



ADR 2011-18

August 17, 2011

P. Christopher Hughey, Esq.  
Acting General Counsel  
Federal Election Commission  
999 E Street NW  
Washington, DC 20013

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COUNSEL

**Re: Western Representation PAC Advisory Opinion Request**

Dear Mr. Hughey:

Pursuant to 2 U.S.C. § 437f, Western Representation PAC (“WRPAC”) requests an Advisory Opinion from the Federal Election Commission regarding the applicability of certain Independent Expenditure reporting requirements as applied to Independent Expenditures made through email by a non-connected political action committee within the various 20-day presidential preference primary election reporting periods.

**I. INTRODUCTION**

An obligation to include the cost of email services with monthly billing cycles when aggregating Independent Expenditure costs for 24- and 48-hour reports during the 2012 presidential primary reporting periods constitutes a legal and factual impossibility. As such, this obligation imposes an undue burden on WRPAC’s freedom of speech in a manner contrary to the principles expressed in *Buckley v. Valeo*, 424 U.S. 1 (1976) and *Citizens United v. FEC*, 130 S.Ct. 876 (2010). WRPAC therefore requests that the Commission, in accord with AO 1995-44, grant an exemption from the requirement to include such costs in the calculation of reporting thresholds for 24- and 48-hour reports of Independent Expenditures during the 2012 presidential preference primary election season.

WRPAC, a non-connected political action committee, will have its First Amendment rights unduly burdened, or outright denied, if it is forced to report certain costs for email service providers in conducting Independent Expenditures via email during the 2012 presidential preference primary election periods:

- a) WRPAC plans to use one of several mass-email service providers that charge a fixed monthly price for services, ranging from \$1,500 to \$3,000 a month for a list containing 500,000 email addresses (See Exh. B, price quotes from email service providers) for the purpose of sending emails to all recipients on WRPAC’s email list.
- b) The total number of individual emails WRPAC will send each month cannot be determined in advance because WRPAC will be sending emails in response to rapidly changing political developments, making

it factually impossible to determine the actual cost per email sent until calculated at the end of the monthly billing cycle, when all emails have been sent for that month.

- c) Some, but not necessarily all, of these emails will be Independent Expenditures calling for either the election or defeat of one or more clearly identified federal candidates in the various presidential preference primaries. Because the number of emails sent that are Independent Expenditure emails, as opposed to other emails, in a given billing period cannot be determined in advance, and the per unit cost of all emails sent cannot be determined in advance, it is factually impossible to determine the actual cost per Independent Expenditure email until calculated at the end of the monthly billing cycle, when all emails and all Independent Expenditure emails have been sent for that month.
- d) Because it is impossible to determine the actual cost of each Independent Expenditure email until the end of the monthly billing cycle of the vendor, it is therefore impossible for WRPAC to include the per email cost in the cost calculation for Independent Expenditures necessary for WRPAC to comply with the 24- and 48-hour reporting requirements of 2 U.S.C. §§ 434(g)(1) & (2).
- e) The impossibility of reporting these costs is further compounded by the impracticability and significant administrative burden, particularly to small grassroots organizations, of allocating such costs across multiple, overlapping 20 day presidential preference primary election reporting periods based on the primary dates for various States. Such a burden would operate to deny speakers such as WRPAC their constitutional rights to associate and speak during the presidential preference primary election season.
- f) Even if the Independent Expenditure email costs were only to be calculated and reported as part of a regularly scheduled monthly report, attributing the email costs to each State's presidential preference primary election would result in a significant reporting burden under 11 CFR § 104.4(e)(1). Either the entire cost of each Independent Expenditure email would apply to each state, triggering potentially dozens of duplicate and confusing reporting entries, or WRPAC would be forced to attribute some portion of the cost based on the relative number of emails within each given state, which is itself factually impossible since that information is neither known nor readily determinable.

## II. BACKGROUND

WRPAC is a non-connected political action committee formed to fight corruption in government and to promote the ideals of limited government, fiscal sanity, free markets, and personal freedom. To achieve these goals, WRPAC conducted various Independent Expenditure email campaigns supporting candidates in the 2010 election cycle and spent significant time and resources to comply with the FEC's burdensome disclosure and reporting requirements for Independent Expenditures. As the 2012 election cycle nears, WRPAC plans to once again conduct Independent Expenditure email campaigns supporting or opposing one or more clearly identified federal candidates as part of its overall speech on political and public policy matters. In particular, WRPAC plans to engage in numerous such campaigns, but not to the exclusion of other email campaigns, with respect to one or more candidates for the Republican Presidential nomination throughout the presidential preference primary election season.

WRPAC plans to exercise its rights in the 2012 presidential preference primaries by, among other activities, communicating to voters in all fifty states with mass-email messages encouraging voters to support or oppose one or more clearly identified candidates in the presidential preference primary elections. WRPAC currently has an email list of approximately 140,000 individual email addresses and has a reasonable expectation that this list will grow to over 500,000 individual email addresses by December 31, 2011, and reasonably believes that the email list will contain at least one recipient in each state.<sup>1</sup> WRPAC plans to send to this entire email list an indeterminate number of email messages, from as few as four a month to as many as thirty, depending on the unpredictable political developments of the day and the fluctuating urgencies of the primary season. Some amount of these emails will clearly constitute Independent Expenditures.

