 501(c)(3) organizations ("charities").¹

Repledge will provide an innovative web-based platform that creates a virtual meeting place where supporters of opposing federal candidates can agree to refrain from making political contributions to federal committees, and instead direct the funds to charities. This virtual meeting place will allow individuals who register with Repledge ("members") to pledge money to a federal candidate, and at the same time designate the charity that will receive funds if the pledge is matched by supporters of the opposing candidate. Repledge uses new technology that allows potential contributors from both political parties to support their respective candidates but direct their contributions to charities they care about.

For individuals who believe that too much money is being spent on political campaigns (particularly, incessant TV spots, negative campaign ads, and unwanted political mailers) and too little money is being spent on addressing the critical needs facing our country (for example, poverty reduction, education, health care, medical research and helping our veterans), Repledge provides an innovative way for individuals to turn their political contributions into charitable donations. It allows individuals disgusted with the campaign spending arm's race to participate and re-engage in the political process and yet see their funds go to more socially useful purposes.

Repledge seeks to confirm that its business plan to provide a platform to allow its members to make pledges in the name of federal candidates, and to make contributions to federal candidates

¹ Repledge previously requested an advisory opinion, AOR 2012-08, but the Commission failed by votes of 3-3 to approve any of the alternative draft opinions. Repledge will not go forward with its proposed operations unless it receives a favorable advisory opinion and is, therefore, once again requesting an opinion.

when the pledge is not matched, will comply with FECA and Commission regulations. Specifically, Repledge requests the Commission's opinion as to the following questions.

1. Would a monetary pledge from a member to a federal committee and charity, which is pre-approved by a third-party payment processor, charged to a member's credit card, and which eventually results in a contribution to a federal committee or a donation to a charity (depending on whether the pledge is matched by a supporter of an opposing candidate or party), constitute a "contribution" under 52 U.S.C. § 30101(8), subject to the 10-day forwarding requirement established by 11 C.F.R. § 102.8(a) at the time the pledge is made?
2. Would Repledge's receipt of a small transaction percentage-based fee constitute the receipt of a "contribution" by Repledge under 52 U.S.C. § 30101(8)?
3. Would payment of a small percentage-based transaction fee to Repledge and/or its payment processor constitute a contribution to the recipient federal committee?
4. Would Repledge's processing and forwarding of members' contributions to federal committees result in impermissible corporate contributions from Repledge to those committees under 52 U.S.C. § 30118?
5. Would Repledge's processing and forwarding of members' contributions to federal committees violate the prohibition on a corporation "acting as a conduit for contributions earmarked to candidates" in 11 C.F.R. § 110.6(b)(2)(ii) or any federal campaign finance law restrictions or prohibitions?
6. Would a Repledge member's contributions to federal committees subject Repledge to any reporting requirements of FECA or Commission regulations, including but not limited to the "conduit and intermediary" reporting requirements established by 11 C.F.R. § 110.6(c)?

BACKGROUND

Repledge will operate in a nonpartisan manner as a for-profit California Benefit Corporation with a mission to allow individuals to maximize the social impact of their political contributions by removing equally pledged dollars from political campaigns and redirecting the funds to charitable purposes. Repledge will deduct a commercially reasonable percentage-based transaction fee from each member pledge that will be set to cover all of Repledge's costs plus a reasonable profit (currently estimated at 1% of amounts pledged); the payment processor would also deduct a processing fee. Repledge will provide services to its members and all transaction costs will be borne by its members.

Repledge's principal business activity is to provide "Fund Drives" through its website. Fund Drives are platforms in which individuals (i.e., members) may come together and match funds for opposing candidates and redirect their collective donations to charity. Fund Drives are open to all members of the website who have registered and will generally be 7-14 days in duration. Each contributing donor to the Fund Drive selects a charity from a dropdown list of charities set

forth on the Repledge webpage to which their proportion of funds that are to be "Repledged" to charity will be transferred.

