

# Record

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## Regulations

### Supplemental E&J on Political Committee Status

In response to the district court decision in *Shays v. FEC (Shays II)*,<sup>1</sup> the Commission has published a *Supplemental Explanation and Justification* (E&J) for its resolution of the 2004 political committee status rulemaking. The E&J provides a more detailed rationale for the agency's decision not to amend the regulatory definition of "political committee," while it revised the definition of "contribution" and adjusted certain federal/nonfederal allocation ratios to capture additional political activity.

### Background

During its 2004 political committee status rulemaking, the Commission held two days of public hearings and considered roughly 100,000 written comments, before voting to:

1. Revise the definition of "contribution" at 11 CFR 100.57 to clarify that funds resulting from a solicitation that indicates that any portion of the funds received will be used to support or oppose the election of a federal candidate are considered "contributions" and,

(continued on page 2)

## Compliance

### Policy Statement Establishing Probable Cause Hearings

On February 8, 2007, the Commission established a pilot program under which respondents in enforcement matters may request a hearing before the Commission considers whether there is probable cause to believe that they violated the Federal Election Campaign Act or the Commission's implementing regulations. The pilot program is intended to address concerns within the regulated community regarding the transparency of agency actions and the lack of direct access to the Commission during the enforcement process.

Under the pilot program, any respondent who receives a General Counsel's Brief in the "probable cause to believe" stage of the enforcement process may submit a request for a hearing to the Commission with his or her reply brief. The request should state why the hearing was being requested and what issues the respondent expects to address. The request for a hearing is optional and the respondent's decision as to whether or not to request a hearing will not influence the Commission's decision as to a probable cause finding.

(continued on page 2)

<sup>1</sup> 424 F. Supp. 2d 100 (D.D.C. 2006).

## Compliance

(continued from page 1)

Within 30 days of receiving the brief, the Commission will notify the respondent whether the Commission has granted the hearing request. The Commission will grant a request for an oral hearing if any two Commissioners conclude that a hearing would help resolve significant legal issues or significant questions about the application of the law to the facts. At the hearing, the respondent, or the respondent's counsel, may directly present his or her arguments to the Commission, and be subject to questions as to their position. Hearings are confidential and closed to the public.

The pilot program will last for eight months but may be extended by a Commission vote. The program can be modified or terminated at any time during the eight month period by the approval of a majority of the Commission.

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More information about this program was published in the *Federal Register* on February 16, 2007, and is available on the Commission's web site at <http://www.fec.gov/law/policy.shtml>.

—Meredith Metzler

## Regulations

(continued from page 1)

consequently, may require an organization to register as a political committee; and

2. Revise its allocation regulations at 11 CFR 106.6 to require that voter drives and campaign ads that refer to federal candidates be paid for entirely with federal funds, and that a committee's administrative costs be paid for with at least 50% federal funds.

(For more information on the final rules, see the [December 2004 Record](#)).

Representative Christopher Shays and others immediately filed suit in the U.S. District Court for the District of Columbia to challenge the Commission's decision not to revise the regulatory definition of "political committee." In its decision in the case (*Shays II*), the district court found that the Commission "failed to present a reasoned explanation of its decision" not to regulate so-called 527 organizations as "political committees" specifically by virtue of their status under the Internal Revenue Code and remanded the case to the Commission to explain its decision or institute a new rulemaking. (For more information on the district court decision, see the [June 2006 Record](#)). The Commission declined to appeal the district court's ruling and instead has issued this Supplemental E&J.

### Major Purpose and Political Committee Status

The Federal Election Campaign Act (the Act) defines political committee as "any committee, club,

association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. 431(4)(A). Supreme Court decisions have effectively added two more requirements for political committee status:

1. When applied to communications made independently of a candidate or candidate's committee, the term expenditure includes payments for communications that expressly advocate the election or defeat of a clearly identified federal candidate; and

2. Only organizations whose "major purpose" is the nomination or election of a federal candidate can be considered "political committees."

Therefore, determining political committee status under the Act, as interpreted by the Supreme Court, requires an analysis of both an organization's specific conduct (whether it received \$1,000 in contribution or made \$1,000 in expenditures) as well as overall conduct (whether its major purpose is federal campaign activity).