WRPAC plans to employ a single email messaging platform for a fixed monthly price ranging from \$1,500 to \$3,000 to communicate with this entire audience via email. WRPAC plans to pay a fixed monthly price for the use of a single email service for all its email communications, including all of its independent expenditure emails and all of its non-independent expenditure email messages. Since the number of emails WRPAC will send in a month is unpredictable, it is impossible to know what share of the fixed monthly price each email message comprises until the total number of all emails distributed can be calculated at the end of the monthly billing cycle, and that per email cost applied to each of the emails that were, in fact, Independent Expenditures.

However, the reporting requirements for Independent Expenditures require that filings with the Commission take place within either 24- or 48-hours from the time of public distribution of any Independent Expenditure, based on the reporting threshold crossed. 11 CFR §§ 104.4(b)(2) & (c); See also 2 U.S.C. § 434(g)(1) & (2). For Independent Expenditures aggregating \$10,000 spent up to the 20th day before an election (48-hour reports):

Political committees must report . . . all Independent Expenditures aggregating \$10,000 or more with respect to a given election any time during the calendar year up to and including the 20th day before an election. Political committees must ensure that the Commission receives these reports by 11:59 p.m. [EST] on the second day following the date on which a communication that constitutes an Independent Expenditure is publicly distributed or otherwise publicly disseminated. Each time subsequent Independent Expenditures relating to the same election aggregate an additional \$10,000 or more, the political committee must ensure that the Commission receives a new 48-hour report of the subsequent Independent Expenditures by 11:59 p.m. Eastern Standard/Daylight Time on the second day following the date on which the communication is publicly distributed or otherwise publicly disseminated. 11 CFR § 104.4(b)(2).

For Independent Expenditures aggregating \$1,000 or more between the 20th day before an election and 24-hours before the election (24-hour reports):

Political committees must ensure that the Commission receives reports of Independent Expenditures aggregating \$1,000 or more with respect to a given election, after the 20th day, but more than 24 hours before 12:01 a.m. of the day of the election,

<sup>1</sup> While some existing emails are tied to a specific state of residence, and/or Zip Code, of the recipient, a number of existing email addresses lack such information. Additionally, this information is requested, but not required, for new subscribers to WRPACs email list via its website at [www.WesternPAC.org](http://www.WesternPAC.org).

by 11:59 p.m. [EST] on the day following the date on which a communication is publicly distributed or otherwise publicly disseminated. Each time subsequent Independent Expenditures relating to the same election aggregate an additional \$1,000 or more, the political committee must ensure that the Commission receives a new 24-hour report of the subsequent Independent Expenditures by 11:59 p.m. [EST] on the day following the date on which a communication that constitutes an Independent Expenditure is publicly distributed or otherwise publicly disseminated. 11 CFR § 104.4(c).

Under 11 CFR § 104.4(e)(1), reports of Independent Expenditures made on behalf of a candidate for President (whether made as a regularly scheduled report or in accordance with the above cited statutes) must be submitted to the Commission.

Because it will be impossible to determine (and thus report) the cost of WRPAC's Independent Expenditures made via email within the required 24- or 48-hour time periods following distribution, it is impossible for WRPAC to comply with the 24- and 48-hour reporting requirements as they apply to WRPAC's presidential preference primary election season Independent Expenditures made by email.

Additionally, an email message distributed on any given day during the presidential preference primary election season is almost certain to fall into one or more of the 26 staggered, overlapping 20-days-prior periods during the presidential preference primary election season (See Exh. A). This compounds the impossibility of determining costs with the administrative impracticability and significant burden that applying these unknowable costs to various staggered reporting thresholds would pose to WRPAC's attempt to comply with the applicable reporting requirements.

For example, consider the following scenarios in which WRPAC pays \$3,000 a month for an email service capable of reaching 500,000 emails with each message:

1. On January 4, WRPAC employs its email service to send a nation-wide email message encouraging the election of a clearly identified candidate for the Republican Presidential nomination. Assuming there is at least 1 New Hampshire resident on the email list, this email will qualify as an Independent Expenditure with regard to the New Hampshire Presidential preference primary election on January 24. The email is distributed within the 20 day period requiring a 24-hour report for Independent Expenditures aggregating \$1,000 or more, and any costs associated with sending the email must be aggregated toward the \$1,000 reporting threshold. Until WRPAC knows how many emails it has sent during the email platform's January monthly billing period, and what share of the monthly price for the platform the January 4 email constitutes, it cannot know when or whether it has crossed the \$1,000 threshold requiring a report within 24-hours (See Exh. C for illustration).
2. On January 5, WRPAC has aggregated \$9,500 in Independent Expenditures through means other than email in Florida in preparation for the Presidential preference primary election taking place there on January 31. On the same day, WRPAC employs its email service to send a nation-wide email message encouraging the election or defeat of a clearly identified candidate for the Republican Presidential