Repledge will require individual participants in Fund Drives to register as members. Members will pledge funds in a Fund Drive through a payment processor company, such as PayPal or WePay. Members will make pledges by first entering their credit card information through the payment processor and choosing the amount they choose to pledge. The payment processor will pre-approve the amounts pledged for the remaining period of the Fund Drive, but the amounts will not be charged to the member's credit card account until the end of the Fund Drive. At the end of the Fund Drive, the payment processor will charge the member's credit card and Repledge will notify the payment processor of the allocation of funds among the listed charities and the federal committee (the principal campaign committee of the candidate) based on percentage of the funds that were matched by supporters of the opposing candidate and the percentage of funds that were unmatched.² After taking out its processing fee, the payment processor will set up unique accounts for all potential recipients (all the listed charities, the political committees, and Repledge (for its percentage-based transaction fee)). No later than 10 days after the end of a Fund Drive, the payment processor will transmit funds to the accounts of recipients and notify the recipients that the funds are available to be withdrawn from these unique accounts by the recipients. Repledge may enter into contracts with the political committees on a limited basis solely to facilitate this electronic transfer of funds.³ The funds transferred as political contributions or charitable donations will not be deposited in, or pass through, any Repledge account. Repledge will disclose all transaction and processing fees and disclose the amounts distributed to the respective charities and political committees.

Repledge will facilitate compliance with the contribution limitations and prohibitions established by FECA and Commission regulations. Repledge will not allow members to pledge funds in excess of any contribution limits imposed on contributions from individuals to candidates for federal office. Repledge will require all members to check a box on the website pledge/contribution form, prior to donating, to confirm that the following statements are true and accurate:

1. I am a United States citizen or a lawfully admitted permanent resident of the United States.
2. This contribution is not made from the general treasury funds of a corporation, labor organization or national bank.
3. This contribution is not made from the treasury of an entity or person who is a federal contractor.
4. This contribution is not made from the funds of a political action committee.

² Assume, for example, that a member pledged \$1,000 to the candidate. The Member would provide their credit card information to the payment processor, and the payment processor would pre-approve the pledged amount for the remainder of the Fund Drive. Assume further that 70% of the member's pledge was matched by supporters of the opposing candidate and that 30% of the pledge was unmatched. At the end of the Fund Drive, the payment processor would charge the member's credit card account for \$1,000 and Repledge would provide instructions as to how to allocate the funds among the listed charities and the political committees. Repledge would receive its transaction fee (estimated at 1% of the gross amounts pledged [\$10]) and the payment processor would receive its processing fee. The remaining funds would then be transferred 70% to the charity designated by the member and 30% to the candidate's principal campaign committee.

³ Repledge envisions the possibility of a limited contractual relationship analogous to that which was approved for Democracy Engine in AO 2014-07. See AO 2014-07 at n.7.

5. This contribution is not made from the funds of an individual registered as a federal lobbyist or a foreign agent, or an entity that is a federally registered lobbying firm or foreign agent.
6. I am not a minor under the age of 16.
7. The funds I am donating are not being provided to me by another person or entity for the purpose of making this contribution.

Repledge will inform members of the contribution amount limits established by 52 U.S.C. § 30116. In addition to payment processing information, Repledge will require members to provide information that a recipient federal committee must maintain or report, including the member's name, mailing address, employer and occupation, pursuant to 52 U.S.C. §§ 30101(13), 30104(b)(3)(A) and 11 C.F.R. § 104.8(a). Repledge's website pledge/contribution form will state:

Candidates and committees registered with the Federal Election Commission are required to use their best efforts to collect and report the name, address, employer and occupation of all individuals whose contributions to a federal committee exceed \$200 in an election cycle. We require you to enter this information so that we can provide it to those recipients of your contributions. This helps ensure that your contribution will be accepted.

LEGAL ANALYSIS

- 1. Would a monetary pledge from a member to a federal committee and charity, which is verified by a third-party payment processor, charged to a member's credit card, and which eventually results in a contribution a federal committee or a donation to a charity (depending on whether the pledge is matched by a supporter of an opposing candidate or party), constitute a "contribution" under 52 U.S.C. § 30101(8), subject to the 10-day forwarding requirement established by 11 C.F.R. § 102.8(a) at the time the pledge is made?**

FECA defines "contribution" to include any "gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 52 U.S.C. § 30101(8); *see also* 11 C.F.R. § 100.52. The federal law definition of "contribution" does not include a pledge, which may or may not eventually result in a gift of money to a candidate or party for the purpose of influencing a federal election. The Commission has previously distinguished between pledges and contributions, advising, for example, in Advisory Opinion (AO) 2010-23 (CTIA) that cell phone users who initiate contributions to political committees by text message would make contributions at the time the wireless subscriber pays a bill that includes a charge resulting from the text message-initiated contribution, "not at the time a pledge is made." AO 2010-23 at 7.