While the courts have clarified that an organization can satisfy the major purpose doctrine through sufficiently extensive spending on federal campaign activity<sup>2</sup> and through certain public statements,<sup>3</sup> determining an organization's major purpose requires a fact-intensive comparison of its campaign and non-campaign activities. As explained in the Supplemental E&J, the Commission determined that this need for a case-by-case analysis was incompatible with the proposed rules amending the

<sup>2</sup> See *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238, at 262 (1986).

<sup>3</sup> See, e.g., *FEC v. Malenick*, 310 F. Supp. 2d 230, 234-36 (D.D.C. 2004); *FEC v. GOPAC, Inc.*, 917 F. Supp. 851, 859 (D.D.C. 1996).

regulatory definition of “political committee” at 11 CFR 100.5.

### 527 Status Insufficient Evidence

The E&J also explains the Commission’s decision not to adopt a rule singling out 527 organizations based on tax status. The Internal Revenue Service (IRS) requirements for an organization to be entitled to the tax exemption as a political organization under 26 U.S.C. 527 are based on a different and broader set of criteria than the Commission’s determination of political committee status. In light of that fact, an organization’s 527 tax status is not sufficient evidence, in itself, that the organization satisfies the major purpose requirement for political committee status.

The Commission also notes that Congress has not materially amended the definition of “political committee” since 1971, and has specifically rejected every effort to classify organizations as political committees based on section 527 status. Congress also twice amended the Internal Revenue Code to require 527 organizations that are not political committees registered with the Commission to file disclosure reports to the IRS.

### Effective Enforcement

Finally, the Supplement highlights recent enforcement matters that demonstrate the sufficiency of Commission regulations in determining political committee status for 527 (and 501(c)) organizations. See MURs 5511 and 5525 (Swiftboat Vets); 5753 (League of Conservation Voters); 5754 (MoveOn.org Voter Fund); 5751 (The Leadership Forum); 5492 (Freedom, Inc.). In each of these matters, the Commission conducted a thorough investigation of all aspects of the organization’s statements and activities to determine if the organization exceeded the \$1,000 threshold for contributions or expenditures and whether the organization’s major purpose was

federal campaign activity. These matters are significant because they demonstrate that an organization may satisfy the political committee status threshold based on how the organization raises funds. They are also significant because they are the first major cases to consider the reach of the definition of “express advocacy” when evaluating an organization’s disbursements for communications made independently of a candidate to determine if the expenditure threshold has been met. Finally, these matters also illustrate well the Commission’s application of the major purpose doctrine to the conduct of particular organizations, regardless of tax status.

The Supplemental E&J was published in the *Federal Register* on February 7, 2007, (72 FR 5595) and is available on the FEC’s web site at [http://www.fec.gov/law/law\\_rulemakings.shtml](http://www.fec.gov/law/law_rulemakings.shtml).

—Amy Pike

## New Litigation

### Fieger v. Gonzales

On February 5, 2007, Geoffrey Fieger, Nancy Fisher and the law firm of Fieger, Fieger, Kenney & Johnson, P.C. (FFKJ), filed a complaint in the U.S. District Court for the Eastern District of Michigan alleging that the Commission has violated the Federal Election Campaign Act (the Act) and the Administrative Procedures Act (the APA) by failing to conduct an investigation into the plaintiff’s activities and that Attorney General Alberto Gonzales has violated the Act by conducting a criminal investigation into the plaintiffs’ alleged activities even though the Commission has not yet completed its investigation.

### Background

Geoffrey Fieger is an attorney and president of FFKJ. Ms. Fisher is the office manager of FFKJ. According to the complaint, on September 19, 2006, the Commission found reason to believe that the plaintiffs violated the Act by making contributions in the name of others but has failed to investigate the matter. In June 2005, the Department of Justice, with the assistance of the FBI and IRS, began an investigation into the actual source of the purported contributions, including subpoenas for documents and for grand jury testimony. Many of the individuals who testified before the grand jury were contributors to and supporters of Senator John Edwards’ 2004 vice presidential campaign.

### Complaint

The plaintiffs assert that by Congress giving “exclusive jurisdiction” over the Act to the Commission, no criminal investigation can take place unless the Commission has formally referred the criminal matters to the Department of Justice.