nomination. Assuming there is at least 1 Florida resident on the email list, this email will qualify as an Independent Expenditure with regard to the Florida Presidential preference primary election. The email is distributed prior to the 20 day period requiring 24 hour reports for Independent Expenditures, so any costs associated with sending this message on January 5 will accrue to the \$10,000 threshold for 48-hour reports. Without knowing how many emails it will send over the remaining days of the monthly billing period, WRPAC cannot know what share of the \$3,000 monthly price the January 5 email will cost. If fewer than six emails are sent during the January billing period, the costs of the January 5 email will be at least \$500 and trigger the \$10,000 Independent Expenditure reporting requirement. If 7 or more emails are sent in January, and no additional Independent Expenditures are made, then the per-email cost would be less than \$500, and WRPAC would not be required to have filed a 48-hour report. WRPAC has no way to determine in advance the number of emails it will send in January until actually sent, and therefore has no way to determine if or when to file the appropriate 48-hour report (See Exh. C for illustration).

3. On February 1, WRPAC aggregates \$990 in Independent Expenditures through means other than email in Iowa in preparation for the Presidential Preference Caucus taking place there on February 6. On the same day, WRPAC employs its email service to send a nation-wide email message encouraging the election or defeat of a clearly identified candidate for the Republican presidential nomination. Assuming there is at least 1 Iowa resident on the email list, this email will qualify as an Independent Expenditure with regard to the Iowa Presidential Preference Caucus. The email is distributed during the 20 day period requiring 24-hour reports for Independent Expenditures, so any costs associated with sending this message on February 1 will accrue to the \$1,000 threshold for 24-hour reports. Although WRPAC believes it is very likely the Independent Expenditure costs of its February 1 email distribution will aggregate to the \$1,000 threshold for 24-hour reporting, filing a 24-hour report based on this belief remains impossible without knowledge of the actual cost of the February 1 email, which could cost anywhere from \$100-\$3,000, depending on the quantity of emails (both IE and non-IE) sent during the remainder of the February billing cycle (See Exh. C for illustration).
4. Every Independent Expenditure email message distributed to the nation-wide list must have its costs attributed to either a \$1,000 or \$10,000 threshold for every election that follows the date of distribution, assuming as WRPAC does that the message reaches at least 1 resident in each state. Therefore, when WRPAC sends an email message on January 18 that encourages the election of a clearly identified candidate for the Republican Presidential nomination, it must apply the cost of that Independent Expenditure email to the \$1,000 threshold for every election within 20 days, which includes South Carolina (January 21), New Hampshire (January 24), Florida (January 31), Iowa (February 6), and Alabama, California, Connecticut, Delaware, Georgia, Missouri, North Dakota, New Jersey, New York, and Utah (February 7). The January 18 email also applies the same indeterminable cost to the \$10,000 Independent Expenditure reporting threshold of every subsequent election more than 20 days away. As explained above, this cost cannot be determined until the end of the monthly billing period. The result is

that the effects of each Independent Expenditure email distribution, as illustrated by the previous Scenarios, are applied to every election, resulting in widespread Independent Expenditure cost-total uncertainty and inevitable violation of reporting requirements. Furthermore, since each email distribution is considered an Independent Expenditure with regard to each of these State's presidential preference primary election, a separate reporting entry must be filed either in whole or in part; the former being extraordinarily burdensome and duplicative and the latter being incapable of determination (See Exh. C for illustration).

As these scenarios illustrate, the reporting requirements of 2 U.S.C. §§ 434 (g)(1) & (2) and 11 CFR § 104.4 pose such a significant burden on WRPAC's planned Independent Expenditures that they rise to the level of an infringement on WRPAC's First Amendment rights.

### III. DISCUSSION

Under the Federal Election Campaign Act ("FECA"), an email message constitutes an Independent Expenditure when, among other requirements, it calls for the election or defeat of a clearly identified candidate. 2 U.S.C. § 431(17); 11 CFR § 100.16(a). Any time up to and including the 20th day before an election, any costs associated with an Independent Expenditure must be reported every time those costs aggregate a total of \$10,000. 2 U.S.C. § 434(g)(2); 11 CFR § 104.4(b)(2). After the 20th day, but more than 24-hours, before an election, Independent Expenditures must be reported every time their total costs aggregate \$1,000 for a specific election. 2 U.S.C. § 434(g)(1); 11 CFR § 104.4(c). Starting from the date of public distribution, an Independent Expenditure that meets either – or both - of these thresholds must be reported to the Commission by 11:59 p.m. EST on the second day after it aggregates \$10,000 spent and by the same time on the first day after reaching \$1,000. 11 CFR § 104.4(f); 11 CFR §§ 100.19(d)(1) & (2). When made in support of a candidate for President, Independent Expenditures must be reported in the committee's regularly scheduled reporting to the Commission. 11 CFR § 104.4(e)(1). WRPAC wishes to comply with these requirements, but has found that its preferred means of speech is effectively banned due to the legal and factual impossibility of complying with FECA's reporting requirements for Independent Expenditures made by email during the 2012 presidential preference primary election season.

