

June 02, 2017

Office of the General Counsel
Attn: Lisa J. Stevenson, Esq.
Federal Election Commission
999 E Street NW
Washington, D.C. 20463

RECEIVED

By Office of General Counsel at 1:41 pm, Jun 05, 2017

RE: Advisory Opinion Request on behalf of Great America PAC and The Committee to Defend the President

Dear Ms. Stevenson:

Pursuant to 52 U.S.C. § 30108, Great America PAC (“GAP”) and The Committee to Defend the President (“CDP”), request an Advisory Opinion from the Federal Election Commission (“Commission”) concerning the use of Twitter handles to satisfy the Commission’s regulations regarding disclaimers on various mediums of communication, as well as the applicability of disclaimer requirements to Twitter profile pages.

FACTUAL BACKGROUND

A. Background on the Use of Social Media and Twitter in Politics

The Commission is likely aware the Internet is an invaluable resource for enabling Americans to engage in political discourse. Its “accessibility, low cost, and interactive features,” along with its “minimal barriers to entry,” make the Internet a popular choice for sending and receiving information.”¹ Unsurprisingly, nearly nine out of ten (88%) American adults use the Internet.² In January 2016, nearly two-thirds of adults learned about the ongoing presidential election through the Internet.³

Many Americans rely specifically on social media to obtain information about political campaigns and interact with elected officials. Approximately seven out of ten American adults use at least one social media platform.⁴ A total of 44% of adults learned about the 2016 presidential election through social media; more than two-fifths of those people obtained election-related information from multiple social media platforms.⁵ By comparison, only 20% of Americans learned about the 2016 presidential election from the website, app, or emails of a candidate or issue-based group.⁶ An overwhelming majority of social media users (70%) believe social media

¹ FEC, *Explanation and Justification for Final Rules on Internet Communications*, 71 FED REG. 18,589, 18,589 (Apr. 12, 2006) [hereafter, “2006 Internet E&J”].

² *Internet/Broadband Fact Sheet*, PEW RESEARCH CENTER INTERNET, SCIENCE & TECH (Jan. 12, 2017), available at <http://www.pewinternet.org/fact-sheet/internet-broadband/> (last visited Apr. 24, 2017).

³ Michael Barthel, et al., *The 2016 Presidential Campaign—a News Event That’s Hard to Miss* (Feb. 4, 2016), <http://www.journalism.org/2016/02/04/the-2016-presidential-campaign-a-news-event-thats-hard-to-miss/> (last visited Apr. 24, 2017) [hereafter, “The 2016 Presidential Campaign”].

⁴ *Social Media Fact Sheet*, PEW RESEARCH CENTER INTERNET, SCIENCE & TECH (Jan. 12, 2017), <http://www.pewinternet.org/fact-sheet/social-media/> (last visited Apr. 24, 2017).

⁵ *Id.*

⁶ *Id.*

makes it easier to keep up with news compared to five years ago.⁷ Thus, a substantial majority of Americans obtain political news from digital sources, and almost half the public obtains its election-related news through social media.

One of the most prominent social media platforms in the United States is Twitter, which is free to use. Twitter allows users to disseminate, receive, and read online messages called “tweets,” which may include text, hypertext links, audio, and video components. The service has become so ubiquitous even a majority (51%) of individuals who do not use Twitter have nevertheless seen tweets.⁸ President Donald J. Trump regularly uses Twitter to bypass the hostile liberal mainstream media and speak directly to the American people without having his message distorted. His Tweets typically receive widespread public attention and press coverage and have helped make Twitter an even more essential vehicle for political dialogue.

Anyone who wishes to disseminate Tweets must sign up for a unique Twitter “handle,” which is a user name preceded by the “@” symbol. CDP’s Twitter handle, for example, is @Defend_Trump. Twitter automatically creates a Twitter profile page under the Twitter.com domain for each user who obtains a handle. CDP’s profile page, for example, is available at http://twitter.com/@Defend_Trump. Twitter itself determines the format and structure of users’ profile pages. A profile page displays the user’s name and handle; a biography or description of the user, provided by the user, not exceeding 160 characters; the web address for, and hypertext link to, the user’s home page; a personal picture and header picture; and a list of the user’s Tweets. Anyone may visit a Twitter user’s profile page and review a user’s tweets, for free, without establishing a Twitter account.⁹