(continued on page 4)

### Federal Register

*Federal Register* notices are available from the FEC’s Public Records Office, on the web site at [www.fec.gov/law/law\\_rulemakings.shtml](http://www.fec.gov/law/law_rulemakings.shtml) and from the FEC Faxline, 202/501-3413.

#### Notice 2007-2

Price Index Increases for Expenditure and Contribution Limitations (72 FR 5294, February 5, 2007)

#### Notice 2007-3

Political Committee Status (72 FR 5595, February 7, 2007)

## New Litigation

(continued from page 3)

The complaint then charges that Attorney Gonzales intentionally interfered with the Commission's investigation and that the Commission's failure to conduct its own investigation violates the Act and the APA.

### Relief

The plaintiffs ask the court to:

- Declare the actions of the Commission and the Attorney General unlawful;
- Declare that the Commission has failed to uphold the Act;
- Issue a Writ of Mandamus requiring the Commission to conduct its own investigation into the matter prior to any investigation by the Attorney General; and
- Award costs and attorneys' fees.

U.S. District Court for the Eastern District of Michigan, 2:07CV10533.

—*Meredith Metzler*

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## Advisory Opinions

### Advisory Opinion 2006-35: Legal Fees Paid with Campaign Funds

The authorized campaign committee of a former U.S. Representative may use campaign funds to pay legal expenses in connection with recent inquiries by the House Ethics Committee and the Department of Justice and resulting questions from the press. The use of campaign funds for those expenses does not constitute "personal use" because the inquiries would not exist irrespective of the individual's duties as a federal officeholder.

#### Background

Kolbe for Congress (the Committee) is the principal campaign committee of Representative Jim Kolbe, who retired from Congress in 2006. The House Ethics Committee established an investigative subcommittee that has jurisdiction to conduct a formal inquiry regarding "any conduct of House members, officers and staff related to information concerning improper conduct involving Members and current and former House Pages." A similar inquiry by the Department of Justice concerns, in part, information known to or obtained by Representative Kolbe and his staff relating to the interaction between a former House member and current or former House Pages. The Department of Justice inquiry also concerns an official congressional trip to the Grand Canyon attended by, among others, Representative Kolbe and two former House Pages.

#### Analysis

The Federal Election Campaign Act (the Act) allows federal officeholders to use campaign funds for "ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal

office." 2 U.S.C. 439a(a)(2); 11 CFR 113.2(a). However, the Act explicitly prohibits use of campaign funds for "personal use." 2 U.S.C. 439a(b)(1). Personal use includes the use of campaign funds to pay for expenses that would exist "irrespective of the candidate's campaign of duties as a Federal officeholder." 11 CFR 113.1(g) and 2 U.S.C. 439a(b)(2).

In previous advisory opinions, the Commission has examined on a case-by-case basis whether the payment of legal fees and expenses constitute personal use and has concluded that expenses incurred as a result of legal proceedings involving a candidate's campaign activities or duties as a federal officeholder would not exist irrespective of the candidate's campaign or capacity as a federal officeholder. Therefore, such expenses may be paid with campaign funds.

The Commission concluded that legal expenses incurred by Representative Kolbe that are related to the House Ethics Committee and Department of Justice inquiries are ordinary and necessary expenses incurred in connection with his duties as a federal officeholder that would not exist irrespective of his duties as a federal officeholder. Thus, Representative Kolbe's committee may pay for such expenses with campaign funds.

In addition to legal fees associated with the inquiries themselves, Representative Kolbe may also use campaign funds to pay for legal expenses incurred in responding to related press queries, as this is also tied to Representative Kolbe's duties as a federal officeholder.

The Committee must maintain appropriate documentation of any disbursements made to pay legal expenses relating to the inquiries and report them appropriately on FEC reports.

Date Issued: January 25, 2007

Length: 7 pages.

—*Myles Martin*

## Advisory Opinion 2006-36: Green Senatorial Committee Gains National Party Status

The Green Senatorial Campaign Committee (GSCC) qualifies as a national party committee, specifically as the national senatorial campaign committee of the Green Party of the United States.

