



FEDERAL ELECTION COMMISSION

Washington, DC 20463

**MEMORANDUM**

**TO:** The Commission

**FROM:** Commission Secretary's Office *DCB*

**DATE:** July 10, 2017

**SUBJECT:** Comments on Draft AO 2017-05  
(Great America PAC and Committee to Defend the President)

Attached are timely submitted comments received from Mr. Joseph G. Donahue. This matter is on the July 13, 2017 Open Meeting Agenda.

Attachment

**From:** Joe Donahue  
**To:** [AQ](#)  
**Subject:** Comment on Draft AO 17-30-A, AO 2017-05  
**Date:** Sunday, July 09, 2017 8:27:21 PM  
**Attachments:** [Comment on AO 2017-05.pdf](#)

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Dear Ms. Brown,

Enclosed, please find a formal comment regarding the above-captioned matter before the FEC.

Sincerely,

/s/

**Joe Donahue**



Dayna C. Brown  
Commission Secretary  
Federal Election Commission  
999 E Street NW  
Washington DC 20463

**Re: Comment on Draft AO, Agenda Document No. 17-30-A**

July 9, 2017

Dear Ms. Brown and Commissioners of the FEC,

After reviewing the above-captioned Agenda Document, I would like to offer some context and commentary in order to strengthen the draft advisory opinion in question.

In regard to Question 1, it is appropriate for the Great America PAC to use its Twitter handle in its disclaimer, but it should use it in addition to its name. A Twitter handle more closely represents a website than it does a committee name. Under the law, the committee's name must be displayed, and while the Twitter handle in question does reflect the committee's name, it is reflective of a mode of communication and is therefore not the committee's name. Many businesses have taken this approach, incorporating their brand into the Twitter handle, but, to my knowledge, none have done as Great America PAC proposes to do here.

Note that this differs from the circumstances surrounding NewtWatch PAC because NewtWatch is closer to a name than it is another aspect like a website.

Similarly, the response to Question 2 regarding the Committee to Defend the President's proposed use of its Twitter handle is responded to most correctly, and should be the example for the response to Question 1. Here, the Twitter handle is used as a form of communication and not as the committee's name. The Committee to Defend the President's proposed use of its Twitter handle most reflects Americans for a Better Tomorrow, Tomorrow's use of the phrase "Colbert Super PAC" in its branding and communications.

It should be noted that if the committees in question were to file a revised Form FEC-1 to formally change their name to incorporate their Twitter handles, my thoughts on the matter might change.

In regard to the draft's answer to Question 5, the Commission may find it helpful to note that, while Twitter makes profiles available to users for free, it offers to promote profiles and tweets to other users for a fee, and Twitter recently began adding FEC-compliant disclosures to these ads.<sup>1</sup> However, on a profile page, it can be hard to distinguish which Tweets were promoted and which Tweets were not. Advertising on social media is still a delicate matter, and many social platforms are still trying to figure out how best to handle advertising by political campaigns and how to handle the regulations surrounding such ads. This is the underlying reason behind why Twitter refused certain advertising campaigns on its platform during the

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<sup>1</sup> "What Are Political Ads?" *Twitter for Business*. <https://business.twitter.com/en/help/overview/what-are-political-ads.html> Accessed July 9, 2017

2016 presidential campaign.<sup>2</sup> When in doubt, it is always a better idea to err on the side of full disclosure, as this is what the intent of the law was when it was passed.

I hope that this letter provides additional insight into the issues at play and how the draft advisory opinion could be strengthened. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Joseph G. Donahue". The signature is written in black ink and is positioned above the printed name.

Joseph G. Donahue

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<sup>2</sup> "Here's Why Twitter Turned Down a Donald Trump Advertising Campaign." *Recode*. <https://www.recode.net/2016/11/19/13685832/twitter-rejects-donald-trump-ad-campaign> Accessed July 9, 2017