B. GAP’s and CDP’s Contemplated Activities

1. The committees’ use of Twitter handles in disclaimers—GAP is a nonconnected unauthorized hybrid political committee (“PAC”) whose Twitter handle, “@GreatAmericaPAC” is materially identical to its name. CDP also is a nonconnected unauthorized hybrid PAC, but its Twitter handle, “@Defend_Trump,” is dissimilar from its name. 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(a) identify political communications that are required to contain statutorily specified disclaimers. Both GAP and CDP independently wish to disseminate or otherwise make available the following types of communications within the scope of those provisions:

(i) “public communications,” *see* 11 C.F.R. § 100.26, through various publicly accessible media such as broadcast, cable, newspaper, magazine, and mass mailings, *see* 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(a)(1);

(ii) “substantially similar” e-mails distributed to more than 500 recipients, 11 C.F.R. § 110.11(a)(1); and

⁷ Maria Ivancin, *et al.*, *Twitter and the News: How People Use the Social Network to Learn About the World*, AM. PRESS INST., at 5 (Sep. 1, 2015), available at <http://www.americanpressinstitute.org/wp-content/uploads/2015/09/Twitter-and-News-How-people-use-Twitter-to-get-news-American-Press-Institute.pdf> [hereafter, “*Twitter and the News*”].

⁸ *Id.*

⁹ *See generally About Public and Protected Tweets*, TWITTER, available at <https://support.twitter.com/articles/14016> (last visited Mar. 6, 2017).

- (iii) their publicly accessible websites, *id.*

(collectively, “Communications”). No candidate or candidate’s committee will authorize or pay for any of the anticipated Communications at issue; they will qualify as independent expenditures.

GAP wishes to satisfy 11 C.F.R. § 110.11(b)(3)’s disclaimer requirements for its Communications across all forms of media by including or audibly reading its Twitter handle, @GreatAmericaPAC (which would be read as “at Great America PAC”), in its disclaimers in lieu of its “full name and permanent street address, telephone number, or World Wide Web address.” It likewise wishes to satisfy 11 C.F.R. § 110.11(c)(4)(i)’s requirements, where applicable, by audibly reading “@GreatAmericaPAC is responsible for the content of this advertising.” CDP wishes to fulfill 11 C.F.R. § 110.11(b)(3)’s disclaimer requirements across all forms of media by including in its disclaimers its name, The Committee to Defend the President, as well as its Twitter handle, @Defend_Trump, in lieu of its “permanent street address, telephone number, or World Wide Web address.”

GAP and CDP wish to include their Twitter handles in their disclaimers in lieu of other information so readers may learn more about them and interact with them via their social media presences. The use of Twitter handles in committees’ disclaimers will give readers greater access to information about the entities financing political communications. Upon entering a committee’s Twitter handle into a web browser’s URL field or a search engine, a user will be directed to the committee’s official website, Twitter profile page, and news articles and/or videos featuring the committee. If the handle is included as a link in electronic communications, a user may click on it to be directed to the committee’s Twitter profile page.

2. The committees’ Twitter profile pages— Both GAP and CDP have made, and will continue to maintain, their Twitter profile pages publicly accessible. GAP’s Twitter profile page is located at <http://twitter.com/@GreatAmericaPAC>. CDP’s Twitter profile page is located at http://twitter.com/@Defend_Trump. GAP and CDP do not have conventional disclaimers on their Twitter profile pages due to technological limitations of the Twitter platform. They wish to continue utilizing both Twitter and their Twitter profile pages either without disclaimers, or with their respective names and Twitter handles themselves satisfying any applicable disclaimer requirement.

QUESTIONS PRESENTED

1. When an unauthorized, nonconnected PAC such as GAP, whose Twitter handle is materially identical to its name and whose Twitter profile page is publicly accessible, disseminates a Communication within the scope of 11 C.F.R. § 110.11(a) that is neither paid for nor authorized by a candidate or candidate’s committee:
 - a. may the PAC satisfy 52 11 C.F.R. § 110.11(b)(3) by including its Twitter handle in the Communication’s disclaimer instead of its “full name and permanent street address, telephone number, or World Wide Web address” (either for disclaimers in Communications across all media, or instead exclusively for disclaimers in print and electronic communications), and satisfy 11 C.F.R. § 110.11(c)(4)(i) by audibly reading its Twitter handle in place of its name?

