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FEDERAL ELECTION COMMISSION
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AGENDA ITEM
For meeting of April 18, 2024

April 11, 2024

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson *NFS for LJS*
Acting General Counsel

Neven F. Stipanovic *NFS*
Associate General Counsel

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Assistant General Counsel

Cheryl F. Hemsley *CAFH*
Attorney

Subject: AO 2024-03 (politicalmeetings.com) – REVISED Draft A

Attached is a proposed draft of the subject advisory opinion. We have been asked to place this draft on the Agenda by one or more Commissioners.

Members of the public may submit written comments on the draft advisory opinion. We are making this draft available for comment until 12:00 pm (Eastern Time) on Wednesday, April 17, 2024.

Members of the public may also attend the Commission meeting at which the draft will be considered. The advisory opinion requestor may appear before the Commission at this meeting to answer questions.

For more information about how to submit comments or attend the Commission meeting, go to <https://www.fec.gov/legal-resources/advisory-opinions-process/>.

Attachment

1 ADVISORY OPINION 2024-03

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Ms. Sue Rose
CEO/Founder/Managing Member
PoliticalMeetings.com, LLC
600 17th St. 2800 S
Denver, CO 80202

REVISED DRAFT A

10 Dear Ms. Rose:

11 We are responding to your advisory opinion request on behalf of
12 PoliticalMeetings.com, LLC, (“PM.com”) concerning the application of the Federal
13 Election Campaign Act, 52 U.S.C. §§ 30101-45 (the “Act”), and Commission regulations
14 to PM.com’s proposal to allow its subscribers to make small, monthly contributions to
15 candidates and national political party committees via the PM.com’s web-based platform
16 and to provide subscribers access to non-public information about political meetings and
17 events with recipient candidates and national party committees.

18 The Commission concludes that PM.com’s proposal is permissible under the Act
19 and Commission regulations and that the proposal would not constitute contributions
20 from PM.com — or you as the sole member of PM.com — to candidates or national
21 political party committees.

22 ***Background***

23 The facts presented in this advisory opinion are based on your letter received on
24 February 1, 2024, and the politicalmeetings.com website.¹

25 PM.com was founded in 2023 by you, its sole member. The LLC is registered
26 with the Colorado Secretary of State as a sole proprietorship and is treated as such for

¹ See POLITICALMEETINGS.COM, <https://politicalmeetings.com> (last visited Apr. 11, 2024).

1 federal income tax purposes.² PM.com asserts that it intends to convert from an LLC to a
2 limited liability partnership (“LLP”) in the future.³

3 PM.com is a web platform designed to provide the public with information about
4 candidates and national party committees and meetings held by them.⁴ You state that
5 PM.com was established to fill a national void of information about political meetings
6 held by candidates and national party committees.

7 PM.com will gather and publish on its platform public information about
8 candidates and national party committees, which will be available to all visitors of the
9 website.⁵ To this end, using information from public sources such as the public websites
10 of candidates, Secretaries of State, and the Commission,⁶ PM.com will gather lists of
11 candidates and will provide a “Basic Profile” of each candidate, including the office they
12 seek and their campaign committee’s contact information.⁷ Additionally, PM.com’s
13 “[i]n-house data teams” will locate meetings held by candidates and national party

² See Advisory Opinion Request (“AOR”) at AOR001.

³ *Id.*

⁴ *Id.* PM.com will also include candidates for local and state offices in the largest three counties of each state and will allow small contributions to certain non-profit organizations. *Id.* This advisory opinion applies only to PM.com’s operation regarding federal candidates and national political party committees. Accordingly, all references to “candidates,” “national party committees,” “participant committees,” or “recipient committees” in this opinion refer to federal candidates and national political party committees that have been recognized as such by the Commission. At the time of this advisory opinion, the available national parties on PM.com are the Democratic, Republican, Libertarian, and Green parties. See *Subscribe*, POLITICALMEETINGS.COM, <https://politicalmeetings.com> (last visited Apr. 11, 2024).

⁵ AOR001.

⁶ AOR003.