WRPAC asserts that an exemption to the reporting requirements of 2 U.S.C. §§ 434(g)(1) & (2) and 11 CFR §§ 104.4(b)(2), (c), & (e)(1) limited to the inclusion of, and attribution among the various states in any report filed; the actual cost of transmitting Independent Expenditure emails through an email service provider that bills monthly, would be the most practical, and constitutionally appropriate, solution. Additionally, such an exemption would not operate to excuse WRPAC from inclusion of such costs in its regular monthly reporting, because, by the date each such report would be due, the individual cost per email would be determinable.

The *Buckley* Court described three categories of government interest served by the imposition of FECA's disclosure requirements: combating (especially, *quid pro quo*) corruption, providing information to the electorate, and aiding the detection of campaign finance violations. 424 U.S. at 67. Since, as a matter of law, "Independent Expenditures . . . do not give rise to corruption or the appearance of corruption" (*Citizens United*, at 884), FECA's reporting requirements for Independent Expenditures cannot rely on an anti-corruption interest as a justifying basis for over-burdening free expression. The remaining information-gathering and violation-detecting interests must be achieved by means "closely drawn to avoid unnecessary abridgment" of First Amendment rights. *Buckley* at 25.

While the Supreme Court has consistently upheld the facial constitutionality of reporting and disclosure requirements (*McConnell v. FEC*, 540 U.S. 93, 196 (2003); *Buckley v. Valeo*, 424 U.S. 1, 60 (1976); *SpeechNOW.org v. FEC*, 399 F.3d 686, 698 (D.C. Cir. 2010)), it has recognized that measures burdening political speech "by design or inadvertence" (*Citizens United v. FEC*, 130 S.Ct. 876, 898 (2010)) are subject to strict scrutiny and must be narrowly tailored to the service of a compelling government interest. *Id.* at 898; *FEC v. Wisconsin Right to Life, Inc.*, 551 U.S. 449, 464 (2007); *Buckley*, at 25.

WRPAC's constitutionally protected right to engage in protected Independent Expenditure email communications will be denied as an inadvertent consequence of FECA's Independent Expenditure reporting requirements because of the factual impossibility of determining the actual cost per Independent Expenditure email, and the resulting legal impossibility of timely filing such reports within the required 24- and 48-hour periods. To justify the resulting ban on a specific manner of speech, the government must prove that less burdensome means of achieving its legitimate interests are not available. *Buckley*, 424 U.S. at 238. In this instance, the inadvertent burden to protected political speech may be cured in a reasonable manner that still provides an appropriate level of reporting and disclosure. An Advisory Opinion issued by the Commission in 1995 illustrates that carving out a narrow exemption to reporting requirements can relieve a burden on First Amendment rights without abandoning the legitimate government interest in reporting and disclosure.

In AO 1995-44, the Commission concluded that the campaign committee of a candidate seeking the Republican Presidential nomination was exempt from a contribution reporting requirement during the Presidential preference primary election season because the committee's monthly filing schedule satisfied the government interest at stake. Under 2 U.S.C. § 434(a)(6)(A), "the principal campaign committee of a candidate must notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election." The Commission noted that these notifications work "in conjunction with the quarterly, pre-election, and post-election reports required by section 434(a)(2) to fulfill the disclosure purposes of the Act." AO 1995-44, pg. 2 ¶ 1. The Commission then cited the administrative and reporting difficulties posed by a "presidential primary season . . . made up of a series of separate primary elections," which are "unlike nonpresidential primary elections, where it is clear to which election the notification requirement applies." (*Id.*, pg. 2 ¶ 2). The Commission explained that an exemption from reporting these contributions

would be necessary to avoid forcing a committee to “simultaneously track overlapping 20 day notification periods for several different primary elections” and “to submit 48 hour notifications on an almost continual basis.” *Id.* Another burden the Commission aimed to avoid forcing on the committee was “to attribute the contributions it receives to a particular primary election, a task that can be difficult or arbitrary given the national nature of most presidential primary campaigns.” *Id.*

The Commission reasoned that since the reporting requirements of section 434(a)(6)(A) were designed to supplement the quarterly, pre-election, and post-election reporting system required by section 434(a)(2), (*Id.*, pg. 2 ¶ 1) the committee’s more frequent monthly reporting schedule would obviate the need for the additional, acknowledged burdens of section 434(a)(6)(A) reporting by providing regular enough disclosure of contribution and expenditure activity to satisfy the government interests at stake. *Id.*, pg. 2 ¶ 3-4.