- b. if not, may the PAC do so if its Twitter profile page includes the address of, and a hypertext link to, the PAC's website, which contains a standard disclaimer that complies with 11 C.F.R. § 110.11(b)(3)'s requirements?
2. When an unauthorized, nonconnected PAC such as CDP, whose Twitter handle differs from its name and whose Twitter profile page is publicly accessible, disseminates a Communication within the scope of 11 C.F.R. § 110.11(a) that is neither paid for nor authorized by a candidate or candidate's committee:
 - a. may it satisfy 11 C.F.R. § 110.11(b)(3) by including the committee's full name, along with its Twitter handle, instead of its "permanent street address, telephone number, or World Wide Web address," in the Communication's disclaimer (either for disclaimers in Communications across all media, or instead exclusively for disclaimers in print and electronic communications)?
 - b. in the alternative, may the PAC do so if the PAC's Twitter profile page includes a link to its website, which contains a standard disclaimer that complies with 11 C.F.R. § 110.11(b)(3)'s requirements?
3. May GAP and CDP use Twitter and maintain Twitter profile pages without including a disclaimer on their respective Twitter profile pages? If not, may a committee satisfy 11 C.F.R. § 110.11(b)(3)'s disclaimer requirements by ensuring its Twitter profile page:
 - a. specifies, in locations permitted by Twitter, the committee's name, the committee's Twitter handle, the web address of the committee's traditional home page which contains a standard disclaimer, and a hypertext link to that homepage, or
 - b. contains a graphic bearing a standard disclaimer, even if the disclaimer may not be visible when the profile page is viewed on certain mobile devices?

LEGAL ANALYSIS

Commission regulations require certain types of communications, including public communications by PACs, e-mails from PACs copied to more than 500 recipients, PACs' websites, and electioneering communications, to feature disclaimers disclosing information about the entity that paid for them. *See* 11 C.F.R. § 110.11(a); *see also* 52 U.S.C. § 30120. When a communication covered by § 110.11(a) is not authorized by a candidate or candidate's committee, its disclaimer must specify the "name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state the communication is not authorized by any candidate or candidate's committee." 52 U.S.C. § 30120(a)(3); 11 C.F.R. § 110.11(b)(3). If the communication takes the form of radio or television advertising, the disclaimer must also state "[PAC name] is responsible for the content of this advertising." 52 U.S.C. § 30120(d)(2); 11 C.F.R. § 110.11(c)(4)(i). All disclaimers must be presented in a clear and conspicuous manner, giving the reader, observer, or listener adequate notice of the identity of the communication's sponsor. 11 C.F.R. § 101.11(c)(1).

I. WHEN A PAC'S TWITTER HANDLE IS MATERIALLY IDENTICAL TO ITS NAME, THE PAC SHOULD BE PERMITTED TO USE ITS TWITTER HANDLE IN DISCLAIMERS AS ITS "FULL NAME" FOR PURPOSES OF 11 C.F.R. § 110.11(b)(3) AND "NAME" FOR PURPOSES OF 52 U.S.C. § 30120(a)(3).

A PAC such as Great America PAC which has a Twitter handle that is materially identical to its name ("@GreatAmericaPAC") should be permitted to use its Twitter handle as its "name" in required disclaimers. A PAC must include its "full name" in any disclaimers mandated by federal campaign finance law. 11 C.F.R. § 110.11(b)(3); *see also* 52 U.S.C. § 30120(a)(3). Certain disclaimers also must contain an audio statement, using the PAC's name in declaring that "[-----] is responsible for the content of this advertising." 52 U.S.C. § 30120(d)(2); 11 C.F.R. § 110.11(c)(4)(i).

Forbidding an entity from using its Twitter handle in its disclaimers would needlessly elevate form over substance and squander an important opportunity for the committee to reinforce its messaging in an austere and parsimoniously elegant manner. Twitter handles have become ubiquitous and are widely recognized. Moreover, no person reasonably could mistake whether "@GreatAmericaPAC" refers to "Great America PAC." The Commission has already recognized individuals can draw connections between Twitter handles incorporating candidates' names and the candidates themselves. *See, e.g., Collective Actions PAC*, A.O. 2015-04, at 2 (July 16, 2015) (concluding the public is likely to associate @ProBernie and @Bernie_Run with candidate Sen. Bernie Sanders). The same is true of political committees. The Commission should not reduce itself to policing whether an extra symbol is included in a committee's name in a disclaimer, or spacing is omitted. Because @GreatAmericaPAC clearly conveys GAP's full name, GAP should be permitted to use its Twitter handle, "@GreatAmericaPAC" in its disclaimers to satisfy the "name" requirements of 52 U.S.C. § 30120(a)(3), (d)(2), and 11 C.F.R. § 110.11(b)(3), (c)(4)(i), rather than having to identify itself as "Great America PAC" and then redundantly include its Twitter handle, as well.

