

California and Maryland Move Forward with Text Message Contributions

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Following the lead of the Federal Election Commission (FEC), several states are amending their rules to permit political contributions by text message under certain conditions.

In October, the California Fair Political Practices Commission voted to allow California candidates to accept contributions via text messages. The regulations, which took effect on November 12, 2011, allow for California candidates and committees to accept contributions received via text messages of any amount within California's contribution limits. California candidates and committees are required to maintain records of each contribution received, and the contribution is attributed to the person who is subscribed to the cell phone number that texted the contribution.

In December, Maryland drafted regulations that would allow campaigns to receive contributions via text message, and these regulations are slated to go into effect in March 2012. Maryland's regulations limit contributions via text message to \$10 per text (a requirement by the wireless companies). An individual may make a contribution via text message if (1) a record of the name and address is provided to the recipient committee; (2) the person approves and authorizes the contribution; and (3) the contribution is made to a unique text message number associated with the political committee. In addition, the political committee must provide a confirmation to the contributor that the transaction occurred. Maryland's regulations would go into effect after a period of open comments from the public. Comments are due by January 17, 2012.

Authors

Caleb P. Burns
Partner
202.719.7451
cburns@wiley.law