WRPAC’s reporting burden will be greater, and the government interest in regulating its Independent Expenditure speech is weaker than the government’s contribution-regulating interest described in AO 1995-44. Absent an exemption similar to that granted the requesting committee in AO 1995-44, WRPAC would be forced into an unreasonably burdensome reporting regime. Moreover, while the committee in AO 1995-44 would only be burdened with attributing its various \$1,000 contributions to a particular election, WRPAC would be forced to apply the indeterminable costs of *each* of its nation-wide Independent Expenditure email communications to *every* pending presidential preference primary election reporting period, and potentially to each subject State.

Because, unlike campaign contributions, Independent Expenditures do not as a matter of law pose any risk of actual, or apparent, quid pro quo corruption, this level of burden on speakers is wholly unjustifiable. The *Buckley* Court recognized that Independent Expenditures, like WRPAC’s emails, do not “appear to pose dangers of real or apparent corruption comparable to those identified with large campaign contributions.” 424 U.S. at 46. See also *Citizens United*, 130 S.Ct. at 884 (confirming *Buckley*’s reasoning that Independent Expenditures do not lead to, or create the appearance of *quid pro quo* corruption). It follows that if the monthly reporting in AO 1995-44 was sufficient to satisfy the more substantial government interest in regulating contributions, a committee that would suffer more burden at the service of a lesser government interest should receive the same exemption so long as it too files monthly.<sup>2</sup> Therefore, if a similar exemption were granted with regard to the application of §§434(g)(1) & (2) to the actual cost of each of WRPAC’s Independent Expenditure emails, the government interest at stake would be as well met as it had been by the exemption granted in AO 1995-44, and WRPAC’s political speech would be free of a significant and constitutionally impermissible burden.

<sup>2</sup> In 2010, WRPAC filed monthly reports. In 2011, like many committees, WRPAC changed its filing frequency to semi-annually to alleviate unnecessary reporting burdens. In 2012, WRPAC will change its filing frequency to monthly reporting once again.

If an exemption is not granted and WRPAC is forced to report the actual cost of each individual Independent Expenditure email, it will be further subjected to the significant administrative burden of applying email IE costs to multiple overlapping 20 day presidential preference primary election periods. This would constitute the type of burden the Commission specifically avoided forcing on a committee in AO 1995-44. These administrative burdens are illustrated by the scenarios offered above (See also Exh. C) and by the presidential preference primary election season calendar appended as Exhibit A. The Supreme Court has recognized that there are already significant burdens inherent to speaking as a PAC. *Citizens United*, 130 S.Ct. at 897. If the Commission does not grant the limited reporting exemption requested by WRPAC, the inherent burden of speaking as a PAC will be compounded by the administrative impracticality of determining for *every Independent Expenditure email sent*: A) to which state primary elections the email Independent Expenditure applies; B) whether that email applies to that particular election's 24- or 48-hour reporting period; and C) how much the individual email send costs (by whatever method the Commission prescribes). WRPAC asserts that the administrative burden of calculating this information each time WRPAC plans to communicate its political beliefs amounts to an impermissible burden on its First Amendment rights.

Due to the factual impossibility of determining the actual cost per Independent Expenditure email sent, and the legal impossibility of complying with 2 U.S.C. §§ 434(g)(1) & (2) to properly report such costs, and the unconstitutional burden that attempting to properly report such costs would impose were a cost-determinative method available, WRPAC requests that an exemption be granted with regard to including, and attributing to the various States in any report filed, the actual cost of each Independent Expenditure email attributable to the cost of using a particular email communications platform. Anything short of such an exemption would constitute an unconstitutional ban on WRPACs protected speech.

#### IV. QUESTION PRESENTED

1. **May WRPAC exclude the actual cost of sending each Independent Expenditure email from the calculation of costs relevant to the 24- and 48- hour reporting requirements, provided such actual costs are included in WRPACs regular monthly reports to the FEC?**
2. **May WRPAC report the actual monthly cost of its Independent Expenditure email by means of its regular monthly reports without attributing these costs to the various States' presidential preference primary elections?**

#### V. CONCLUSION

As the Supreme Court has repeatedly held, including in *Buckley* and *Citizens United*, burdensome regulation of speech must yield where it is not narrowly tailored to the service of a legitimate government interest. WRPAC has found its planned mode of speech inadvertently and effectively banned due to the impossibility of compliance with FECA's Independent Expenditure reporting requirements. As the Commission demonstrated when it issued AO 1995-44, a narrow exemption from statutory compliance would be the best solution because



it offers the opportunity to reduce unnecessary barriers to speech while preserving legitimate government interests.

WRPAC therefore requests the Commission provide a limited exemption from FECA's 24- and 48-hour reporting requirements for Independent Expenditures to allow WRPAC to exclude the actual cost of each Independent Expenditure email based on the cost of using a monthly-billed email communications platform, provided such costs continue to be reported in WRPAC's regular monthly reports. WRPAC also requests a limited exemption from the requirement to attribute to each States' presidential preference primary election the whole or partial costs of each Independent Expenditure email.