II. A PAC SHOULD BE PERMITTED TO USE ITS TWITTER HANDLE IN LIEU OF ITS STREET ADDRESS, PHONE NUMBER, OR WORLD WIDE WEB ADDRESS IN ITS DISCLAIMER TO SATISFY 52 U.S.C. § 30120(a)(3) AND 11 C.F.R. § 110.11(b)(3).

All PACs should be permitted to use their Twitter handles in their required disclaimers as a variation of their "World Wide Web" address. Federal law requires a PAC's disclaimers to "clearly state" the PAC's "permanent street address, telephone number, or World Wide Web address." 52 U.S.C. § 30120(a)(3); 11 C.F.R. § 110.11(b)(3). A Twitter handle plays the same role as a conventional World Wide Web address in directing viewers to a freely accessible Internet resource containing information about the PAC sponsoring a communication. Instead of a conventional homepage, a Twitter handle allows users to reach an entity's Twitter profile page, which may contain the same types of information about the committee as its traditional home page, and typically features a hypertext link to the committee's home page. Moreover, Twitter is a direct engagement mechanism, facilitating both public and private communications with the PAC to a far greater extent than a traditional website.

Although a Twitter handle is technically distinguishable from a World Wide Web address, the Commission has traditionally adopted a "restrained regulatory approach" toward Internet

communications because the Internet is a “unique and evolving mode of mass communication and political speech that is distinct from other media.”¹⁰ The Commission typically seeks to provide “much needed flexibility to ensure that the regulated community is able to take advantage of rapidly evolving technological innovations, while ensuring that ‘necessary precautions’ are in place.”¹¹ In *Collective Actions PAC*, A.O. 2015-04, at 3 (July 16, 2015), the Commission treated a PAC’s website address and social media handle equivalently, declaring both to be “projects” of a PAC for purposes of 11 C.F.R. § 102.14(a), governing the use of candidate names. *Cf. Louis Frankel for Congress*, MUR 6911, First General Counsel’s Report at 5 (Sept 4, 2015) (concluding Tweets do not require disclaimers and Twitter profile pages do not qualify as websites, but not reaching the issue of whether a Twitter handle may be treated as equivalent to a World Wide Web address).

CDP’s Twitter handle is “@Defend_Trump.” The Twitter profile page associated with that handle is “https://twitter.com/@Defend_Trump”. The page is publicly accessible by entering the handle into either a web browser’s URL field or a search engine. The page specifies it is “The official @Twitter account of The Committee to Defend the President.” It contains all of CDP’s Tweets as well as a link to its traditional home page, committeetodefendthepresident.com, which contains a full disclaimer. Thus, the Twitter handle of a PAC such as CDP should be treated as the functional equivalent of a world wide web address for purposes of 52 U.S.C. § 30120(a)(3) and 11 C.F.R. § 110.11(b)(3).

III. PACS SHOULD NOT BE REQUIRED TO INCLUDE TRADITIONAL DISCLAIMERS ON TWITTER PROFILE PAGES.

GAP and CDP should not be required to include traditional disclaimers on their Twitter profile pages. Section A explains Twitter profile pages do not trigger disclaimer requirements under 52 U.S.C. § 30120(a) or 11 C.F.R. § 110.11(a). Section B shows, even if profile pages trigger disclaimer requirements, they fall within the “small items” exemption under 11 C.F.R. § 110.11(f)(1)(i). Section C demonstrates profile pages are also subject to the “impracticab[ility]” exception under 11 C.F.R. § 110.11(f)(1)(ii). Finally, Section D concludes by arguing that, if a Twitter profile page is subject to disclaimer requirements, those requirements should be deemed satisfied by its inclusion of a PAC’s Twitter handle and traditional homepage address.

A. Twitter Profile Pages Do Not Trigger Disclaimer Requirements

A PAC’s Twitter profile page is not required to contain a disclaimer under 52 U.S.C. § 30120(a) or 11 C.F.R. § 110.11(a). Only the following types of communications are required to contain disclaimers:

- “public communications” of various sorts, including all public communications by PACs, 11 C.F.R. § 110.11(a)(1)-(3);
 - “electronic mail of more than 500 substantially similar communications” from a PAC, *id.* § 110.11(a)(1);
 - “all Internet websites of political committees available to the general public,” *id.*;
- and
- electioneering communications, *id.* § 110.11(a)(4); *see also* 52 U.S.C. § 30120(a).

