

FEC Issues Advisory Opinion on Mobile Fundraising Webpages

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On July 21, 2011, the Federal Election Commission (FEC or the Commission) adopted Advisory Opinion 2011-13, which addresses the use of fundraising disclaimers on standard and mobile webpages.

Commission regulations require that treasurers of political committees examine contributions received for evidence of illegality. In previous advisory opinions, the Commission concluded that the use of a check box on an online donation page would fulfill this requirement. Under this system, a contributor would check a box on a webpage before making a contribution affirming compliance with certain legal requirements.

In its advisory opinion request, the Democratic Senatorial Campaign Committee (DSCC) explained that its existing traditional and mobile webpages used a similar system and required contributors to check a box to affirm their eligibility to contribute. Among other things, the DSCC's existing language incorporated the following requirements:

- That the contribution is not being made in the name of another;
- That the contribution is not made using corporate, labor organization, national bank, or federal government contractor general treasury funds; and
- That the contributor is not a foreign national or minor.
- The transaction could not be completed unless this box was checked.

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Rather than continue using that procedure, the DSCC proposed an alternative. Although it would use similar language detailing federal contribution restrictions, a potential contributor would not be required to check a box affirming eligibility.

In its opinion, the Commission reiterated that its regulations require political committees to determine the legality of a contribution when contributions are received. Although the FEC previously approved this method as acceptable, the Commission acknowledged that federal law and Commission regulations do not actually require political committees to use check boxes. As a result, the Commission concluded that the DSCC's proposal satisfied the regulatory requirements.