

Mr. Neven F. Stipanovic,
Acting Assistant General Counsel
Federal Elections Commission
999 E Street, NW
Washington, DC 20463

Re: Notice 2017-12, Internet Communication Disclaimers; Reopening of Comment Period

Mr. Stipanovic:

We write in response to the reopening of the comment period on the Advanced Notice of Proposed Rulemaking with regard to the rules at 11 CFR 110.11 concerning disclaimers on internet communications.

Internet platforms have provided significant benefits for political organizing and engagement of private citizens by elected leaders. But as is increasingly clear in evidence emerging about the details of the Russian Federation's interference in the 2016 U.S. presidential election, the same openness that is a source of America's strength can be weaponized to undermine Americans' most precious right – the right to freely choose their representatives. In fact, the threat of foreign interference was understood by our Founding Fathers as such a grave threat to the democratic institutions that Alexander Hamilton warned of it in the Federalist Papers.

This Commission has wrestled with the issue of disclaimer requirements for political communication on Internet platforms. But what once concerned some as a potential loophole for campaigns to exploit has now been weaponized by an adversarial nation to attack our country. The ability of foreign entities to use Internet platforms to target political advertisements at American voters essentially allowed them to provide illegal in-kind contributions without being detected.

The Kremlin's efforts are low cost and insidious in part because they exploit vulnerabilities in our own society. Some of these, including the divisive nature of our politics that the Kremlin's disinformation has exploited, will require a long-term effort to address. But some of these, such as mandating political advertising disclaimers across all Internet platforms, are relatively easy steps to take. Just as our government has been unable to prevent all foreign influence in policymaking, it is impossible to prevent any manipulation by a sophisticated foreign power. However, there are limited steps that can be taken to make it more expensive and more difficult for this meddling to occur.

In future elections, the role of the Internet and social media is sure to continue to grow – making ensuring that political advertising on these platforms is subject to the same requirements as those on television, radio, and newspapers, even more critical. Other governments hostile to the United States are watching and learning lessons from Russia's actions – and our response or lack of a

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serious response. Now that the Russian Federation has shown the way, it is highly likely that other foreign actors will follow suit in the future.

While some companies have taken voluntary steps to disclose political advertising on their platforms, these steps are insufficient for a number of reasons. First, the companies are employing different definitions for what constitutes such advertising, leaving voters with a confusing and potentially misleading environment. Second, new companies and platforms are likely to emerge in the next few years, which could play an important role in informing voters as well. Third, as voluntary policies, companies could change or modify these at any time and will not be held accountable when the voluntary policies miss disinformation campaigns. Finally, the actions (or inactions) of the government will be watched by our adversaries, and it's important to send a strong signal of determination to defend our democracy.

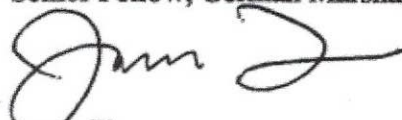
Political advertising online is only one part of a multi-pronged effort by the Kremlin to undermine our democracy and interfere in our elections. But while steps to address other parts of the Kremlin's toolkit may be more difficult, the Commission has the opportunity to take one critical step to closing shoring up our country's defenses. We therefore urge the Commission to commence a rulemaking to revise its regulations concerning disclaimers on certain internet communications to close this loophole in our election system.

We write this as a Democrat and a Republican who have both worked in the national security field and also been involved in political campaigns. This should not be a partisan matter. Nor is this a matter where convenience or business revenue should be the sole determinants of how far the United States is willing to go to counter this threat. This is nothing less than a matter of national security, and of protecting the inviolability of Americans' most fundamental right.

Sincerely,



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