

July 29, 2021

SUBMITTED VIA CFTC PORTAL

Secretary of the Commission
Office of the Secretariat
U.S. Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

Re: KalshiEX LLC – CFTC Regulation 40.2(a) Notification Regarding the Initial Listing of the MASK-001 Contract, relating to whether New York City will reinstate a mask mandate.

Dear Sir or Madam,

Pursuant to Section 5c(c) of the Commodity Exchange Act and Section 40.2(a) of the regulations of the Commodity Futures Trading Commission, KalshiEX LLC (Kalshi) hereby notifies the Commission that it is self-certifying the MASK-001 contract (Contract) to be listed for trading on Kalshi and effective on Saturday, July 31, 2021 for trading on that date.

Along with this letter, Kalshi submitted the following documents:

- A concise explanation and analysis of the Contract;
- The Contract's specifications;
- Certification;
- Appendix A with the Contract's Terms and Conditions;
- Confidential Appendices with further information; and
- A request for FOIA confidential treatment.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Elie Mishory
Chief Regulatory Officer
KalshiEX LLC
emishory@kalshi.com

KalshiEX LLC
Rule 40.2 New Contract Submission
MASK-001
07/29/21

CONCISE EXPLANATION AND ANALYSIS OF THE PRODUCT AND ITS COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ACT, INCLUDING CORE PRINCIPLES AND THE COMMISSION'S REGULATIONS THEREUNDER

Pursuant to Commission Rule 40.2(a)(3)(v), the following is a concise explanation and analysis of the product and its compliance with the Act, including the relevant Core Principles, and the Commission's regulations thereunder.

I. Introduction

The MASK-001 Contract is a contract relating to whether an indoor mask mandate that applies to individuals regardless of vaccination status will be reinstated in New York City. Rising case counts and the emergence of the Delta variant have prompted multiple cities, including Washington, DC, to reinstate indoor mask mandates even for vaccinated individuals, following updated CDC guidance.¹ After careful analysis, Kalshi (hereafter referred to as “Exchange”) has determined that the Contract complies with its vetting framework, which has been reviewed by the CFTC and formed part of the Exchange’s application for designation as a Contract Market (“DCM”) that was approved by the Commission.

Further information about the Contract, including an analysis of its risk mitigation and price basing utility, as well as additional considerations related to the Contract, is included in Confidential Appendices B, C, and D.

Pursuant to Section 5c(c) of the Act and CFTC Regulations 40.2(a), the Exchange hereby certifies that the listing of the Contract complies with the Act and Commission regulations under the Act.

General Contract Terms and Conditions: The Contract operates similar to other binary contracts that the Exchange lists for trading. The minimum price fluctuation is \$0.01 (one cent). Price bands will apply so that Contracts may only be listed at values of at least \$0.01 and at most \$0.99. Further, the Contract is sized with a one-dollar notional value and has a minimum price fluctuation of \$0.01 to enable Members to match the size of the

¹ https://www.washingtonpost.com/local/dc-mask-mandate-covid/2021/07/29/7699c8e0-efe6-11eb-81d2-ffae0f931b8f_story.html

contracts purchased to their economic risks. The Exchange has further imposed position limits (defined as maximum loss exposure) of \$25,000 USD on the Contract. As outlined in Rule 5.12 of the Rulebook, trading shall be available at all times outside of any maintenance windows, which will be announced in advance by the Exchange. Members will be charged fees in accordance with Rule 3.6 of the Rulebook. Fees are charged in such amounts as may be revised from time to time to be reflected on the Exchange's Website. Additionally, as outlined in Rule 7.2 of the Rulebook, if any event or any circumstance which may have a material impact on the reliability or transparency of a Contract's Source Agency or the Underlying related to the Contract arises, Kalshi retains the authority to designate a new Source Agency and Underlying for that Contract and to change any associated Contract specifications after the first day of trading. That new Source Agency and Underlying would be objective and verifiable. Kalshi would announce any such decision on its website. Furthermore, the Contract's payout structure is characterized by the payment of an absolute amount to the holder of one side of the option and no payment to the counterparty. During the time that trading on the Contract is open, Members are able to adjust their positions and trade freely. After trading on the Contract has closed, the Expiration Value and Market Outcome are determined. The market is then settled by the Exchange, and the long position holders and short position holders are paid according to the Market Outcome. In this case, "long position holders" refers to Members who purchased the "Yes" side of the Contract and "short position holders" refers to Members who purchased the "No" side of the Contract. If the Market Outcome is "Yes," meaning that an indoor mask mandate has been reinstated in New York City, then the long position holders are paid an absolute amount proportional to the size of their position and the short position holders receive no payment. If the Market Outcome is "No," then the short position holders are paid an absolute amount proportional to the size of their position and the long position holders receive no payment. Specification of the circumstances that would trigger a Market Outcome of "Yes" are included below in the section titled "Payout Criterion" in Appendix A.