That no contribution results from a pledge is particularly true in the context of Repledge's business, which is to reduce the level of campaign contributions to candidates and parties. A pledge that may result in either a contribution to a federal committee or in a donation to a charity, depending on the willingness of others to pledge funds in a Fund Drive, is too speculative at the time it is made to be treated as a "contribution" under federal law.

Furthermore, a payment processor will not charge any funds to a member's credit card account until the end of a Fund Drive and the funds (except for Repledge's transaction fee and the payment processor's processing fee) are available only for distribution to designated charities and political committees at the end of a Fund Drive.

For these reasons, the Commission should opine that a monetary pledge from a member to a federal committee and charity does not constitute a "contribution" under 52 U.S.C. § 30101(8) at the time of the pledge. For these same reasons, the Commission should opine that such a pledge does not constitute a "contribution" received by Repledge, subject to the 10-day forwarding requirement established by 11 C.F.R. § 102.8(a).

- 2. Would Repledge's receipt of a small percentage-based transaction fee constitute the receipt of a "contribution" by Repledge under 52 U.S.C. § 30101(8)?**

The Commission has consistently opined that the receipt of a fee by a company, like Repledge, that processes contributions to federal committees, does not constitute the receipt of a "contribution" by such company.

In Advisory Opinion (AO) 2011-06, for example, the Commission responded to a nearly identical question from a company called Democracy Engine and its connected political committee, which proposed collecting and forwarding contributions from "subscribers" to federal committees and collecting "convenience fees" from "subscribers" in the process. Democracy Engine asked the Commission whether subscriber's payment of a convenience fee to Democracy Engine would constitute a contribution to the company's political committee or to any other recipient committee. The Commission responded, "[n]o, a subscriber's payment to [Democracy Engine, LLC] of the convenience fee would not constitute a contribution to [Democracy Engine's connected committee] or any other recipient political committee." AO 2011-06 at 6. The Commission reasoned that Democracy Engine was providing a service to its subscribers and its subscribers were simply paying for that service. *Id.*; see also AO 2011-19 (GivingSphere).

Repledge is likewise providing a service to its members and is being paid for that service. Repledge will not be advocating the election or defeat of any federal candidate or supporting or opposing any political party. For these reasons, the Commission should opine that Repledge's receipt of a small percentage-based transaction fee does not constitute the receipt of a "contribution" under 52 U.S.C. § 30101(8) (*i.e.*, a gift of money for the purpose of influencing a federal election).

3. Would payment of a small percentage-based transaction fee to Repledge and/or its payment processor constitute a contribution to the recipient federal committee?

The Commission has consistently opined that a fee paid by a donor to a vendor that processes a contribution to a federal committee does not constitute a contribution to the federal committee because the fee will not relieve the recipient political committees of a financial obligation that they otherwise would have had to pay themselves.

In Advisory Opinion 2012-22 (*skimmerhat*), the Commission was asked: "Would *skimmerhat*'s processing and convenience fee of eight percent count towards a user's individual contribution limit to a candidate?" AO 2012-22 at 6. The Commission responded unequivocally "no," explaining:

[S]*kimmerhat* will provide its services at the request of and for the benefit of its customers, and not the recipient political committees. Therefore, because payment of the convenience fee will not relieve any recipient political committee of a financial burden that it would otherwise have to pay for itself, the payment of the convenience fee by the subscribers will not constitute a contribution by the subscribers to any recipient political committee.

Id.

Similarly, in Advisory Opinion 2011-06 (*Democracy Engine*), the Commission was asked: "Would a subscriber's payment to the Vendor of the convenience fee constitute a contribution to the Committee or any other recipient political committee?" AO 2011-06 at 6. The Commission responded: "No, a subscriber's payment to the Vendor of the convenience fee would not constitute a contribution to the Committee or any other recipient political committee [,]" *Id.*, and explained:

[T]he Commission has distinguished between situations in which a company provides services to recipient political committees, and situations in which a company provides services to its subscribers. In Advisory Opinion 2007-04 (Atlatl), the Commission concluded that the amount of contributions to political committees must include fees paid by contributors to the company that processed the contributions, where the contractual relationship was between the company and the recipient political committee. In contrast, in Advisory Opinion 2006-08 (Brooks), the Commission concluded that the amount of the contributions would not include processing fees paid by contributors. In so concluding, the Commission noted that the services provided by the vendor in Advisory Opinion 2006-08 (Brooks) were "at the request and for the benefit of the contributors, not of the recipient political committees," and thus did not "relieve the recipient political committees of a financial burden they would otherwise have had to pay for themselves." Advisory Opinion 2007-04 (Atlatl). For this reason, the services provided to contributors were not considered to be contributions to the recipient political committees.