⁷ *Id.*

1 committees on the local, state, and national levels in the top three largest counties of each
2 state.⁸

3 PM.com will offer its website visitors the ability to subscribe to its services for
4 additional benefits. Subscribing allows viewers to make contributions of \$1.00 per
5 month through PM.com to candidates who opt to participate.⁹ Subscribers can also
6 choose to add a \$0.50 monthly contribution to a participating national party committee.¹⁰
7 Additionally, subscribers will have access to “Enhanced Profile[s]” of candidates and
8 national party committees containing information about non-public meetings held by
9 participating candidates and national party committees.¹¹

10 PM.com will require subscribers to complete a Subscription Registration Form
11 that will include disclaimers and require contributor information as required by the Act
12 and Commission regulations.¹² If, based on the information provided by the potential

⁸ AOR001.

⁹ See AOR002

¹⁰ See *id.*

¹¹ AOR007-8.

¹² This form will include disclaimers that candidates and other political committees are required to use best efforts to report information for contributions aggregating over \$200 in a calendar year from each contributor; that contributions made through PM.com will be aggregated by recipients with any other contributions made to them from each subscriber; and that contributor information will be made public once reported to the Commission by the recipients. See AOR008. This form will further state that contributions must comply with the federal limits and prohibitions. AOR004. Finally, each subscriber will have to certify that they are a legal contributor: Subscribers will have to provide the following information and attest that it is true and accurate:

1. Legal name;
2. Mailing address;
3. Occupation and Employer;
4. Subscriber is not a federal contractor;
5. Subscriber is using their own personal funds and not funds given to them by another person for the purpose of making the contribution;
6. Subscriber is using their own personal credit card and not a corporate or business card, or a card issued to another person;

1 subscriber, the individual is ineligible to make contributions, “the platform will not allow
2 [the contributor] to proceed.”¹³ For eligible subscribers, the form will enable them to
3 choose the party affiliation of the candidates they wish to contribute to, and the option to
4 add a monthly \$0.50 contribution to a national party committee.¹⁴

5 PM.com will charge a base subscription rate of \$2.98 per month, which will
6 include a one-dollar contribution to a candidate and an administrative fee of \$1.98 paid to
7 PM.com to cover their operational costs.¹⁵ Subscribers may add to their subscription
8 \$1.00 monthly contributions to as many participating candidates as they wish and a \$.50
9 monthly contribution for a national party committee.¹⁶ PM.com will charge the
10 subscriber an additional \$1.98 administrative fee for every three additional candidates
11 contributed to by the subscriber.¹⁷

12 In addition to the ability to contribute to participating candidates and national
13 party committees, subscribers “[will be able to] search for meetings . . . listed by
14 candidate’s name, state, entity name or ‘key word’ within the same party affiliation”¹⁸
15 and will have access to further nonpublic information gathered by PM.com.

7. Subscriber is 18 years of age;

8. Subscriber is not making the contribution at the request or suggestion of another individual.
See AOR008.

13 AOR007.

14 AOR004.

15 Operational costs include items such as “data research, payroll, accounting, legal office and other expenditures arising in the normal course of work on a day-to-day basis.” AOR006.

16 Subscribers may also include donations to up to five non-profit organizations chosen by PM.com, which will be focused on supporting the homeless population of the United States. *See* AOR002. As noted in note 4 above, this advisory opinion does not address any donations to nonfederal candidates or to non-profit organizations or their effect on the total subscription costs and payment processing fees.

17 *See* AOR005-06 (example chart and explanation); *see also* AOR008.

18 AOR005.

1 Candidates and national party committees may participate in PM.com’s platform
2 without charge. To participate, they must agree to PM.com’s “Permission Slip,” which
3 will require them to provide PM.com with bank account or pay gateway information and
4 allow the pay gateway processing company, in this instance Stripe, to directly deposit
5 contributions into their designated bank accounts.¹⁹ Further, participating candidates and
6 national party committees will have to agree to provide PM.com with information about
7 their “meetings or events that are ordinarily not open to the public.”²⁰

8 When a candidate opts to participate, their Basic Profile, previously populated by
9 PM.com using only public information, will be “converted to an ‘Enhanced Profile.’”²¹
10 The Enhanced Profile will have three features in addition to the Basic Profile provided to
11 the general public.²² These features will include: 1) a link to a page that will allow
12 subscribers to contribute to a candidate or national party committee, 2) a link to a page
13 containing content in the PM.com’s database, which will include, for example,
14 information about non-public fundraisers and special events,²³ and 3) a dashboard where
15 the participating candidates and committees may track donations and run reports.²⁴
16 Participating candidates and committees “would be required to complete a form or email

¹⁹ See AOR010, Addendum A.