### Background

The Green National Committee (GNC) created the GSCC on June 18, 2006, to promote Green Party senatorial candidates and party building activities. In July 2006, the GNC named seven individuals to comprise the GSCC. The GSCC met by teleconference and began conducting business shortly thereafter. The GSCC filed a Statement of Organization with the Commission on September 8, 2006. The GSCC opened a bank account and deposited over \$1,000 in contributions. The GSCC has an official web site to support its candidates and publicize the GSCC's policy priorities and has offices in Minneapolis, Minnesota.

In the 2006 elections, the Green Party's state affiliates placed 11 individuals on the ballot for U.S. Senate in 11 states. At least seven of these individuals qualified as candidates under the Federal Election Campaign Act (the Act) and Commission regulations. *See* 2 U.S.C. 431(2) and 11 CFR 100.2(a). Two more individuals running for U.S. Senate received the sole endorsement of their state Green Party affiliates but appeared on the ballot as Independents, not Green Party candidates. Additionally, the Green party placed seven candidates for Senate on the ballot between 1998 and 2004 in five states.

The GSCC raised funds and made contributions to the 2006 Green Party candidates for Senate, in part, to support party building activities including ballot access, get-out-the-vote activity, voter registration and voter identification.

Members of the GSCC also participated in party building activities in three States where Green candidates were running for the Senate. Also several of the Green Party candidates conducted voter registration drives in their respective States to "register [new voters] as 'Green,'" and all 11 Green Party candidates engaged in voter identification and get-out-the-vote activities.

### Analysis

The GSCC's request marks the first time that the Commission has been asked to recognize the national senatorial campaign committee of a political party as a national party committee.<sup>1</sup>

To determine whether a political committee is the national senatorial committee of a political party, the Commission employed the analysis that it used previously to determine whether a political committee was *the* national committee of a political party, but taking into account the GSCC's sole focus on electing U.S. Senate candidates.

First the Commission must determine whether the party itself qualifies as a "political party" under the Act and regulations. Secondly, the Commission must determine whether the committee has demonstrated that it has engaged in sufficient activity on a national level to be considered a national party committee. While activity includes supporting ongoing party building activities and establishing national offices, the most important component is the degree to which a party committee's successful ballot access efforts extend beyond the presidential and vice presidential level. The Commission has recognized the national party committee status of only those committees whose activities were broadly focused – such as on multiple races

<sup>1</sup> *Both the Democratic Senatorial Campaign Committee and the National Republican Senatorial Committee pre-date the Act and the Commission.*

or offices in more than one State or geographical area. Finally, individuals running for federal office on a party's ticket must qualify as candidates under the Act and Commission regulations. *See* AO 1996-35 (Greens/Green Party USA). *See also* 2 U.S.C. 431(3) and 11 CFR 100.3(a).

For the initial portion of the analysis, the Commission previously recognized the Green Party as a national political party in Advisory Opinion 2001-13. Regarding the second part of the analysis, the GSCC and its Senate candidates participated in party building activities, including voter identification and registration and get-out-the-vote activities in several states. It also established a national office,

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## Advisory Opinions

(continued from page 5)

held meetings, and maintains a web site promoting the Green Party and its candidates. As for ballot access, in the 2006 election eleven Green Party candidates (at least seven of whom qualified as candidates under the Act and Commission regulations) were on the ballot in different geographic parts of the country out of a total of 33 U.S. Senate races. The Commission concluded that the GSCC had demonstrated the requisite ability to gain ballot access in a number of states in different geographic areas.

Therefore, considering all the facts together, the Commission concludes that the GSCC qualifies as a national committee of a political party and as the national senatorial campaign committee of the Green Party.

### Contribution Limits

Under the Act, the national party committee and the senatorial campaign committee of a national party committee share one limit for contributions to candidates for the U.S. Senate. 2 U.S.C. 441a(h).<sup>2</sup> Therefore, the GSCC shares with the GNC the current \$39,900 contribution limit to Senate candidates. 11 CFR 110.2(e)(1).

Once the GSCC qualifies as a multicandidate committee,<sup>3</sup> the GSCC

will have a limit of \$5,000 per election to federal candidates other than Senate candidates and \$5,000 per calendar year to other political committees. 11 CFR 110.2(b)(1) and (d).

The GSCC may receive \$15,000 per calendar year from multicandidate committees and \$28,500 from all other contributors, including individuals. 11 CFR 110.1(c)(1) and 110.2(c)(1). Contributions to the GSCC do not count against limits on contributions to the GNC. *See* 11 CFR 110.3(b)(2)(ii).

