

FEDERAL ELECTION COMMISSION

Instructions for FEC FORM 11, 24-Hour Notice of Opposition Personal Funds (11 CFR 400.30) (Millionaires' Amendment)

Who Must File

House and Senate candidates or committees who have (1) received a 24 Hour Notice of Expenditure of Personal Funds (FEC FORM 10) from an opposing candidate; (2) calculated the opposition personal funds amount (see worksheet provided below); and (3) determined that the opposition personal funds amount entitles national and State party committees to make coordinated party expenditures in excess of the limitations at 11 CFR 109.32 must file this form. For purposes of a primary election, "opposing candidate" means another candidate seeking the nomination of the same political party. For purposes of the general election, "opposing candidate" means another candidate seeking election to the same office. See 11 CFR 400.3.

When to File

Within 24 hours of the receipt of an opposing candidate's initial or additional filing of FEC Form 10, the candidate or committee must:

- Calculate the opposition personal funds amount (a worksheet is provided in these instructions);
- Determine if such amount exceeds the threshold that permits national and State party committee to make coordinated party expenditures in excess of the limitations (a worksheet is provided in these instructions); and
- File this form with the Commission and the national and State committees of the candidate's political party, if the opposition personal funds amount exceeds the threshold permitting the party committees to make coordinated party expenditures in excess of the limitations. 11 CFR 400.30(b)(1) and (2).

Senate candidates do not need to file this form if the opposition personal funds amount triggers increased contribution limits for individuals, but does not exceed the threshold permitting

party committees to make coordinated party expenditures in excess of the limitations.

Where to File

House Candidates. The principal campaign committee of a candidate seeking nomination or election to the United States House or the candidate must file FEC Form 11 by facsimile machine (to 202-219-0174), by electronic mail to 2022190174@fec.gov or with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463. The candidate or committee must also simultaneously send a copy of Form 11 (or the information required therein) via facsimile machine or electronic mail to the national and State party committee of the candidate. Fax numbers and electronic mail addresses for national and State party committees are available from the FEC's web site at www.fec.gov. 11 C.F.R. 400.30(b)(1).

Senate Candidates. The principal campaign committee of a candidate seeking nomination or election to the United States Senate or candidate must file FEC Form 11 with the Commission by facsimile machine (to 202-219-0174) or by electronic mail to 2022190174@fec.gov. The committee or candidate must also simultaneously send a copy of Form 11 (or the information required therein) via facsimile machine or electronic mail to the national and state party committee of the candidate. Fax numbers and electronic mail addresses for national and state party committees are available from the FEC's web site at www.fec.gov. 11 C.F.R. 400.30(b)(2).

State Filing. House and Senate candidates or committees must file a copy of FEC Form 11 with the state in which the office is sought, with the exception of candidates in states that have qualified for the Commission's state filing waiver program. A list of qualified states

is available from the Federal Election Commission

Line by Line Instructions

LINE 1. Name of Candidate. Enter the complete name of the candidate.

LINE 2. Candidate ID Number. Enter the identification number (beginning with H for a House candidate or S for a Senate candidate) issued to the candidate by the FEC after his or her Statement of Candidacy (FEC Form 2) was filed.

LINE 3. Office Sought. Enter the office the candidate is seeking (House or Senate).

LINE 4. State. Enter the state, in which the candidate is seeking office.

LINE 5. District. Enter the district, if applicable.

LINE 6. Principal Campaign Committee. Enter the name of the committee the candidate named as his or her principal campaign committee on the Statement of Organization and FEC Form 2.

LINE 7. Committee ID Number. Enter the identification number (beginning with C) issued to the principal campaign committee by the FEC after its Statement of Organization was filed.

LINE 8. Address. Enter the complete address of the principal campaign committee.

LINE 9. City, State and Zip Code. Enter the requested information for the principal campaign committee.

For Lines 10 through 14, please provide the information as it appears on the FEC Form 10 received from an opposing candidate or committee.

LINE 10. Name of (Opposing) Candidate. Enter the complete name of the opposing candidate.

LINE 11. Name of Committee. Enter the name of the opposing candidate's principal campaign committee.

LINE 12. Committee ID Number. Enter the identification number issued to the opposing candidate's principal campaign committee.

LINE 13. Committee Address. Enter the address of the opposing candidate's principal campaign committee.

LINE 14. City, State and Zip Code. Enter the requested information for the opposing candidate's principal campaign committee.

LINE 15. Date of Receipt of FEC Form 10. Enter the date of the FEC Form 10 received from the opposing candidate or principal campaign committee.

LINE 16. Opposition Personal Funds Amount (11 CFR 400.10). Enter the Opposition Personal Funds Amount as calculated using the worksheet provided.

LINE 17. Election. Check the appropriate box for election designation (primary, general or other). If other is checked please indicate the appropriate election designation (i.e. convention). A run-off, for purposes of filing this form, is considered to be part of the election which generated the run-off.

LINE 18. Type. Check the appropriate box for election type (regular or special).

The Candidate or Treasurer must sign and date the FEC Form 11. The treasurer should retain the worksheet used to determine the opposition personal funds amount for three years from the date of filing.

**CALCULATION OF OPPOSITION PERSONAL FUNDS AND INCREASED LIMITS WORKSHEET
(11 CFR 400.10)
FOR FEC FORM 11– LINE 16:**

Before you begin:

- You must have a copy of the most recent FEC Form 10 (if any) filed by the candidate.
- You must have a copy of the opposing candidate’s FEC Form 3Z-1 (available from the FEC).