²⁰ AOR003.

²¹ See AOR008.

²² See AOR003.

²³ PM.com “will make those meetings and invitations available exclusively to those [subscribers contributing] to the respective candidates [who] have the Enhanced Profile.” AOR008.

²⁴ See AOR003.

1 PM[.com] with any information it would like published or information on meetings or
2 fundraisers” and may include a link to their campaign websites.²⁵

3 PM.com will use Stripe, a pay gateway company, to process contributions and
4 administrative fees paid by the subscriber.²⁶ The current fee for processing contribution
5 transactions on PM.com is 2.9% plus \$.30 per transaction.²⁷ The subscriber generally
6 pays the transaction fees charged by the pay gateway in addition to their total
7 subscription of more than \$3.48.²⁸

8 Stripe will split the funds paid through PM.com and will directly deposit the
9 contributions to candidates and national party committees using the account information
10 they provided.²⁹ PM.com does “not accept [contributions] on behalf of [recipient
11 committees]. Should an error occur where funds were inadvertently deposited into [a]
12 [PM.com] bank account,” the error would be corrected within two business days.³⁰
13 Stripe would deposit the remaining funds (total subscription amount minus the
14 contributions) into the PM.com’s “Subscription Account.”³¹ Once PM.com reconciles
15 the Subscription Account with Stripe, it will transfer the administrative fees to its own
16 “Operating Account.”

²⁵ AOR008.

²⁶ See AOR006.

²⁷ See *id.*

²⁸ PM.com will pay the transaction processing fees on subscriptions totaling less than \$3.48 monthly. This allows the subscriber to contribute to one candidate and one national party committee without having to pay the transaction processing fees. For subscriptions costing more than \$3.48 per month, the subscriber pays the transaction processing fees. See AOR005 (chart).

²⁹ See AOR006.

³⁰ *Id.*

³¹ *Id.*

1 ***Question Presented***

2 *Is PM.com's proposal to allow its subscribers to make small, monthly*
3 *contributions to candidates and national political party committees and to provide them*
4 *with non-public information about political meetings and events with the recipient*
5 *candidates and committees permissible under the Act and Commission regulations?*

6 ***Legal Analysis***

7 Yes, PM.com's proposal would be permissible under the Act and Commission
8 regulations, and the proposed subscription service would not constitute a contribution
9 from PM.com or you, as PM.com's sole member, to candidates or national political party
10 committees.

11 The Act and Commission regulations provide that a "contribution" includes any
12 "gift, subscription, loan, advance, or deposit of money or anything of value made by any
13 person for the purpose of influencing any election for Federal office."³² "[A]nything of
14 value" includes in-kind contributions such as the provision of good or services without
15 charge or at a charge that is less than the usual and normal charge.³³ Commission
16 regulations define "usual and normal charge" for goods or services as "the price of those
17 goods in the market from which they ordinarily would have been purchased at the time of
18 the contribution" or the "commercially reasonable rate prevailing at the time the services
19 were rendered," respectively.³⁴

³² 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

³³ See 11 C.F.R. § 100.52(d)(1).

³⁴ See *id.* § 100.52(d)(2).

1 In several previous advisory opinions, the Commission concluded that companies
2 that process contributions as a service to contributors without receiving compensation
3 from the recipient political committees were not making contributions³⁵ because the
4 companies were not providing services to the political committees.³⁶ The Commission
5 has also approved proposals in which companies that process contributions as a service to
6 contributors provide contributors with tools to gather information about and to evaluate
7 potential recipient candidates.³⁷ The Commission has reasoned that providing such

