

1 ADVISORY OPINION 2016-06

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3 Ronald M. Jacobs, Esq.

4 Venable LLP

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6 Washington, DC 20004

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DRAFT C

8 Dear Mr. Jacobs:

9 We are responding to your advisory opinion request on behalf of the Internet

10 Association (“IA”) and the Internet Association Political Action Committee (“IAPAC”)

11 concerning the application of the Federal Election Campaign Act, 52 U.S.C. §§ 30101-46 (the

12 “Act”), and Commission regulations to your proposed activities. The Commission concludes

13 that: (1) IAPAC may conduct the proposed activities;¹ (2) IAPAC must pay IA the software

14 development and staffing costs for such activities to avoid IA making a prohibited corporate

15 contribution; (3) IAPAC must report its disbursements for the activities on its regularly

16 scheduled reports; and (4) IA must report on Form 7 the costs of its communications to its

17 members if the costs exceeds \$2,000 per election. *See* Agenda Document No. 16-27-A

18 (released on July 6, 2016); Agenda Document No. 16-27-B-1 (released on July 13, 2016).²

19 This response constitutes an advisory opinion concerning the application of the Act and

20 Commission regulations to the specific transaction or activity set forth in your request. *See* 52

21 U.S.C. § 30108. The Commission emphasizes that, if there is a change in any of the facts or

22 assumptions presented, and such facts or assumptions are material to a conclusion presented in

23 this advisory opinion, then the requestors may not rely on that conclusion as support for their

¹ The Commission could not agree on whether the activity would result in in-kind contributions to the participating candidates.

² Both agenda documents failed by a vote of 3-3. *See* Vote Certification dated July 14, 2016, *available at* http://saos.fec.gov/aodocs/201606V_1.pdf. Because the affirmative vote of four members of the Commission is required to render an advisory opinion under the Federal Election Campaign Act, neither agenda document constitutes a Commission advisory opinion. *See* 52 U.S.C §§ 30106(c), 30107(a)(7); *see also* 11 C.F.R. § 112.4(a).

1 proposed activity. Any person involved in any specific transaction or activity which is
2 indistinguishable in all its material aspects from the transaction or activity with respect to which
3 this advisory opinion is rendered may rely on this advisory opinion. *See* 52 U.S.C.
4 § 30108(c)(1)(B). Please note that the analysis or conclusions in this advisory opinion may be
5 affected by subsequent developments in the law including, but not limited to, statutes,
6 regulations, advisory opinions, and case law.

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On behalf of the Commission,

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Matthew S. Petersen

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Chairman

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