¹⁰ 2006 *Internet E&J*, *supra* note 1, at 18,589.

¹¹ Dodd, A.O. 2007-30, at 3 (Dec. 3, 2007).

Twitter profile pages do not fall within any of these four categories. *First*, a Twitter profile page is not a “public communication.” The term “public communication” specifically excludes “communications over the Internet, except for communications placed for a fee on another person’s web site.” 11 C.F.R. § 100.26. Although Twitter profile pages are transmitted over the Internet, they are made available to Twitter users, including PACs, for free. Thus, Twitter profile pages are not “public communications.” *See id.* § 110.11(a)(1)-(3).

Second, a Twitter profile page is not “electronic mail.” *Id.* § 110.11(a)(1). It is neither directed toward any particular recipients nor transmitted to anyone’s electronic mail account.

Third, a Twitter profile page is not an Internet website “*of a political committee.*” *Id.* § 110.11(a)(1) (emphasis added). All Twitter users’ profile pages are located on the same website: www.Twitter.com. Twitter pays for and maintains the right to restrict the contents of that website, and controls the terms on which users may access it.¹² It has created software that enables users’ tweets to be displayed, searched, and transmitted through the site. Users merely have a limited right to use Twitter’s website, software, and services.¹³ Twitter reserves the right to “remove or refuse any Content on [its] Services, to suspend or terminate users, and to reclaim usernames.”¹⁴ When a PAC creates a Twitter profile page, it is posting content on a third party’s website—Twitter’s—rather than creating its own. Thus, a Twitter profile page is not a website of a political committee.

Finally, Twitter profile pages are not “electioneering communications.” *Id.* § 110.11(a)(4). The term “electioneering communication” refers exclusively to “broadcast, cable, or satellite communication[s],” 11 C.F.R. § 100.29(a); *see also* 52 U.S.C. § 30104(f)(3)(A), and specifically excludes “communications over the Internet,” 11 C.F.R. § 100.29(c)(1); *see also* 52 U.S.C. § 30104(f)(3)(B)(iv). Because Twitter profile pages are transmitted over the Internet, they cannot constitute electioneering communications, regardless of their substantive content.

For these reasons, Twitter profile pages do not fall within 11 C.F.R. § 110.11(a)(4), and therefore are not required to contain disclaimers.

B. Twitter Profile Pages Are Exempt from Any Disclaimer Requirements Under 11 C.F.R. § 110.11(f)(1)(i)’s “Small Items” Exception.

Even if 11 C.F.R. § 110.11(a) requires Twitter profile pages to contain disclaimers, they are exempt from any such requirements by § 110.11(f)(1)(i)’s “small items” exception. Section 110.11(f)(1)(i) provides disclaimer requirements do not apply to “[b]umper stickers, pins, buttons, pens, and similar small items upon which the disclaimer cannot be conveniently printed.” 11 C.F.R. § 110.11(f)(1)(i). The Commission has applied this exception to technologies that allow only limited space for communication.

¹² *See* Terms of Service, TWITTER, ¶¶ 7-8 (last referenced Apr. 26, 2017).

¹³ *Id.* ¶ 6 (granting users a “personal worldwide, royalty-free, non-assignable and non-exclusive license to use the software that is provided to you by Twitter as part of its Services”).

¹⁴ *Id.* ¶ 8; *see also id.* ¶ 10 (providing that Twitter may “suspend or terminate your accounts or cease providing you with all or part of the Services at any time for any or no reason”).

For example, in *Target Wireless*, A.O. 2002-09, at 1 (Aug. 23, 2002), a service sent “Short Messaging Service” (“SMS”) messages containing political, news, and sports information over telecommunications networks and through Internet service providers to its subscribers’ PCS cellular phones. “[D]ue to technological limitations, SMS messages are limited to 160 characters per screen.” *Id.* at 2. Various candidates and political parties wished to pay the service to send political advertisements to its subscribers. *Id.* at 1. They noted that even a short disclaimer would consume 30 characters, or 20% of a cell phone’s screen. *Id.* at 2. The Commission recognized wireless telephone screens “have limits on both the size and the length of the information that can be conveyed.” *Id.* at 4. Analogizing the length of SMS messages to bumper stickers, the Commission concluded § 110.11(f)(1)(i)’s small items exception applied, and political communications conveyed via SMS need not contain disclaimers. *Id.*