**CERTIFICATIONS PURSUANT TO SECTION 5c OF THE COMMODITY
EXCHANGE ACT, 7 U.S.C. § 7A-2 AND COMMODITY FUTURES TRADING
COMMISSION RULE 40.2, 17 C.F.R. § 40.2**

Based on the above analysis, the Exchange certifies that:

- The Contract complies with the Act and Commission regulations thereunder.
- This submission (other than those appendices for which confidential treatment has been requested) has been concurrently posted on the Exchange's website at <https://kalshi.com/regulatory/filings>.

Should you have any questions concerning the above, please contact the exchange at ProductFilings@kalshi.com.

Eliezer Mishory

By: Eliezer Mishory

Title: Chief Regulatory Officer

Date: 7/29/2021

Attachments:

Appendix A - Contract Terms and Conditions

Appendix B (Confidential) - Further Considerations

Appendix C (Confidential) - Source Agency

Appendix D (Confidential) - Compliance with Core Principles

APPENDIX A – CONTRACT TERMS AND CONDITIONS

TERMS OF CONTRACTS TRADED ON KALSHI

MASK-001

Scope: These rules shall apply to the MASK-001 contract (“Contract”). The Contract relates to whether an indoor mask mandate has been reinstated in New York City.

Underlying: The Underlying for this Contract is the news articles issued by either the New York City Mayor’s Office, available at <https://www1.nyc.gov/office-of-the-mayor/news.page>, or the New York State Governor’s Office, available at <https://www.governor.ny.gov/news>. Although any relevant article is expected to be released at approximately the same time as the decision itself, the Contract resolves based on the announcement in such an article reporting the decision to reinstate an indoor mask mandate, not the decision itself. If, for example, the Mayor decides to reinstate the mask mandate before Expiration but an announcement through the Mayor’s Office is only made after Expiration, the Market Outcome is “No.” Revisions to the Underlying made after Expiration will not be accounted for in determining the Expiration Value.

Source Agency: The Source Agencies are the New York City Mayor’s Office and the New York State Governor’s Office.

Type: The type of Contract is a Binary Contract.

Issuance: The Issuance of the initial Contract will be on or after July 31, 2021. After the initial Contract, Contract iterations will be listed on an as-needed basis at the discretion of the Exchange and corresponding to the risk management needs of Members.

Payout Criterion: The Payout Criterion for the Contract encompasses the Expiration Values that include documentation of an indoor mask mandate in New York City that applies to individuals regardless of vaccination status. For the purposes of this Contract, an “indoor mask mandate” is a requirement that individuals wear masks in all indoor public settings in New York City, regardless of vaccination status. Requirements that do not apply to young children, that allow individuals to eat or drink unmasked, or that carve out other narrow exceptions can still qualify as indoor mask mandates. Partial mask mandates, such as those that only apply to the MTA, crowded venues, unvaccinated individuals, or healthcare facilities, and recommendations that do not rise to the level of a general requirement that vaccinated and unvaccinated individuals wear masks indoors do not qualify as “indoor mask mandates.” The documentation must make clear that the indoor mask mandate will take effect within two weeks of Expiration to trigger a

Market Outcome of “Yes,” though the indoor mask mandate does not need to be in effect at Expiration. Documentation that is retracted prior to the Expiration Date will not be considered to trigger a Market Outcome of “Yes”. A retraction after the Expiration Date will not be considered.

Minimum Tick: The Minimum Tick size for the referred Contract shall be \$0.01.

Position Limit: The Position Limit for the \$1 referred Contract shall be \$25,000 per Member.

Last Trading Date: Unless otherwise noted by the Exchange and indicated on the Exchange website, the Last Trading Date for the Contract will be August 2, 2021. The Last Trading Time will be 11:00 AM ET.

Settlement Date: Unless otherwise noted by the Exchange and indicated on the Exchange website, the Settlement Date of the Contract shall be the day after the Expiration Date, unless the Market Outcome is under review pursuant to Rule 7.1.

Expiration Date: Unless otherwise noted by the Exchange and indicated on the Exchange website, the Expiration Date of the Contract shall be August 3, 2021.

Expiration time: Unless otherwise noted by the Exchange and indicated on the Exchange website, the Expiration time of the Contract shall be 1:00pm ET.

Settlement Value: The Settlement Value for this Contract is \$1.00.

Expiration Value: The Expiration Value is the value of the Underlying (i.e. the articles issued by the New York City Mayor’s Office or by the New York State Governor’s Office) for the statistical period from Issuance to the Expiration time on the Expiration Date as documented by the Source Agency on the Expiration Date at the Expiration time. Articles issued before Issuance are not included in the Expiration Value. Any press announcements made after Expiration time on the Expiration Date, regardless of whether they correspond to a decision that occurred before Expiration, are not included in the Expiration Value.

Contingencies: Before Settlement, Kalshi may, at its sole discretion, initiate the Market Outcome Review Process pursuant to Rule 6.3(c) of the Rulebook. Additionally, as outlined in Rule 7.2 of the Rulebook, if any event or any circumstance which may have a material impact on the reliability or transparency of a Contract’s Source Agency or the Underlying related to the Contract arises, Kalshi retains the authority to designate a new Source Agency and Underlying for that Contract and to change any associated Contract specifications after the first day of trading.