AO 2011-06 at 6. The Commission went on to opine that, like the contribution-processing corporation in Brooks, Democracy Engine was "offering services at the request and for the benefit of its subscribers, and not the recipient political committees." *Id.* "Therefore," according to the Commission:

[B]ecause the payment of the convenience fee will not relieve the Committee or any other recipient political committee of a financial burden that it would otherwise have had to pay for itself, the payment of the convenience fee by the subscribers will not constitute a contribution by the subscribers to the Committee or any other recipient political committee.

Id.

Like the contribution-processing corporations in Advisory Opinions 2006-08, 2011-06 and 2012-22, Repledge will offer its "services at the request and for the benefit of its [members], and not the recipient political committees." AO 2011-06 at 6. If anything, Repledge is offering a disservice to federal committees—attempting to reduce political contributions and increase charitable donations by supporters.

For these reasons, we urge the Commission to opine that payment of a small percentage-based fee by the donor to Repledge would not constitute a contribution to the recipient federal committee.

4. Would a Repledge member's contributions to federal committees result in impermissible corporate contributions from Repledge to those committees under 52 U.S.C. § 30118?

The Commission has consistently opined that a vendor's processing of members' contributions to federal committees does not result in an impermissible corporate contribution from the vendor to the federal committee. Recently in Advisory Opinion 2014-07 (Crowdpac), the Commission was asked whether Crowdpac could "provide its services of matching users with candidates and utilizing the Democracy Engine platform to process and forward users' contributions to

candidates without making impermissible contributions to federal candidate committees." AO 2014-07 at 5. The Commission replied "[y]es, Crowdpac may provide its services ... without making impermissible contributions to federal candidate committees." *Id.* The Commission explained:

In several advisory opinions, the Commission has concluded that companies that process contributions as a service to contributors without receiving compensation from the recipient political committees are not making contributions because the companies are not providing any services to the recipient political committees. See, e.g., Advisory Opinion 2012-22 (skimmerhat) (distinguishing between companies that process contributions as service to contributors and companies that process contributions as service to recipient political committees); Advisory Opinion 2011-19 (GivingSphere) (same); Advisory Opinion 2011-06 (Democracy Engine) (same).

Id. at 5-6.

And in Advisory Opinion 2012-22 (skimmerhat), the Commission likewise made clear that entities that provide services to their customers and not to political committees are "analogous to widely available delivery services, such as United Parcel Service, which a contributor may use to deliver a contribution, or an electronic bill-pay service, such as those provided by banks." AO 2012-22 at 5-6.

Similarly, in Advisory Opinion 2011-06, Democracy Engine asked the Commission whether its "services in processing subscribers' contributions to the Committee and other recipient political committees result in impermissible corporate contributions by the Vendor to those political committees." AO 2011-06 at 4. The Commission replied "[n]o, the Vendor's services in processing subscribers' contributions to the Committee and other recipient political committees would not result in impermissible corporate contributions by the Vendor to those political committees because the Vendor is not providing services or anything else of value to the Committee or any other recipient political committee. *Id.* The Commission explained:

In determining whether a company that processes contributions to a political committee is itself making a contribution to that political committee, the Commission has previously distinguished between companies that provide services to political committees and companies that provide services to subscribers. See Advisory Opinions 2007-04 (Atlatl) and 2006-08 (Brooks). In Advisory Opinion 2006-08 (Brooks), a company wished to process contributions from its subscribers to political committees, among other services. The company proposed to accept funds from its subscribers, which it would deposit into a merchant account and later disburse to candidates and political committees at the direction of its subscribers. The company did not anticipate entering into any contractual relationship with the recipient political committees. The Commission determined that the company would be providing services to its individual subscribers, and likened these services to companies that provide "delivery services, bill-paying services, or check writing services."