National and state political party committees may make coordinated party expenditures on behalf of general election candidates. *See* 2 U.S.C. 441a(d) and 11 CFR 109.30.<sup>4</sup> Coordinated party expenditures are in addition to contributions that party committees may give to their candidates. The national and state committees may assign some or all of their respective coordinated party expenditure limit to other party committees, such as local party committees or the national senatorial campaign committee. *See* 11 CFR 109.33. Thus the GSCC may make coordinated party expenditures if the GNC or a state committee of the Green Party assigns in writing the authority to make coordinated expenditures to the GSCC.

As a national party committee, the GSCC will be required to file monthly reports with the Commission and comply with all other reporting requirements of 2 U.S.C. 434 and 11 CFR Part 104. *See* 2 U.S.C. 434(e)(1), 11 CFR 104.5(c)(4) and 105.2.

Date: February 8, 2007

Length: 10 pages

—Meredith Metzler

<sup>4</sup> *See* *FEC v. DSCC*, 454 U.S. 27 (1981) (senatorial campaign committees do not have the authority to make coordinated party expenditures under 2 U.S.C. 441a(d) unless they act as agents for the national or state party committee.)

## Advisory Opinion 2006-37: Campaign May Reimburse Candidate for Misreported Loans

A campaign committee may reimburse the candidate for loans made from his personal funds that the committee had mistakenly reported as contributions.

### Background

Barry Kissin was a candidate in the 2006 Democratic primary election for the U.S. House of Representatives. This was Mr. Kissin's first candidacy for political office at any level. On March 3, 2006, Mr. Kissin deposited \$5,000 of his personal funds into the campaign depository of his principal campaign committee, Kissin for Congress (the Committee). On March 21, 2006, Mr. Kissin deposited an additional \$20,000 of his personal funds into the campaign depository. The committee reported both deposits as contributions, not loans, from the candidate to the Committee.

Mr. Kissin, the Committee's chairman and the Committee's treasurer submitted affidavits with the Advisory Opinion Request stating that Mr. Kissin had always intended to be reimbursed for the \$20,000. The affidavits of Mr. Kissin and the Committee's chairman stated a similar intent regarding the \$5,000. The committee's 2006 Year-End report disclosed that the committee had \$15,230.34 in cash on hand with no outstanding debts or obligations.

### Analysis

The Federal Election Campaign Act (the Act) provides for acceptable uses of campaign funds and prohibits the personal use of campaign funds by any person. *See* 2 U.S.C. 439a. The repayment of candidate loans is permissible, since debt repayment is an authorized expenditure in connection with a candidate's campaign for federal office. *See* 2 U.S.C. 439a(a)(1) and AO 2003-30.

<sup>2</sup> Both the Republican and Democratic senatorial committees (NRSC and DSCC, respectively) were named as national senatorial committees in 2 U.S.C. 441a(h). The Commission interpreted the Act's reference to the NRSC and the DSCC as merely historical and saw no Congressional intent to prohibit other bona fide national parties from establishing and maintaining senatorial campaign committees.

<sup>3</sup> A multicandidate committee is a political committee with more than 50 contributors which has been registered with the FEC for at least six months and, with the exception of state party committees, has made contributions to five or more candidates for federal office. 11 CFR 100.5(e)(3).

The Act requires that all funds received from the candidate, including loans made or guaranteed by the candidate, as well as contributions, must be disclosed on the committee's regularly scheduled reports. 2 U.S.C. 434(b)(2)(B), (G) and 434(b)(8). All outstanding debts owed by and to a political committee must be reported on every report until the debts are repaid. 11 CFR 104.11(a).

When determining the nature of a transaction, the Commission has historically not only looked at the way that the transaction was reported, but has also considered affidavits from the individuals involved explaining their intent. See AO 1997-21 and Statement of Reasons—Final Repayment Determination of Buchanan for President.

