



Guidelines for
Federal Political Campaign Contributions
via Wireless Carrier's Bill, Version 1.0
August 23, 2012

The Federal Election Commission ("FEC") has granted limited approval for federal candidates, political committees, and political parties to collect political contributions through text message campaigns. That approval was granted in Advisory Opinion 2012-17 (*m-Qube I*) as clarified in Advisory Opinion 2012-26 (*m-Qube II*) and Advisory Opinion 2012-28 (*CTIA II*).¹ The FEC's approval was predicated on the requirements outlined below. Wireless service providers should be aware of these requirements and may want to consider incorporating them, as appropriate, into their agreements to collect federal political contributions through text message campaigns.

1. The wireless customer must have a U.S.-based mobile number.
2. The terms and rates of each agreement to provide political contribution text messaging services should generally be consistent with those in agreements for other commercial text message campaigns.²
 - Qualified political organization leasing a short code must comply with all wireless carrier rules and requirements as well as MMA Consumer Best Practices and CTIA Audit Standards, including any special rules pertaining to political organizations.
3. Wireless carriers may decide, consistent with *CTIA II*, to accept only proposals from some political committees and not others.³
4. Participating federal candidates, political committees, or political parties must be registered with the FEC, <http://www.fec.gov/portal/searchable.shtml>.⁴

¹ FEC Advisory Opinions are available at: <http://saos.nictusa.com/saos/searchao>.

² See FEC AO 2012-28 at pp. 7-8; available at: <http://saos.nictusa.com/saos/searchao?SUBMIT=ao&AO=3455&START=1223497.pdf>

³ See FEC AO 2012-28 at pp. 8-9; available at: <http://saos.nictusa.com/saos/searchao?SUBMIT=ao&AO=3455&START=1223497.pdf>.

⁴ As CSC Administrator, before issuing a short code CTIA will confirm that the information federal candidates provide the CSCA Registry matches the information on the FEC website.

5. Only one short code may be used by each participating federal candidate, political committee, or political party.

- Per FEC AO 2012-17, in order to ensure that contributions for any one mobile number do not exceed legal thresholds, each qualified political organization can only receive donations through a single dedicated short code.
- Only one aggregator may provide services for the short code.
- Qualified political organizations may mix communications, solicitation and mobile donations under their unique code, so long as a separate opt-in for each type of activity is obtained and all activity on the code complies with MMA Guidelines.

6. The connection aggregator must employ a factoring service with each participating federal candidate, political committee, or political party consistent with the requirements detailed in *m-Qube I*.

7. When a wireless user sends the mobile-originated message to a candidate's short code, the connection aggregator must respond to (a) confirm the user's intent to make a contribution that will be charged to the user's bill, and (b) certify the user's eligibility to make the contribution under federal campaign finance law. Examples of the certifications described at (b) that were approved by the FEC on behalf of the connection aggregator m-Qube, as well as additional explanation by the FEC, follow:

- To give \$[5-10-15-20] to Romney reply YES. U certify ur 18+ & donating with own funds, not foreign national or Fed contractor. Terms m-qube.com/r Msg&Data Rates may Apply
- To give \$[5-10-15-20] to Obama reply YES. U certify ur 18+ & donating with own funds, not foreign national or Fed contractor. Terms m-qube.com/o Msg&Data Rates May Apply
- The embedded hyperlinks within these certifications, when opened by users of smartphones, will send users to a webpage that includes an unabbreviated certification. The webpage will also explain terms such as "foreign national" and "Federal contractor", indicate that charges will include processing fees that will reduce the amount of the contribution received by the participating federal candidate, political committee, or political party, and include all disclosures required for political fundraising solicitations.

8. The connection aggregator must provide each participating federal candidate, political committee, or political party the ten-digit mobile phone number associated with each

contribution as well as (a) the amount and date of the contribution, and (b) the fact that the contributor clicked "YES" or "Y" in response to the questions regarding the contributor's intent and eligibility.

9. The connection aggregator must impose a limit of \$50 per month on contributions attributed to each mobile phone number to any one participating federal candidate, political committee, or political party.
10. The connection aggregator must keep a running, real-time tally of the dollar amount of contributions made from each mobile phone number to enforce the \$50 contribution limit. In addition, the connection aggregator must provide each participating federal candidate, political committee, or political party with real-time access to this information to allow them to identify mobile phone numbers that are associated with contributions that aggregate in excess of \$200 in order to comply with FEC recordkeeping obligations.
11. The connection aggregator must provide each participating federal candidate, political committee, or political party with the capability to block contributions at any time for any reason (e.g., violations of the \$50 per month limit or failure to obtain records of contributions that aggregate in excess of \$200).
12. Per FEC Advisory Opinion 2012-28, "[i]t is political committee[s] that are solely responsible for ensuring that the contributions are lawful under the Act and Commission regulations."
13. Political organizations must maintain compliance with federal, state and local laws throughout the entirety of their mobile campaign to retain eligibility.
14. Gaming-related fundraising (e.g., lotteries, sweepstakes, raffles) is not supported.
15. Recurring subscriptions for mobile political donations are not supported.
16. Qualified Political Organizations are required to communicate and enforce their privacy policy to donors.
17. Intermediaries acting on behalf of Qualified Political Organizations agree to abide by all rules and regulations required to run political short code campaigns including any certification or monitoring required to verify compliance with all stated guidelines.
18. Based on additional guidance obtained from the FEC, CTIA and its carrier member companies reserve the right to amend these recommendations at any time and may at their discretion waive any stated recommendation. Individual carriers also reserve the right to establish additional requirements of their own, including contribution thresholds lower than the maximums permitted by the Federal Election Commission.