³⁵ See Advisory Opinion 2022-10 (Sprinkle) at 5 (concluding that commercial contribution-processing service would not result in contributions); Advisory Opinion 2021-07 (PACMS) at 6-7 (same); Advisory Opinion 2019-04 (Prytany) at 5-6 (same); Advisory Opinion 2017-06 (Stein and Gottlieb) at 4-5 (same); Advisory Opinion 2016-08 (eBundler.com) at 6-8 (same); Advisory Opinion 2015-15 (WeSupportThat.com) at 4 (same); Advisory Opinion 2014-07 (Crowdpac) at 6 (same); Advisory Opinion 2012-22 (skimmerhat) at 4-6 (same); Advisory Opinion 2011-19 (GivingSphere) at 7 (same); Advisory Opinion 2011-06 (Democracy Engine) at 5 (same). The issue in these advisory opinions was whether a prohibited corporate contribution would result from the proposed activities. Here, PM.com is not a corporation but an LLC with plans to convert to an LLP. AOR001. The business status of PM.com, however, is immaterial to the question presented here because PM.com’s proposed activity would not result in a contribution.

³⁶ See Advisory Opinion 2021-07 (PACMS) at 6-7 (stating that the Commission examines whether the entity processes contributions at the request or for the benefit of the contributor, as opposed to that of the recipient political committees; as well as whether the service relieves the recipient committees from any financial burden they would otherwise have to pay for themselves); Advisory Opinion 2017-06 (Stein and Gottlieb) at 5 (same); Advisory Opinion 2015-15 (WeSupportThat.com) at 4 (same); Advisory Opinion 2014-07 (Crowdpac) at 6 (same); Advisory Opinion 2012-22 (skimmerhat) at 4-6 (same); Advisory Opinion 2011-19 (GivingSphere) at 7 (stating that companies that process contributions as a service to the contributors, however, do not need to be compensated for these services by the recipient political committees because the companies are not providing any services or anything of value to the recipient political committees); Advisory Opinion 2011-06 (Democracy Engine) at 5 (determining that the vendor was providing services only to the contributor because it would process contributions at the request and for the benefit of its subscribers, and not the recipient political committees, and that the Vendor’s services are akin to delivery services, bill-paying services, or check writing services for its subscribers).

³⁷ See, e.g., Advisory Opinion 2015-15 (WeSupportThat.com) at 4-5 (approving a proposal that enabled users to search for candidates based on their public statements, legislative votes, and sponsorship of particular legislation and make contributions to them); Advisory Opinion 2014-07 (Crowdpac) at 1-2 (approving a proposal that would provide users with publicly available information about candidates “to make it easier for voters to find and support candidates who share their priorities and positions on issues” and make contributions to them); Advisory Opinion 2012-22 (skimmerhat) at 6-7 (approving a proposal to offer its users a searchable database and “candidate pages” to enable them to identify potential recipients and make contributions to them); Advisory Opinion 2011-19 (GivingSphere) (approving a proposal to provide users with searchable database of potential political committee recipients and “basic factual information” on those recipients and make contributions to them).

1 information is a “corollary of creating a web platform through which users [can] identify
2 political committees and transmit contributions.”³⁸

3 PM.com’s proposed service to its subscribers closely resembles the services
4 approved by the Commission in Advisory Opinion 2015-15 (WeSupportThat.com),
5 Advisory Opinion 2014-07 (Crowdpac), Advisory Opinion 2012-22 (skimmerhat), and
6 Advisory Opinion 2011-19 (GivingSphere). Here, as in those advisory opinions,
7 PM.com proposes to develop a for-profit, web-based platform through which it provides
8 information to subscribers so that they can identify and make contributions to political
9 committees. Contributions will be transmitted to candidates and national party
10 committees at the choice of the subscribers and not pursuant to any agreement between
11 PM.com and the recipient political committees.³⁹ Because PM.com will provide these
12 services to its subscribers — rather than to the recipient political committees —
13 PM.com’s proposal is analogous to widely available services that contributors may use to
14 send contributions, such as United Parcel Service or electronic bill-pay services provided
15 by banks.⁴⁰ And because the administrative fees that PM.com will collect are ““for the

³⁸ See Advisory Opinion 2012-22 (skimmerhat) at 7 (citing Advisory Opinion 2011-19 (GivingSphere) at 9).