The Commission held that affidavits submitted by Mr. Kissin and members of his staff supported the conclusion that the \$25,000 was intended to be a loan to the committee, not a contribution as it was mistakenly reported. Therefore the funds remaining in the committee's account may be used to repay Mr. Kissin's loans. The Commission required the Committee to amend its April 2006 report and all subsequent reports within 30 days of the date of the advisory opinion to show the debt owed by the Committee to Mr. Kissin. The Committee should continue to report as a debt the amount of the loan that remains unpaid or report Mr. Kissin's forgiveness of the debt, should he choose to forgive the unpaid portion of the loan.

Date: January 25, 2007

Length: 5 pages

—Meredith Metzler

### Advisory Opinion 2006-38: Officeholder's Use of State Campaign Funds

A federal officeholder may identify federally permissible funds in his dormant state campaign account and spend only those funds in connection with state and local elections. The state committee may also use those funds to pay for the senator's travel expenses in connection with state and local campaign events.

#### Background

Senator Robert P. Casey, Jr. of Pennsylvania was elected to the United States Senate in 2006, after serving as the Treasurer of Pennsylvania. His state campaign committee has surplus funds, some of which are from sources and in amounts that are prohibited under federal law, but permissible under Pennsylvania law.

The state committee proposes to identify its federally permissible funds, then to donate those funds to state and local candidates and party committees, and to pay Senator Casey's travel expenses in connection with attending events on behalf of state and local candidates or state and local elections.

#### Analysis

The Federal Election Campaign Act (the Act) prohibits federal candidates and officeholders (including entities directly or indirectly established, financed, maintained, or controlled by federal candidates or officeholders) from raising or spending funds in connection with a nonfederal election, unless those funds are subject to the limitations and prohibitions of the Act. 2 U.S.C. 441i(e)(1)(B) and 11 CFR 300.62. Commission regulations also require that such transactions be consistent with relevant state law. 11 CFR 300.62.

Applying these statutory and regulatory provisions, the Commission concluded that Senator Casey's state committee must use a reasonable accounting method to identify

federally permissible funds. The Commission has specifically approved the "first in, first out" method described in AO 2006-6 (Busby), and the "last in, first out" method described in AO 2004-45 (Salazar) as reasonable accounting methods. Once the permissible funds are identified, the committee may spend those funds in connection with state and local elections, subject to state law.

Additionally, the state committee may use its federally permissible funds to pay for Senator Casey's (or one of his agents') travel expenses undertaken solely in connection with campaign events for state and local candidates or elections, as permitted by Pennsylvania law.

Date Issued: February 8, 2007

Length: 7 pages

—Myles Martin

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## Advisory Opinions

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### Advisory Opinion Request

#### AOR 2007-3

Presidential candidate's ability to solicit and receive private contributions for general election while retaining option to refund contributions and instead to receive public funds for general if he receives his party's nomination (Senator Barack Obama and the Obama Exploratory Committee, February 1, 2007)

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## Authority to Make Coordinated Party Expenditures on Behalf of House and Senate Nominees

<b>National Party Committee</b>	May make expenditures on behalf of House and Senate nominees. May authorize <sup>1</sup> other party committees to make expenditures against its own spending limits. National Congressional and Senatorial campaign committees do not have separate limits.
<b>State Party Committee</b>	May make expenditures on behalf of House and Senate nominees seeking election in the committee's state. May authorize <sup>1</sup> other party committees to make expenditures against its own spending limits.
<b>Local Party Committee</b>	May be authorized <sup>1</sup> by national or state party committee to make expenditures against its limits.

## Calculating 2007 Coordinated Party Expenditure Limits

	Amount	Formula
<b>Senate Nominee</b>	See table on page 9	The greater of: \$20,000 x COLA or 2¢ x state VAP <sup>2</sup> x COLA <sup>3</sup>
<b>House Nominee in States with Only One Representative</b>	\$81,800	\$20,000 x COLA
<b>House Nominee in Other States</b>	\$40,900	\$10,000 x COLA
<b>Nominee for Delegate or Resident Commissioner<sup>4</sup></b>	\$40,900	\$10,000 x COLA

<sup>1</sup>The authorizing committee must provide prior authorization specifying the amount the committee may spend.

<sup>2</sup>VAP means voting age population.

<sup>3</sup>COLA means cost-of-living adjustment. The applicable COLA is 4.089.

<sup>4</sup>American Samoa, the District of Columbia, Guam and the Virgin Islands elect Delegates; Puerto Rico elects a Resident Commissioner.