Sincerely,

Dan Backer

Digitally signed by Dan Backer  
DN: cn=Dan Backer, o=DB Capitol  
Strategies P.L.L.C., ou,  
email=DanBacker@DBCapitolStrategies.com,  
c=US  
Date: 2011.05.17 14:48:48 -0400

Dan Backer, Esq.  
Counsel,  
Western Representation PAC





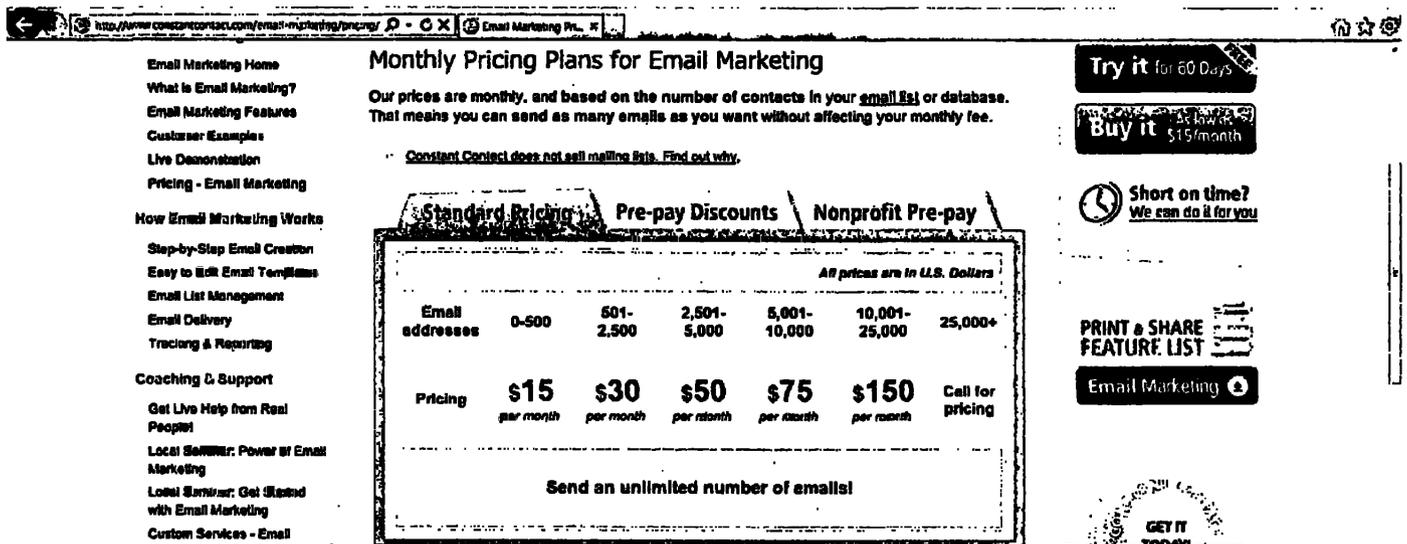


### Exhibit B: High-Volume Email Marketing Sample Pricing

#### Constant Contact, Inc.

Constant Contact offers a high-volume, unlimited-send email marketing plan priced by number of email addresses:

75,000 addresses.....	\$450/month	450,000-550,000.....	\$2200/month
150,000.....	\$850/month	550,000-650,000.....	\$2600/month
250,000.....	\$1400/month		



**Monthly Pricing Plans for Email Marketing**

Our prices are monthly, and based on the number of contacts in your email list or database. That means you can send as many emails as you want without affecting your monthly fee.

Constant Contact does not sell mailing lists. Find out why.

	Standard Pricing	Pre-pay Discounts	Nonprofit Pre-pay			
Email addresses	0-500	501-2,500	2,501-5,000	5,001-10,000	10,001-25,000	25,000+
Pricing	\$15 <i>per month</i>	\$30 <i>per month</i>	\$50 <i>per month</i>	\$75 <i>per month</i>	\$150 <i>per month</i>	Call for pricing