AO 2011-06 at 5. The Commission went on to conclude that Democracy Engine's situation was "materially indistinguishable" from the situation in the Brooks Advisory Opinion 2006-08,

because Democracy Engine did not "propose to enter into any contractual relationship with any of the recipient political committees, except possibly for the limited purpose of effectuating authorized clearinghouse transfers." *Id.* "Instead," the Commission explained, Democracy Engine planned "to enter into agreements with each of its subscribers and to process contributions at the request of its subscribers from the [Democracy Engine's] own website." *Id.* Because Democracy Engine would "process contributions at the request and for the benefit of its subscribers, and not the recipient political committees, [Democracy Engine's] services are akin to delivery services, bill paying services, or check writing services for its subscribers, just as in Advisory Opinion 2006-08 (Brooks)." *Id.* The Commission concluded that because Democracy Engine would be "providing services only to the subscribers, and not to any political committee, the Democracy Engine's proposal would not result in impermissible contributions by the Vendor to any political committee." *Id.* at 5-6.

Repledge's legal posture is materially indistinguishable from that of Brooks, Democracy Engine, GivingSphere, skimmerhat and Crowdpac. Repledge does not "propose to enter into any contractual relationship with any of the recipient political committees, except possibly for the limited purpose of effectuating authorized clearinghouse transfers." *Id.* at 5. Repledge will be providing services only to its members and not to federal political committees, except for the limited act of transferring member information to federal committees when members make contributions to those committees and supporting the payment processor's processing of the member's contribution. For these reasons, we urge the Commission to opine that Repledge's support of members' contributions to federal committees would not result in impermissible corporate contributions from Repledge to those committees under 52 U.S.C. § 30118.

5. Would Repledge's processing and forwarding of members' contributions to federal committees violate the prohibition on a corporation "acting as a conduit for contributions earmarked to candidates" in 11 C.F.R. § 110.6(b)(2)(ii) or any federal campaign finance law restrictions or prohibitions?

Corporations are generally prohibited from facilitating the making of contributions to candidates or political committees, see 11 C.F.R. § 114.2(f)(1), and Commission regulations state that any person prohibited from making contributions is also prohibited from acting as a conduit or intermediary for contributions earmarked to candidates. See 11 C.F.R. § 110.6(b)(2)(ii). Commission regulations define "conduit or intermediary" as "any person who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee[.]" 11 C.F.R. § 110.6(b)(2).

To the extent Repledge's services result in members making contributions to federal candidates, its services closely resemble the services approved by the Commission in Advisory Opinions 2014-07 (Crowdpac), 2012-22 (skimmerhat), 2011-19 (GivingSphere) and others. In all of these advisory opinions, as is the case with Repledge, a corporation proposed to develop a web-based platform through which its customers could transfer contributions to political committees. See, e.g., AO 2012-22 (skimmerhat) at 5. Like Crowdpac, skimmerpac, Democracy Engine and other corporations whose contribution-processing services have been approved by the Commission, Repledge's proposed services are "analogous to widely available

delivery services, such as the United Parcel Service, which a contributor may use to deliver a contribution, or an electronic bill-pay service, such as those provided by banks." *Id.* at 5-6.

Furthermore, as explained above, Repledge's activities will not result in its receipt of any "contributions," nor subsequent forwarding of any "contributions" received. Instead, Repledge will work with a payment processor such as PayPal or WePay that will provide payment processing services directly to Repledge members and will be paid a service fee directly by Repledge members. As the Commission advised skimmerhat in Advisory Opinion 2012-22, the contributions made through an web-based platform of the sort proposed by skimmerhat and Repledge are "not contributions to an intermediary and earmarked for a candidate or authorized committee; they are direct contributions to the candidate or authorized committee made via a commercial processing service." AO 2012-22 at 10. Therefore, Repledge does not meet the regulatory definition of "conduit or intermediary."

On these bases, we urge the Commission to opine that Repledge's providing a platform for members to make contributions to federal committees via an independent payment processor would not violate the prohibition on a corporation "acting as a conduit for contributions earmarked to candidates" in 11 C.F.R. § 110.6(b)(2)(ii) or any other federal campaign finance law restrictions or prohibitions.