³⁹ See Advisory Opinion 2014-07 (Crowdpac); Advisory Opinion 2012-22 (skimmerhat). Compare Advisory Opinion 2011-06 (Democracy Engine) (hosting a website through which contributors identify recipients and transmit funds), with Advisory Opinion 2007-04 (Atlatl) (processing online credit card contributions made via political committees’ own websites). PM.com will be using a pay gateway to provide all contribution processing services. As in Advisory Opinion 2014-07 (Crowdpac), the use of an outside vendor to process contributions on PM.com’s behalf does not change the nature of PM.com’s services as being provided to its users.

⁴⁰ See Advisory Opinion 2014-07 (Crowdpac) at 6 (“Because Crowdpac will provide these services to its customers — rather than to political committees — Crowdpac’s proposal is analogous to widely available services that contributors may use to send contributions, such as United Parcel Service or electronic bill-pay services provided by banks”); see also Advisory Opinion 2012-22 (skimmerhat) at 5-6 (“skimmerhat’s proposal is analogous to widely available delivery services, such as United Parcel Service,

1 benefit of the contributors, not of the recipient political committees,” such fees “d[o] not
2 “relieve the recipient political committees of a financial burden they would otherwise
3 have had to pay for themselves.”⁴¹ Accordingly, as in the prior advisory opinions,
4 neither PM.com’s services nor its fees are contributions to the recipient political
5 committees. For the same reasons, PM.com’s proposal to utilize Stripe’s platform to
6 process and forward subscribers’ contributions to candidates and national party
7 committees would not result in contributions from PM.com to the recipient committees.

8 PM.com’s proposal to provide subscribers with Enhanced Views of the pages for
9 the candidates and the national party committees to which they choose to contribute
10 through the platform is also similar to those approved by the Commission in previous
11 advisory opinions.⁴² The Enhanced Views would be an added service to PM.com’s
12 subscribers and would not constitute a contribution by PM.com to the recipient
13 committees because it would not relieve the candidates and national party committees
14 from a financial burden they would otherwise have to pay themselves. Accordingly,

which a contributor may use to deliver a contribution, or an electronic bill-pay service, such as those provided by banks”).

⁴¹ Advisory Opinion 2012-22 (skimmerhat) at 6 (quoting Advisory Opinion 2011-06 (Democracy Engine)).

⁴² See, e.g., Advisory Opinion 2022-10 (Sprinkle) at 2, 5 (candidates were allowed limited managerial control over their candidate pages on the requestor’s platforms to amend the information provided by Sprinkle “to better enable users to make informed decisions” but were subject to limits such as character limits for quotes and biographical information, and were not allowed to add content soliciting contributions through events or contribution mechanisms other than the Sprinkle website); Advisory Opinion 2014-07 (CrowdPac) at 2 (candidates were allowed to upload content limited by “subject matter, duration and other requirements that could apply equally to all candidates”); Advisory Opinion 2012-22 (skimmerhat) at 4, 7 (candidates were allowed limited managerial control of their candidate pages on the platform conditioned on agreeing to the terms of service that prohibited the use of the platform to fundraise outside of the platform or “for any activity that can be reasonably be deemed outside of that which enhances the quality and accuracy of candidate information.”).

1 PM.com’s provision of this information to its subscribers is also permissible under the
2 Act and Commission regulations.

3 In sum, the Commission concludes that PM.com’s proposal is permissible under
4 the Act and Commission regulations and that the proposal would not constitute
5 contributions from PM.com — or you as the sole member of PM.com — to candidates or
6 national political party committees.

7 This response constitutes an advisory opinion concerning the application of the
8 Act and Commission regulations to the specific transaction or activity set forth in your
9 request. *See* 52 U.S.C. § 30108. The Commission emphasizes that, if there is a change
10 in any of the facts or assumptions presented, and such facts or assumptions are material to
11 a conclusion presented in this advisory opinion, then the requestor may not rely on that
12 conclusion as support for its proposed activity. Any person involved in any specific
13 transaction or activity which is indistinguishable in all its material aspects from the
14 transaction or activity with respect to which this advisory opinion is rendered may rely on
15 this advisory opinion. *See id.* § 30108(c)(1)(B). Please note that the analysis or
16 conclusions in this advisory opinion may be affected by subsequent developments in the
17 law including, but not limited to, statutes, regulations, advisory opinions, and case law.
18 Any advisory opinions cited herein are available on the Commission’s website.

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On behalf of the Commission,

Sean J. Cooksey
Chairman