In addition:

- Senate candidates should have located and recorded the Voting Age Population (VAP) for the state in which he or she is seeking election.

- If you received your opponent’s FEC Form 10 **before July 16** of the year preceding the year in which the general election is held, complete Part A, Step 1 and Part B. Begin with Part A, Step 1 and use the figure from Part A, Step 1, Line 3 of this worksheet as follows. House candidates, enter this amount on Part B, line 1 of this worksheet. Senate candidates, enter this amount on Part B, Line 3 of this worksheet. 11 CFR 400.10(a)(1).

- If you received your opponent’s FEC Form 10 **between July 16** of the year preceding the year in which the general election is held **and January 31** of the year in which the general election is held, complete Part A, Steps 1 and 2 and Part B. In Part A, Step 2, use the amount disclosed on Line 3 of the FEC Form 3Z-1 filed by the opposing candidate for the period ending June 30. 11 CFR 400.10(a)(2).

- If you received your opponent’s FEC Form 10 **after January 31** of the year in which the general election is held, complete Part A, Steps 1 and 2 and Part B. In Part A, Step 2, use the amount disclosed on Line 3 of the FEC Form 3Z-1 filed by the opposing candidate for the period ending December 31. 11 CFR 400.10(a)(2).

Part A – Calculation of Opposition Personal Funds Amount

Step 1

1. Enter the amount from Line 12 of an opposing candidate’s most recently filed FEC Form 10. 1. \$ _____
2. Enter the amount of personal funds expended by the candidate as of the date of receipt of the most recently filed FEC Form 10. 2. \$ _____
3. Subtract Line 2 from Line 1. 3. \$ _____

If the amount on Line 3 is zero (0) or a negative amount, do not proceed any further with calculations. You are not required to file FEC Form 11 because your national and State party committees are not entitled to make coordinated party expenditures in excess of the limitations in 11 CFR 109.32.

INSTRUCTIONS FOR FEC FORM 11

The following calculations are based on the amounts disclosed on the Consolidated Report of Gross Receipts (FEC Form 3Z-1) for the period ending:

June 30

December 31

Step 2

4. For the appropriate election, enter the amount from Line 3 of the candidate's FEC Form 3Z-1. 4. \$ _____

5. For the appropriate election, enter the amount from Line 3 of the opposing candidate's FEC Form 3Z-1. 5. \$ _____

Is the amount on Line 4 less than or equal to the amount on Line 5?

• Yes – Do not proceed any further with calculations. Use the amount from Line 3 above as the Opposition Personal Funds Amount.

• No – Use the following steps to calculate the Opposition Personal Funds Amount.

6. Subtract Line 5 from Line 4. 6. \$ _____

7. Divide the amount on Line 6 by 2. 7. \$ _____

8. Enter amount from Line 3 above. 8. \$ _____

9. Subtract Line 7 from Line 8. 9. \$ _____

Use the amount from Line 9 above as the Opposition Personal Funds Amount.

PART B – Calculation of Increased Individual Contribution Limits and Coordinated Party Expenditures

House of Representatives Candidates/Committees

1. Enter the Opposition Personal Funds Amount calculated in Part A. 1. \$ _____

Is the amount on Line 1 less than or equal to \$350,000?

• Yes – Neither the individual contribution limits nor the coordinated party expenditure limits change. Since your national and State party committees are not entitled to make coordinated party expenditures in excess of the limitations in 11 CFR 109.32, you are not required to file FEC Form 11.

• No – The individual contribution limits increase to three (3) times the applicable limit, and your national and State party committees may make coordinated party expenditures in excess of the limitations in 11 CFR 109.32. You are required to file FEC Form 11. Enter the opposition personal funds amount from Line 1 above on Line 16 of FEC Form 11.

Senate Candidates/Committees

1. Enter Voting Age Population (VAP) of the state of the candidate. The VAP figures can be found on the FEC website (www.fec.gov) or on the U.S. Census Bureau website (www.census.gov). 1. _____
2. Perform the following calculation:
 - a. (Figure from Line 1 multiplied by \$0.08) + \$300,000 2. \$ _____
 - b. (Figure from Line 1 multiplied by \$0.16) + \$600,000 3. \$ _____
 - c. (Figure from Line 1 multiplied by \$0.40) + \$1,500,000 4. \$ _____
3. Enter the Opposition Personal Funds Amount calculated in Part A. 5. \$ _____

4. Determination of Increased Individual Contribution Limits and Coordinated Party Expenditure Limits

- a. If Line 3 is less than or equal to Line 2a, the individual contribution limits and coordinated party expenditure limits do not change. You are not required to file FEC Form 11.
- b. If Line 3 is greater than Line 2a and less than or equal to Line 2b the individual contribution limit is three (3) times the applicable limit, but the coordinated party expenditure limits do not change. You are not required to file FEC Form 11.
- c. If Line 3 is greater than Line 2b and less than or equal to Line 2c, the individual contribution limit is six (6) times the applicable limit, but the coordinated party expenditure limits do not change. You are not required to file FEC Form 11.
- d. If Line 3 is greater than Line 2c, the individual contribution limit is six (6) times the applicable limit and your national and State party committees are entitled to make coordinated party expenditures in excess of the limitations in 11 CFR 109.32. You must file FEC Form 11. Enter the amount from Line 3 on Line 16 of FEC Form 11.