6. Would a Repledge member's contributions to federal committees subject Repledge to any reporting requirements of FECA or Commission regulations, including but not limited to the "conduit and intermediary" reporting requirements established by 11 C.F.R. § 110.6(c)?

Under FECA and Commission regulations, a variety of activities trigger campaign finance reporting requirements. Political committees, for example, are required to file reports with the Commission pursuant to 52 U.S.C. § 30104. "Conduits and intermediaries" are required by 11 C.F.R. § 110.6(c) to report the original source and the recipient committee to the Commission.

In Advisory Opinion 2012-22 (skimmerhat), a corporation proposing activities similar to Repledge asked the Commission whether it would be "required to file any reports" with the Commission and the Commission advised that the corporation would "not be required to file any reports with the Commission. AO 2012-22 at 9. The Commission explained that, like Repledge, the corporation would be a commercial service provider, not a political committee, and therefore would not be subject to any political committee reporting requirements. *Id.* Furthermore, the Commission explained that the corporation would not be making any independent expenditures or electioneering communications and, consequently, would not be subject to reporting requirements for such activity. *Id.* Similarly, as explained above, contributions made to candidates via the Repledge web-based platform will not constitute contributions to an intermediary and earmarked for a candidate and, therefore, will not trigger "conduit and intermediary" reporting requirements.

Similarly, GivingSphere asked the Commission whether its proposed transmission of contributions from customers to political committees would require it to file any report with the Commission. *See* AO 2011-19 at 10. The Commission noted a variety of circumstances in which reports must be filed with the Commission (e.g., political committee reporting, independent expenditure reporting, electioneering communication reporting) and opined that

GivingSphere's proposed activity of transmitting contributions from customers to political committees would not subject GivingSphere to any reporting requirements. *Id.*

Like skimmerhat and GivingSphere, for the reasons state above, Repledge urges the Commission to opine that the providing a platform for contributions to federal committees would not subject it to any reporting requirements under FECA or Commission regulations. Repledge will neither receive contributions, nor make expenditures, nor have as its major purpose influencing elections and, therefore, is not a "political committee" subject to reporting requirements under FECA and Commission regulations. Furthermore, given that Repledge will not "receive and forward" any contributions, it does not meet the regulatory definition of "conduit or intermediary" and, therefore, is not subject to the "conduit and intermediary" reporting requirements of 11 C.F.R. § 110.6.

CONCLUSION

Repledge respectfully requests the Commission's timely consideration of this advisory opinion request. Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,



Eric M. Zolt

On behalf of Repledge



**RE: Advisory Opinion Request on behalf of Repledge
Zolt, Eric**

to:

TLutz@fec.gov

08/19/2015 03:53 PM

Cc:

"ARothstein@fec.gov"

Hide Details

From: "Zolt, Eric" <zolt@law.ucla.edu>

To: "TLutz@fec.gov" <TLutz@fec.gov>,

Cc: "ARothstein@fec.gov" <ARothstein@fec.gov>

Dear Mr. Lutz

This is to confirm that the material in the e-mail below accurately reflects the information that I provided in our phone conversation.

Thanks again for your assistance.

Best regards,

Eric M. Zolt

Michael H. Schill Distinguished Professor of Law
Phone: (310) 206-0394



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Caution: odd word errors may result from use of speech recognition software.

From: TLutz@fec.gov [mailto:TLutz@fec.gov]

Sent: Wednesday, August 19, 2015 12:02 PM

To: Zolt, Eric <zolt@law.ucla.edu>

Cc: ARothstein@fec.gov

Subject: Advisory Opinion Request on behalf of Repledge

Dear Mr. Zolt,

This email is to confirm the additional information that you provided by phone. Please confirm via reply email that the information below is correct. Once we have received your confirmation, the email will become part of the public record as part of Repledge's advisory opinion request. Please let me know if you have any questions.

1. Repledge's planned activity is to provide a platform with respect to the 2016 presidential election major party nominees whereby members can choose the candidates they support and the charities that would receive any matched funds.
2. Once the payment processor has pre-approved the pledge, it cannot be rescinded. Funds will go to either the candidate's campaign or charity.

Sincerely,

Theodore M. Lutz
Office of General Counsel, Policy Division
Federal Election Commission
tlutz@fec.gov | (202) 694-1650