

FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA Certified Mail and Email

October 1, 2020

Numer0, Inc.
200 Spectrum Center Drive
Suite 300
Irvine, CA 92618
hello@numero.ai

RE: MUR 7062

Dear Sir/Madam:

The Federal Election Commission (the “Commission”), the regulatory agency that administers and enforces the Federal Election Campaign Act of 1971, as amended (the “Act”), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that you may have violated the Act or Commission regulations by selling fundraising software that incorporates information taken from the Commission’s database of reports and statements filed by political committees (“FEC data”). You are therefore being provided this notice and an opportunity to respond, if you wish to do so.

We have obtained information indicating that aspects of your fundraising software both use and display FEC data. For instance, a feature titled RevUp appears to return a numerical score and ranking for a user’s contacts based on their likelihood of making a donation to the user’s chosen cause. It further appears to display contacts’ aggregated contribution histories and history of contributions to correlated and opposition campaigns. The information obtained by the Commission indicates that FEC data is used within the algorithm that generates the ranking and scores, and that FEC data is used to display the various contribution history information. Based on this information, it appears that you may be in violation the “sale and use” provision of the Act and Commission regulations, as explained below. 52 U.S.C. § 30111(a)(4); 11 C.F.R. § 104.15(a).

The Act requires political committees to report to the Commission the identification of each person whose aggregate contributions exceed \$200 within the calendar year (or election cycle, in the case of an authorized committee), along with the date and amount of any such contribution. 52 U.S.C. § 30104(b)(3)(A). Correspondingly, the Act requires the Commission to make all reports and statements available for public inspection and copying. *Id.* § 30111(a)(4). Information copied from those reports and statements, however, “may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.” *Id.* The Commission’s

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implementing regulation provides that “*soliciting contributions* includes soliciting any type of contribution or donation, such as political or charitable contributions.” 11 C.F.R. § 104.15(b) (emphasis in original).

The sale and use provision of the Act “not only places restrictions on the sale and use of names and addresses obtained from the Commission’s database, but also restricts the sale and use of contribution histories, including by matching a pre-existing list of names with FEC disclosure reports for the purpose of identifying known political contributors in order to assist with potentially soliciting those individuals.” Conciliation Agreement ¶ IV(7), MURs 6960 & 6991 (SW Technologies, LLC) (Aug. 23, 2019); *see, e.g.*, Advisory Op. 1985-16 (Weiss).

The Office of General Counsel is reviewing information to determine whether we should recommend to the Commission that it find there is reason to believe you violated the Act or Commission regulations. A “reason to believe” finding is not a finding that any person violated the Act; rather, it means only that the Commission believes a violation may have occurred. In the event the Commission finds that there is reason to believe, it may authorize the Office of General Counsel to conduct an investigation to determine whether, in fact, a violation occurred or to assess the scope of the alleged violation. *See* 52 U.S.C. § 30109(a)(2). The Commission may also authorize the Office of General Counsel to enter into negotiations directed toward reaching a conciliation agreement in settlement of a matter at an earlier stage of the enforcement process prior to a Commission finding that there is probable cause believe that a person violated the Act or Commission regulations. *See* 11 C.F.R. § 111.18(d) and the enclosed procedures. Attachment 1.

Before we make a recommendation to the Commission, we offer you the opportunity to provide in writing a response to the information in this letter. Should you choose to respond, you may also submit any materials—including documents or affidavits from persons with relevant knowledge—that you believe may be relevant or useful to the Commission’s consideration of this matter. The Commission will take into account any additional information you provide in determining whether to find reason to believe that you violated the Act or Commission regulations.

Your response, if you choose to make one, must be submitted in writing within 15 days of this letter’s receipt. You should address any response to the Office of General Counsel, and the response should reference MUR 7062. Any correspondence sent to the Commission, such as a response, must be addressed to one of the following (note, if submitting via email this Office will provide an electronic receipt by email):

Mail

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

OR

Email

cela@fec.gov

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As indicated in the FEC's Notice found at https://www.fec.gov/resources/cms-content/documents/status_of_fec_operations_8-10-2020.pdf, the office's mailroom is currently processing correspondence on a weekly basis and, therefore, we strongly encourage you to file your response via email. After 15 days, we will make our recommendations to the Commission. The Commission will then consider the recommendations and take appropriate action.

This matter will remain confidential unless you notify the Commission in writing that you wish the matter to be made public. *See* 52 U.S.C. § 30109(a)(4)(B), (a)(12). If you intend to be represented by counsel in this matter, please complete the enclosed form and return it to the Commission. Attachment 2. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹ Also, please be advised that you are required to preserve all documents, records, and materials relating to the subject matter in the complaint and discussed in this matter until we notify you that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

If you have any questions, please contact Christal Dennis at (202) 694-1519 or toll free at 1-800-424-9530. Information is also available on the Commission's website at www.fec.gov.

Sincerely,



Claudio Pavia
Acting Assistant General Counsel

cc: Numer, Inc. Registered Agent
 The Company Corporation
 251 Little Falls Drive
 Wilmington, DE 19808

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).