## Party Activities

### 2007 Coordinated Party Expenditure Limits

The 2007 coordinated party expenditure limits are now available. The limits are:

- \$81,800 for House nominees in states that have only one U.S. House Representative;
- \$40,900 for House nominees in states that have more than one U.S. House Representative; and
- A range from \$81,800 to \$2,201,900 for Senate nominees, depending on each state's voting age population.

Party committees may make these special expenditures on behalf of their nominees in any 2007 general elections that may be held. National party committees have a separate limit for each nominee<sup>1</sup>. Each state party committee has a separate limit for each House and Senate nominee in its state. Local party committees do not have their own separate limit. One party committee may authorize another party committee to make an expenditure against its limit. Local committees may only make coordinated party expenditures with advance authorization from another committee.

Coordinated party expenditure limits are separate from the contribution limits; they also differ from contributions in that the party committee must spend the funds on behalf of the candidate rather than give the money directly to the campaign. Although these expenditures may be made in consultation with

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<sup>1</sup> The national senatorial and congressional committees do not have separate coordinated party expenditure limits, but may receive authorization to spend against the national limit or state party limits.

### Coordinated Party Expenditure Limits for 2007 Special Election Senate Nominees

State	Voting Age Population (in thousands)	Expenditure Limit
Alabama	3,485	\$285,000
Alaska*	489	\$81,800
Arizona	4,538	\$371,100
Arkansas	2,120	\$173,400
California	26,925	\$2,201,900
Colorado	3,584	\$293,100
Connecticut	2,687	\$219,700
Delaware*	650	\$81,800
Florida	14,068	\$1,150,500
Georgia	6,909	\$565,000
Hawaii	987	\$81,800
Idaho	1,072	\$87,700
Illinois	9,617	\$786,500
Indiana	4,736	\$387,300
Iowa	2,272	\$185,800
Kansas	2,068	\$169,100
Kentucky	3,207	\$262,300
Louisiana	3,198	\$261,500
Maine	1,041	\$85,100
Maryland	4,255	\$348,000
Massachusetts	4,988	\$407,900
Michigan	7,617	\$622,900
Minnesota	3,910	\$319,800
Mississippi	2,151	\$175,900
Missouri	4,426	\$362,000
Montana*	727	\$81,800
Nebraska	1,323	\$108,200
Nevada	1,861	\$152,200
New Hampshire	1,017	\$83,200
New Jersey	6,635	\$542,600
New Mexico	1,446	\$118,300
New York	14,792	\$1,209,700
North Carolina	6,701	\$548,000
North Dakota*	491	\$81,800
Ohio	8,708	\$712,100
Oklahoma	2,685	\$219,600
Oregon	2,844	\$232,600
Pennsylvania	9,636	\$788,000
Rhode Island	830	\$81,800
South Carolina	3,282	\$268,400
South Dakota*	587	\$81,800
Tennessee	4,596	\$375,900
Texas	17,014	\$1,391,400
Utah	1,759	\$143,900
Vermont*	491	\$81,800
Virginia	5,836	\$477,300
Washington	4,870	\$398,300
West Virginia	1,429	\$116,900
Wisconsin	4,244	\$347,100
Wyoming*	393	\$81,800

\* In these states, which have only one U.S. House Representative, the spending limit for the House nominee is \$81,800. In other states, the limit for each House nominee is \$40,900.

## Party Activities

(continued from page 9)

the candidate, only the party committee making the expenditure—not the candidate committee—must report them. (Coordinated party expenditures are reported on FEC Form 3X, line 25, and are always itemized on Schedule F, regardless of amount.)

The accompanying tables on pages 8 and 9 include:

- Information on which party committees have the authority to make coordinated party expenditures;
- The formula used to calculate the coordinated party expenditure limits; and
- A listing of the state-by-state coordinated party expenditure limits.

—Meredith Metzler

## 2007 Spring Conferences

### Conference for Corporations and their PACs

April 24-25, 2007

Renaissance Hotel

Washington, DC

Registration \$450 by March 30

### Conference for Candidate and Political Party Committees

May 10-11, 2007

Hyatt Regency on Capitol Hill

Washington, DC

Registration \$450 by April 13

### Conference for Trade Associations, Membership and Labor Organization PACs

June 4-5, 2007

Hyatt Regency on Capitol Hill

Washington, DC

Registration \$450 by May 4

## Outreach

### Washington, DC, Conference for Corporations and their PACs

The Commission will hold a conference for corporations and their political action committees on April 24 and 25, 2007, in Washington, DC. Commissioners and staff will conduct a variety of technical workshops on federal campaign finance law designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law.

