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April 9, 2012

Florida Watch Action, Inc.
P.O. Box 533826
Orlando, FL 32853

Chris Jones
Federal Election Commission
Reports Analysis Division
999 E Street, NW
Washington, DC 20463

Re: C90012774, Florida Watch Action, Inc.

Dear Mr. Jones:

Per your telephone conversation and recommendation to our attorney, Allen Mattison, we have responded with a Form 99 to your letter dated March 9, 2012. The Form 99 was filed on April 9, 2012, before the due date of April 13, 2012. A copy of the Form 99 is enclosed.

Sincerely,



Susannah Randolph
Florida Watch Action, Inc.

Enclosure

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MISCELLANEOUS TEXT (FEC Form 99)

On March 9, 2012, the Federal Election Commission ("FEC") Reports Analysis Division sent a notice to Florida Watch Action, Inc., a Florida Not-for-Profit Corporation (the "Corporation"), requesting that the Corporation amend its February 1, 2012 independent expenditure report to include the primary state. The Corporation was unable to include the primary state because the FEC's Online Webforms does not allow users to list more than one state for a particular independent expenditure. Furthermore, under an advisory opinion issued the day after the Corporation filed its February 1, 2012 independent expenditure report in question, the Corporation was not required to file that report. For the reasons described below, the Corporation requests that the FEC confirm that it will not pursue an enforcement action against the Corporation for an incomplete filing.

On January 31, 2012, the Corporation paid \$5,000 to BuzzMaker LLC for Facebook advertising opposing Romney's candidacy.

This was a nationwide advertising buy and did not reference any state or any specific primary election. It is unknown the precise number of times the advertising appeared in any particular state. Because the total cost of the Facebook advertising totaled more than \$1,000 and was distributed within 20 days of presidential primary elections in at least some of the states where the advertising appeared, the Corporation filed an independent expenditure report on Form 5 within 24 hours of distributing the advertisements. The Corporation used the FEC's Online Webforms, but that system does not allow users to indicate that an independent expenditure related to an election in more than one state.

The day after the Corporation reported its nationwide independent expenditure of advertising on Facebook, the FEC approved Advisory Opinion 2011-28. That advisory opinion involved an entity placing advertisements on Facebook in connection with the 2012 Republican Presidential primary elections. The advertisements discussed in the Advisory Opinion contained express advocacy and were conducted as independent expenditures. They did not reference a specific Presidential primary election, and they were not geographically targeted to a specific state. Under the Advisory Opinion, the entity was required to allocate the costs of the Facebook advertising across each of the subsequent primary elections.

The Corporation's February 1, 2012 independent expenditure was identical in all material respects to the fact pattern of Advisory Opinion 2011-28. Following the theory of Advisory Opinion 2011-28, the Corporation should not have filed a Form 5 report on February 1. Instead, the Corporation should have allocated the cost of its Facebook advertising across the 48 Republican primaries and caucuses that were to occur after January 31. Allocating the cost across each of the subsequent primaries and caucuses would result in independent expenditures of \$104.17 related to each state's primary or caucus, far below the threshold for filing a 24-hour report. On the quarterly report due April 15, the Corporation will report its January 31 purchase of Facebook advertising as independent expenditures of \$104.17 related to each of the subsequent Republican primaries and caucuses.

Because the FEC's own online system would not permit the Corporation to enter multiple states, and because no 24-hour report was required under Advisory Opinion 2011-28, the Corporation believes this response satisfies the request in the FEC's March 9, 2012 letter.

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PUBLIC DISCLOSURE DIVISION

Federal Election Commission
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