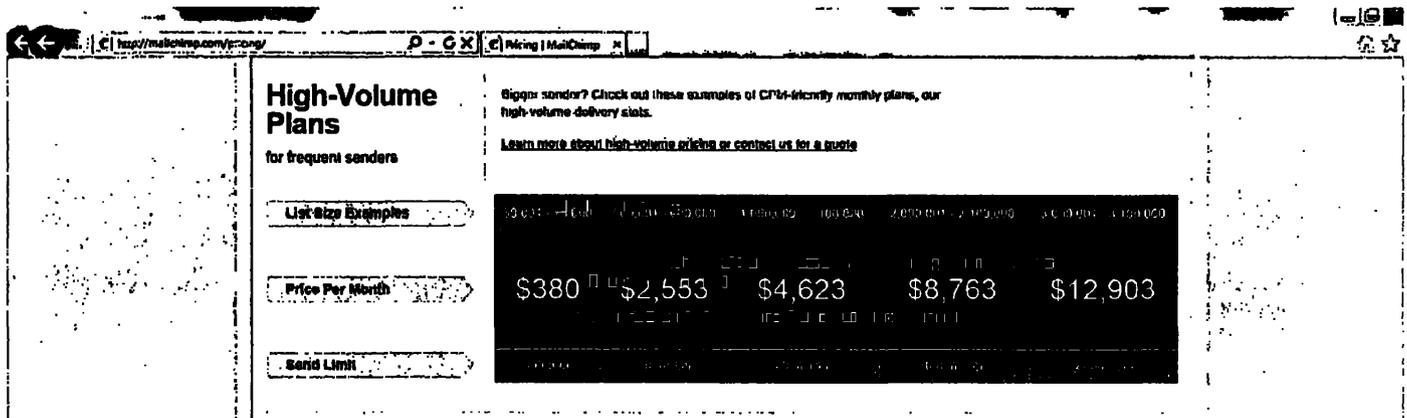
**Send an unlimited number of emails!**

Try it for 60 Days  
Buy it \$15/month  
Short on time? We can do it for you  
PRINT & SHARE FEATURE LIST  
Email Marketing

#### MailChimp.com

MailChimp offers a high-volume plan that charges a monthly price based on number of addresses and total number of email sends:

6.4M sends .....	\$3,381/month	9.6M sends.....	\$5,037/month
7.2M sends.....	\$3795/month	16.8M sends.....	\$8,763/month
8M sends.....	\$4,209/month	24.8M sends.....	\$12,903/month
8.8M sends.....	\$4,623/month		



**High-Volume Plans**  
for frequent senders

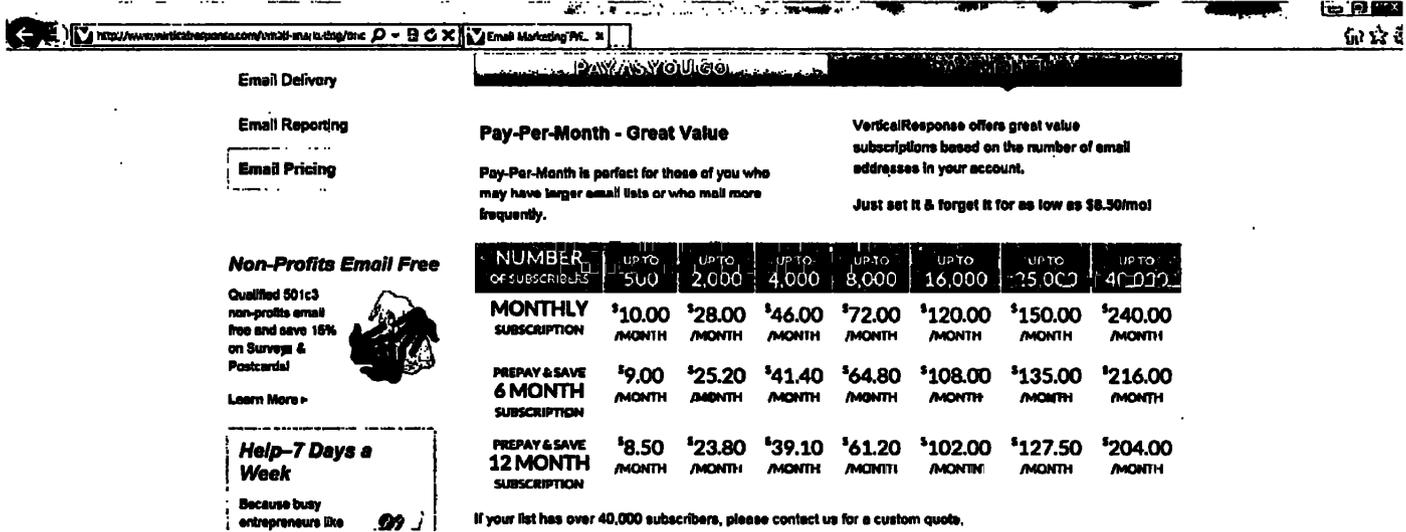
Biggy sender? Check out these examples of CRM-friendly monthly plans, our high-volume delivery slots.  
Learn more about high-volume pricing or contact us for a quote

List Size Examples	Price Per Month	Send Limit
100k - 150k	\$380	100,000
150k - 200k	\$2,553	150,000
200k - 250k	\$4,623	200,000
250k - 300k	\$8,763	250,000
300k - 350k	\$12,903	300,000

**VerticalResponse, Inc.**

VerticalResponse offers a monthly high-volume plan priced by list size:

450k-500k email addresses.....\$3,000/month



**Email Delivery**  
**Email Reporting**  
**Email Pricing**

**Pay-Per-Month - Great Value**  
VerticalResponse offers great value subscriptions based on the number of email addresses in your account.  
Just set it & forget it for as low as \$8.59/mol

**Non-Profits Email Free**  
Qualified 501(c)3 non-profits email free and save 15% on Surveys & Postcardal  
Learn More >

