

October 12, 2011

VIA EMAIL

Fair Political Practices Commission
428 J Street
Sacramento, CA – 95814

Re: Comments re Text Message Contributions / Adoption of Section 18421.31

Dear Commissioners:

My comments on this matter pertain to issues raised by Messrs. Wiley Rein LLP in their letter to you dated October 11, 2011. The key issue appears to be:

“A political committee will be unable to obtain who is contributing to them by text message”

Here are some counterpoints for your consideration.

Wireless Service Providers generally have information about the contributor that can be confirmed by simply matching the mobile phone number of the contributor with their billing record. **As demonstrated in the next page, the data is all there, and a donor can be identified electronically.** Even the following ‘edge cases’ can be addressed for the most part:

- In those instances where there the contributor happens to be part of a Family Plan, the contributor can be uniquely identified by the person in the family that pays the phone bill, simply by the mobile phone number that sent the contribution.
- Even in those instances where there the contributor is part of a Corporate Plan, there is a clear data trail leading to the employee that has been allocated the mobile phone. Furthermore, anyone that a company has entrusted with a mobile phone understands that a political contribution is a personal contribution, so the chances of this happening are miniscule.

In any case, , the person or company paying the bill can always deny a particular charge, in which case the contribution wouldn’t reach the committee in the first place.

About the issue of donations from unacceptable individuals (e.g. Foreign Nationals):

Regarding the matter of identifying foreign nationals, it's important to remember that this issue is already being tackled by the volunteers that take contributions on the phone. One way they confirm the identity is by checking voter records. The same methodology can be applied to contributions by Text:

All these steps can be together accomplished in less than 30 seconds, with existing technology:

Step 1: Capture cell phone number when user texts the intent to donate

Step 2: Match cell phone number with wireless carrier's data file to obtain Name and address. If necessary, just double-check by texting the contributor a question.

Step 3: Match name and/or address with Voter file.

Step 4: If there is a match, continue with donation protocol. If no match, either terminate the dialog or send an alert to a campaign volunteer for follow up.

As shown above, the task of donor data collection can be done automatically, and immediately. As a result, it becomes even more efficient to use Text messaging for collecting donations. Electronically matching data files via text message is inexpensive and easily achievable, particularly when compared with manual cross-checking.

About the Burden on wireless service providers:

This is simply a matter of economics. In the case of 'Charitable Donations by Text', the wireless carriers charge a nominal fee for their role in the process. In the case of 'Campaign Donations by Text', since there is the additional 'burden' of providing more data about the mobile phone owner, **the wireless carriers could proportionately increase their fee. Let the capital markets decide the economic viability of the model.** That pricing can either be negotiated case-by-case with the major carriers, or perhaps a unified model will emerge that makes Campaign Donations by Text as widespread as Ecommerce Payments are today.

By the way, we are talking \$30 max from each contributor:

It's important to keep "significance" in mind. Donations by Text are small amounts, generally \$10. Wireless carriers already have protocols and rules about maximum amounts of donations by text. Generally speaking, **more than \$30 is unusual.** How significant will it be if some donations that are not supposed to be taken happen to slip through the cracks? How many such donations are slipping through the cracks today anyway, under the existing system?

Concluding remarks:

If we recall the groundswell of resistance to Ecommerce Payments and resulting security issues over a decade ago, I think we can all agree that once regulation facilitates the path to let capital markets sort things out, things do get sorted out for the better.

By paving the way to allow Campaign Contributions by Text, you are empowering democracy by allowing a wider range of individuals to be more engaged in government, while simultaneously opening the spigot to a new, untapped channel of funds for political campaigns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Prakash Upadhyaya', with a stylized flourish at the end.

Prakash Upadhyaya
22382 Avenida Empresa
Rancho Santa Margarita, CA 92688

Tel: (949) 288-3475
Fax: (440) 744-2888