Dear Messrs. Pudner and Fischer:

We are responding to your request on behalf of Take Back Action Fund ("TBAF"). TBAF asks whether, and under what conditions, the Federal Election Campaign Act, 52 U.S.C. §§ 30101-46 (the "Act"), and Commission regulations require TBAF to include disclaimers on its proposed Facebook Image and Video advertisements. The Commission concludes that, under the circumstances described in the request, TBAF must include all of the disclaimer information specified by 52 U.S.C. § 30120(a) on its proposed paid Facebook Image and Video advertising.1

This response constitutes an advisory opinion concerning the application of the Act and Commission regulations to the specific transaction or activity set forth in your request. See 52 U.S.C. § 30108. The Commission emphasizes that, if there is a change in any of the facts or

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1 In reaching this conclusion, Commissioners relied on different rationales, some of which are reflected in Agenda Doc. No. 17-59-A-1 (garnering a vote of 2-3) and Agenda Doc. No. 17-59-B (garnering a vote of 3-2). See Vote Certification (Dec. 15, 2017), available at https://www.fec.gov/files/legal/aos/83700.pdf. Because the affirmative vote of four members of the Commission is required to render an advisory opinion under the Act, neither agenda document is a Commission advisory opinion. 52 U.S.C §§ 30106(c), 30107(a)(7); 11 C.F.R. § 112.4(a).
assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the requestor may not rely on that conclusion as support for its proposed activity. Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which this advisory opinion is rendered may rely on this advisory opinion. See 52 U.S.C. § 30108(c)(1)(B). Please note that the analysis or conclusions in this advisory opinion may be affected by subsequent developments in the law including, but not limited to, statutes, regulations, advisory opinions, and case law. Any advisory opinions cited herein are available on the Commission’s website.

On behalf of the Commission,

[Signature]

Steven T. Walther
Chairman