**Help-7 Days a Week**  
Because busy entrepreneurs like

NUMBER OF SUBSCRIBERS	UP TO 500	UP TO 2,000	UP TO 4,000	UP TO 8,000	UP TO 16,000	UP TO 25,000	UP TO 40,000
<b>MONTHLY SUBSCRIPTION</b>	\$10.00 /MONTH	\$28.00 /MONTH	\$46.00 /MONTH	\$72.00 /MONTH	\$120.00 /MONTH	\$150.00 /MONTH	\$240.00 /MONTH
<b>PREPAY &amp; SAVE 6 MONTH SUBSCRIPTION</b>	\$9.00 /MONTH	\$25.20 /MONTH	\$41.40 /MONTH	\$64.80 /MONTH	\$108.00 /MONTH	\$135.00 /MONTH	\$216.00 /MONTH
<b>PREPAY &amp; SAVE 12 MONTH SUBSCRIPTION</b>	\$8.50 /MONTH	\$23.80 /MONTH	\$39.10 /MONTH	\$61.20 /MONTH	\$102.00 /MONTH	\$127.50 /MONTH	\$204.00 /MONTH

If your list has over 40,000 subscribers, please contact us for a custom quote.

**Benchmark**

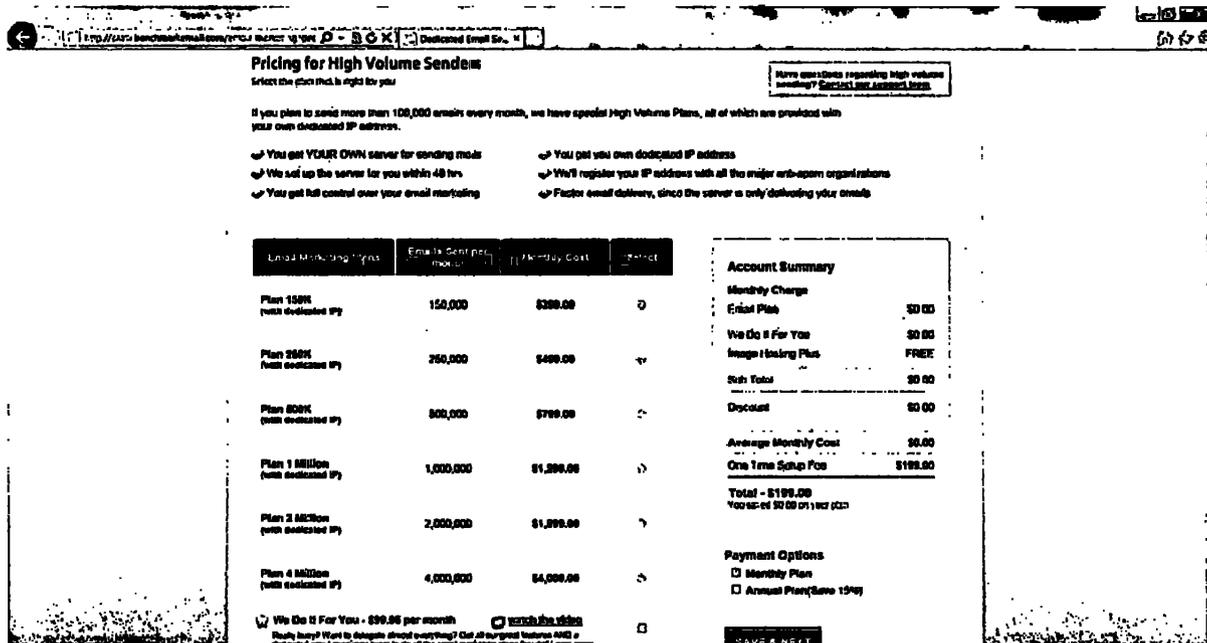
Benchmark offers a monthly high-volume plan priced by total send:

500,000 sends .....799.00/month

2,000,000 sends.....1999.00/month

1,000,000 sends.....1299.00/month

4,000,000 sends.....4,000.00/month



**Pricing for High Volume Senders**  
Select the plan that is right for you

**Account Summary**  
Monthly Charge: \$199.00  
Email Plan: \$0.00  
We Do It For You: \$0.00  
Image Hosting Plus: FREE  
Sub Total: \$199.00  
Discount: \$0.00  
Average Monthly Cost: \$199.00  
One Time Setup Fee: \$199.00  
Total - \$199.00  
Yearly: \$199.00 (12)

Email Marketing Plan	Emails Sent per Month	12-Month Cost	Setup
Plan 150K (with dedicated IP)	150,000	\$399.00	0
Plan 250K (with dedicated IP)	250,000	\$499.00	0
Plan 500K (with dedicated IP)	500,000	\$799.00	0
Plan 1 Million (with dedicated IP)	1,000,000	\$1,299.00	0
Plan 2 Million (with dedicated IP)	2,000,000	\$1,999.00	0
Plan 4 Million (with dedicated IP)	4,000,000	\$4,000.00	0

**Payment Options**  
 Monthly Plan  
 Annual Plan (Save 15%)