#### Conference Details

The conference will be held at the Renaissance on M Street, near the Georgetown and Foggy Bottom neighborhoods. Attendees are responsible for making their own hotel reservations. A room rate of \$235 (single/double) is available for hotel reservations made by April 2. Call 1-888-803-1298 to make your reservations. To receive this special rate, you must notify the hotel that you are attending the FEC campaign finance laws conference. The hotel is located within walking distance from both the Dupont Circle and Foggy Bottom subway stations. Valet parking is available for \$28 per night. (Note: Please do not finalize your travel reservations until you have received confirmation of your conference registration from our contractor, Sylvester Management Corporation.)

The registration fee is \$450 if received by March 30. A late registration fee of \$25 will be added to all registrations received after that date. Early registration is highly recommended, as this conference has previously sold out. For additional information, or to register for the conference, please visit the conference web site at <http://www.fec.gov/info/conferences/2007/corporate07.shtml>.

### For More Information

Please direct all questions about conference registration and fees to Sylvester Management Corporation at 1-800/246-7277 or by e-mail to [tonis@sylvestermanagement.com](mailto:tonis@sylvestermanagement.com). For questions about the conference program, or to receive e-mail notification of upcoming conferences and workshops, call the FEC's Information Division at 1-800/424-9530 (press 6) or locally at 202/694-1100, or send an e-mail to [Conferences@fec.gov](mailto:Conferences@fec.gov).

—Dorothy Yeager

## Information

### Reporting Notices Enter the Electronic Age

The FEC has begun to send all courtesy materials to committees exclusively by electronic mail. Reporting reminders and mailings concerning changes in the law are no longer being sent by U.S. mail. As a result, it is important that every committee update its Statement of Organization (FEC Form 1) to disclose a current e-mail address.

Most committees registered with the FEC are already required to disclose an e-mail address on Form 1. Under 11 CFR 102.2(a)(1)(vii) and (viii), all mandatory electronic filers and the principal campaign committees of House and Senate candidates must provide an e-mail address.

The Commission's decision to switch from paper to electronic mail will obviously improve the timeliness of its communications with committees, but that is only one of the advantages. E-mail will also offer opportunities for new types of communications and will simplify the process of providing information tailored specifically to each committee's needs, all while saving tax dollars.

The Commission recognizes that disclosing a personal e-mail address on a public document may raise privacy concerns. For that reason, committees may wish to create a separate e-mail account intended solely for this purpose. As the agency begins to communicate with committees electronically, keeping that e-mail address current on the committee's Statement of Organization will be essential.

To disclose a new e-mail address, electronic filers must submit a complete electronic Form 1. Paper filers need only complete the committee identification section of the Form 1 and those portions that disclose a change. Copies of the Statement of Organization form are available from the Commission or on its web site at <http://www.fec.gov/info/forms.shtml>.

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## Enforcement Query System Available on FEC Web Site

The FEC continues to update and expand its Enforcement Query System (EQS), a web-based search tool that allows users to find and examine public documents regarding closed Commission enforcement matters. Using current scanning, optical character recognition and text search technologies, the system permits intuitive and flexible searches of case documents and other materials.

Users of the system can search for specific words or phrases from the text of all public case documents. They can also identify single matters under review (MURs) or groups of cases by searching additional identifying information about cases prepared as part of the Case Management System. Included among these criteria are case names and numbers, complainants and respondents, timeframes, dispositions, legal issues and penalty amounts. The Enforcement Query System may be accessed on the Commission's web site at [www.fec.gov](http://www.fec.gov).

Currently, the EQS contains complete public case files for all MURs closed since January 1, 1999. In addition to adding all cases closed subsequently, staff is working to add cases closed prior to 1999. Within the past year, Alternative Dispute Resolution (ADR) cases were added to the system. All cases closed since the ADR program's October 2000 inception can be accessed through the system.

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