The same reasoning applies here. Twitter largely controls its users’ profile pages, allowing only limited opportunities for customization. A profile page features the user’s name, Twitter handle, a user-created biography or description of no more than 160 characters, space for two pictures, and a link to the user’s webpage. Like the SMS messages in *Target Wireless*, the biography or description field in a Twitter user’s profile page is limited to 160 characters. Requiring inclusion of a disclaimer there would occupy a substantial portion of the area. Moreover, requiring that the disclaimer instead be featured in the personal or header picture on the profile page would be ineffective in a great many instances because it may not appear, or appear legibly, on a wide range of mobile devices (which are among the primary means through which people access Twitter and the Internet). Thus, due to technological “limits on both the size and the length of the information that can be conveyed,” 11 C.F.R. § 110.11(f)(1)(i)’s small items exception applies. *Target Wireless*, A.O. 2002-09, at 4. PACs’ Twitter profile pages therefore are exempt from any disclosure requirements.

C. Twitter Profile Pages Are Exempt from Any Disclaimer Requirements Because Twitter’s Technological Limitations Make the Inclusion of Disclaimers Impracticable.

PACs’ Twitter profile pages also are exempt from disclaimer requirements under 11 C.F.R. § 110.11(f)(1)(ii) due to impracticability. Section 110.11(f)(1)(ii) provides disclaimer requirements do not apply to “[s]kywriting, water towers, wearing apparel, or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.” 11 C.F.R. § 110.11(f)(1)(ii). The FEC has recognized that this exception applies where “technological limitations” render a disclaimer “impracticable.” *Club for Growth*, A.O. 2007-33, at 3 (July 29, 2008).

In *Google, Inc.*, A.O. 2010-19, at 1 (Oct. 8, 2010), the Commission concluded the requestor search engine was not required to include disclaimers in political advertisements disseminated through its AdWords program. Each AdWords advertisement was comprised of a 25-character headline, accompanied by two lines of text and a world wide web address that collectively could not exceed 70 characters. *Id.* Although the Commission could not agree on a rationale, *id.* at 2, Chairman Matthew S. Petersen and two other Commissioners concluded § 110.11(f)(1)(ii)’s impracticability exception applied, *see* Concurring Statement of Chairman Matthew S. Petersen, *Google, Inc.*, A.O. 2010-19, at 1 (Oct. 8, 2010); *see also* Statement for the Record by Commissioner Caroline C. Hunter, A.O. 2010-19, at 6 (Dec. 17, 2010).

As with the Adwords advertisements in *Google, Inc.*, the technological limitations of Twitter profile pages make it impracticable for PACs to include disclaimers there. The biography or description field on the profile page is limited to 160 characters. Including a standard disclaimer would consume a substantial portion of the allotted space, precluding most committees from being able to effectively describe themselves to viewers. Moreover, disclaimers included in the personal or header picture may not appear, or appear legibly, on a wide range of mobile devices. PACs therefore should be exempt from including disclaimers in their Twitter Profile pages under 11 C.F.R. § 110.11(f)(1)(ii)'s impracticability exception.

D. If PACs' Twitter Profile Pages Require Disclaimers, Is That Requirement Satisfied By the Inclusion of the PAC's Name and Traditional Web Address.

If the Commission concludes PACs are required to include disclaimers on their Twitter profile pages, and no exceptions apply, may a PAC be permitted to fulfill this requirement by:

1. Ensuring its Twitter profile page includes its name, Twitter handle, and the address of its traditional home page that contains a standard disclaimer, *see supra* Parts I-II, or
2. Including an image of a standard disclaimer in the header photograph on its profile page, despite the fact the disclaimer may not be visible when the profile page is viewed with certain mobile devices.

CONCLUSION

For these reasons, GAP and CDP respectfully request the Commission issue an advisory opinion concluding:

- GAP may use its Twitter handle, "@GreatAmericaPAC," in lieu of its name (or full name), as well as its street address, phone number, or world wide web address, in its disclaimers;
- CDP may use its Twitter handle, "@Defend_Trump," in lieu of its street address, phone number, or world wide web address, in its disclaimers; and
- GAP and CDP are not required to include disclaimers on their Twitter profile pages.

Respectfully submitted,



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