

Product Submission by ForecastEx LLC – Pursuant to 17 C.F.R. §§ 40.2

October 3, 2024
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: ForecastEx LLC – CFTC Regulation 40.2(a) Notification Regarding the Initial Listing of “US Senate Race Forecast Contract”

Dear Mr. Kirkpatrick,

Pursuant to Section 5c(c) of the Commodity Exchange Act and Section 40.2(a) of the regulations of the Commodity Futures Trading Commission, ForecastEx LLC (“ForecastEx” or the “Exchange”) hereby notifies the Commission that it is self-certifying the “US Senate Race Forecast Contract”.

The submission includes:

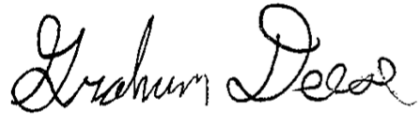
A concise explanation, analysis and background of the Contract;

- Certification;
- Appendix A with the Contract’s Terms and Conditions;
- Confidential Appendices with further information; and
- A request for FOIA confidential treatment.

The Exchange certifies that this submission (other than those appendices for which confidential treatment has been requested) has been concurrently posted on the Exchange’s website.

Any questions regarding this filing, as well as any notices pursuant to Commission Regulation 40.2, should be directed to the attention of the undersigned at gdeese@forecastex.com or 630-743-9013.

Respectfully submitted,

A handwritten signature in black ink that reads "Graham Deese". The signature is written in a cursive, flowing style.

Graham Deese
ForecastEx Chief Regulatory Officer

Encl. (Appendix A)

cc: David Downey, ForecastEx Chief Executive Officer
Andrew Naughton, ForecastEx Chief Financial Officer

Attachments:

Appendix A - Contract Terms and Conditions

Appendix B (Confidential) – Explanation and Analysis of the Product

Appendix C (Confidential) – Certification that Contracts are not Readily Susceptible to Manipulation

Appendix A – Contract Terms and Conditions

Event Question: Will [candidate] ([party abbreviation “R” or “D”]) win [state]’s United States Senate election in [year]?

Product Code: SR[two letter state abbreviation][last name initial of candidate]

For example: For a contract involving Mike Rogers in Michigan, the Product code would be: SRMIR

Instructions: The US Senate is composed of 100 Senators, two from each state. Every even numbered year, one third of these Senators are up for election. Citizens vote in the general election, with the candidate receiving the majority of votes becoming the Senator-elect. The general election is held on the first Tuesday in November of the election year, unless the first Tuesday is November 1st, in which case the election is held on the second Tuesday. The results of the general election are considered official once they have been certified by the Governor of the state, and countersigned by the Secretary of State for the state. On January 3rd of the year following the election, the US Congress convenes and new Senators are sworn in. The complete list of Senators is published in on the official Congressional website, Congress.gov, the following business day at 7:00 AM CT.

Underlying: ForecastEx’s contract resolves based on whether the named candidate is listed as a senator in Congress.gov on January 4th after the new congress convenes. The official list of US Senators is published to Congress.gov at 7 AM CT. Congress.gov can be accessed: [Here](#). The “Find a Senator” dropdown lists current Senators by last name. The above link is provided for informational purposes only, the US Government may determine to publish the list of Senators in a different location at any time.

Source Agency: Congress.gov

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

Listing Cycle: ForecastEx will list one expiration of the US Senate Race Forecast Contract at any time. This contract will correspond to the next Congressional Election cycle.

Thresholds: For each contract expiration, thresholds will be listed at ForecastEx’s discretion.

Position Accountability: The position accountability level is 250,000 Forecast Contracts in any one Forecast Market.

Last Trading Time: 11:59:59 PM CT on the day preceding the General Election.

Payout Criteria: The Settlement Value of each US Senate Race Forecast Contract is \$1.00 or \$0 depending on the Outcome of the Event Question. If the Outcome of the Event Question is “Yes”, then holders of the “Yes” Position will be entitled to receive the Settlement Value of

\$1.00 per contract and holders of the “No” Position will receive \$0.00. If the Outcome of the Event Question is “No”, then holders of the “No” Position will be entitled to receive the Settlement Value of \$1.00 per contract and holders of the “Yes” Position will receive \$0.00.

Resolution Time: 7:00AM CT on January 4th of the year following the general election.

Changes in Resolution Time: The Resolution Time of a Contract is dependent on the date that the US Senate convenes for a new Congress, the time the list of Senators is published to Congress.gov. There are circumstances where ForecastEx may change the Resolution Time of a Contract. In the event that the date that the Congress convenes is delayed, the publication of the Congressional Record is delayed, or there is ongoing litigation, or any other situation which could change the outcome of a race for US Senate, ForecastEx will delay the Resolution Time of the Contract until such time as the winner of the seat in the US Senate is clarified and the name of the Senator is published to Congress.gov. In this case, ForecastEx would release a public notice to its website informing Market Participants that the Resolution of the Contract has been delayed and release a second notice to its website informing Market Participants when the contract ultimately resolves.

Expiration Time: Same as Resolution time.

Settlement Time: Settlement for Resolved US Senate Race Contracts will occur after Resolution Time at 1:00 PM CT that same Business Day in accordance with ForecastEx Rule 603(b)(3).

Trading Restrictions: In Accordance with ForecastEx Rule 509, the following Persons are prohibiting from entering Bids or executing Pairs in US Senate Race Contracts:

- Non-US Residents
- Candidates and paid staff on campaigns for US Congress.
- Candidates for any other elected federal or statewide public office.
- The existing US President, including a president not running for re-election, and paid White House Staff.
- Existing Members of Congress and their paid staff.
- Paid employees of national party organizations, including the Republican National Committee and Democratic Congressional Campaign Committee.
- Paid employees of Political Action Committees and “Super PACs”
- Paid employees of major polling organizations. This prohibition does not apply to all employees of an organization that contains a polling division. Immediate family members, parents, and other household members of any of the above.
- Any of the above listed institutions themselves