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Ride the Advertising Highway for Results

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COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 APR 10 A 10: 56

April 3, 2008

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, DC 20463

AOR 2008-03

Re: 11 CFR 112.1(e) & Disclosure on mobile billboards

Dear Sir,

I am writing to you for a ruling on how to meet the FEC's disclosure requirements 11 CFR 109.11, 110.11(a)(2) and (b)(3) for the short-term campaigns that utilize large billboards mounted on the sides of tractor-trailers that travel all over the US.

MovingAds, Inc. is a for-profit mobile billboard advertising company – we put billboards on the sides of tractor-trailers. Our advertising medium has unique advantages over all others for political campaigns: virtually everyone uses the highways and so we reach all the electorate, people driving the highway are wide awake and notice our billboards, and we have the lowest cost per voter reached. Every truck is tracked with a GPS device and the ad purchaser can see exactly where their billboard is in real time. Further, the Traffic Audit Bureau can provide certification of our impression counts. Our medium is unparalleled for name recognition and big, succinct message campaigns. Below is a graphic showing what one of these mobile billboards looks like.

MovingAds, Inc. *P.O. Box 1951* *Vail, CO 81658* *970 476 9164* *www.MovingAdsInc.com*

We have set up off-the-shelf independent expenditure campaigns that political committees and qualified individuals can purchase – by banning together, the message is seen by the public with sufficient repetition to make an impact. These independent expenditure campaigns can be purchased through the web sites we have for supporters of each candidate. We have campaigns for Democratic and Republican candidates and have the following web sites that detail these campaigns:

TheHillaryAdvantage.com
TheMcCainAdvantage.com
TheObamaChange.com

As you will be able to see from examining the web sites, committees and individuals are able to purchase campaigns that run for several months, or they can purchase a short-term one-day, one-week, two-week, or one-month campaign by paying for the mobile billboard mounted on a truck that is already out traveling the highways. With our short-term campaigns in which a person can participate for as little as $300 (the price of a one-day campaign) and reach over 40,000 people, we are democratizing independent expenditure campaigns.

The issue that we are addressing is how to meet the FEC's disclosure requirements 11 CFR 109.11, 110.11(a)(2) and (b)(3) for the short-term campaigns. When an individual purchases a one-week campaign, say, they are buying time on mobile billboard that is already out and traveling the highways, and we have no way of reaching the truck carrying the billboard and placing the purchaser's name, address and contact information on the ad. The reason is that we use owner-operator rigs and they travel all over the US. One day a rig is in Seattle, the next in Portland, then LA, then Phoenix, then back to LA, then Dallas, then Atlanta… and there is no schedule as owner-operators bid for jobs on a day-to-day basis.

We have no difficulty in disclosing the purchaser of a campaign in the usual manner when the campaign is of several months duration – it will be placed on the billboard at the start of the campaign when it is first mounted on the truck. We anticipate that this will be the usual situation.

We also run custom campaigns for political committees in which they design their own billboard, advertise their chosen candidate, create their own message, and further, advertise their own web site where they can raise additional contributions for their own committee. Again, we have no issue in making the required disclosure.

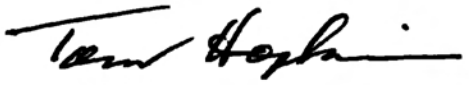
Our proposed solution. For the short-term campaigns, we propose to set up a web site for each truck, e.g., McCainTruckM2.com, disclose this URL on that truck's billboard, and when someone wants to see who is paying for the advertisement, they can go to this web site where we will have the name, address and contact information of the person who has paid for the advertisement posted. Thus we propose to show, for the billboard we cited as an example, the following:

Not authorized by John McCain or his election committee. For payor, go to www.McCainTruckM2.com

When a person goes to the web site McCainTruckM2.com, they will see the name, address, and contact information of the individual who paid for the billboard. With the ready availability of mobile web browsers (iPhone, etc.) they can do this immediately.

Is our proposed solution acceptable to the FEC?

Yours truly



Thomas H. Hopkins
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April 17, 2008

Dr. Ron Katwan
Assistant General Counsel
Federal Election Commission
Office of General Counsel
Washington, DC 20463

Re: Request for Additional Information

Dear Sir,

I am writing in response to your request for additional information concerning our independent expenditure campaigns that we are offering to political committees and individuals.

When we have a tractor-trailer on the highway carrying a billboard promoting a presidential candidate in our timeshare program, we are offering people the opportunity to have their own independent expenditure campaign by paying MovingAds, Inc. for just the time that they want their campaign to run. For those periods in between purchased campaigns when we do not have a paying customer who is a member of the public, myself and one other person will step forward and pay personally for the time. We will each be filing the required FEC Form 5.

There is no direct comparable for the rates we are charging for these independent expenditure campaigns and what we charge an advertiser for a normal advertising campaign promoting a commercial service or product (that has nothing to do with a political campaign). The shortest campaign we have ever offered commercial customers was in 2005 and this was for six months. For this the price was $15,850 per truck with a billboard on one side of the trailer and an ad on the rear-end. For the timeshare campaign that has a billboard on one side but not on the rear-end, we are charging $300 for one day… rising to $4,000 for one whole month. This price is higher and reflects that our costs and risks are higher. The FEC can take comfort that this is not a subsidized price and we are not making a contribution to any political campaign. For a six month program (which is not the subject of this approval request), we are charging $21,050 per truck with a banner on one side (the left hand side which delivers 89% of all the impressions of a fully wrapped trailer), reflecting again that our costs are now higher.

Yours truly

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