

Record

October 1996

Federal Election Commission

Volume 22, Number 10

Table of Contents

Reports

- 1 Reports Due in October
- 7 Texas Special Elections
- 8 Missouri Special Election

Court Cases

- 1 FEC v. Christian Action Network
- 2 Stockman v. FEC
- 2 New Litigation

Public Funding

- 3 Dole, Clinton, Perot Receive Public Funds

Regulations

- 3 Final Rules on Electronic Filing

Statistics

- 4 18-Month House and Senate Activity
- 4 18-Month Party Activity
- 4 How to Get Statistical Press Releases

Information

- 4 New Party Guide
- 10 Flashfax Menu

Advisory Opinions

Election Administration

- 6 Simplifying Election Forms

Compliance

- 9 Nonfilers
- 9 MUR Information Available On Line

Federal Register Notices

11 Index

Reports

Reports Due in October

With one exception,¹ all types of political committees must file one or more reports in October, as explained below. Reports must be filed with the appropriate federal and state filing offices.

For more information on reporting, see the January *Record* or call the FEC's Flashfax service (202/501-3413) and request document number 0345.

Third Quarter Report

Committees filing on a quarterly basis must file an October quarterly report due October 15.

October Monthly Report

Monthly filers must file a report due October 20 and covering September activity.

12-Day Pre-Election Report

The pre-election report for the November 5 general election must be filed by:

- Committees of candidates running in the November 5 election;

(continued on page 6)

¹ The exception is for committees of candidates who did not seek election in 1996. Their next report is the 1996 year-end report covering July through December, which is due January 31, 1997.

Court Cases

FEC v. Christian Action Network

On August 2, 1996, the U.S. Court of Appeals for the Fourth Circuit, in an unpublished opinion, upheld the district court's dismissal of this case.

The FEC had brought suit against the Christian Action Network for making independent expenditures¹ with corporate funds and for failing to comply with the law's reporting and disclaimer requirements.

The communications in question—a television advertisement and two newspaper ads run in the weeks before the 1992 Presidential election were critical of then-candidate Bill Clinton's positions on homosexual issues.

The district court ruled that the communications were outside the FEC's jurisdiction because they did not expressly advocate the election or defeat of Bill Clinton. (The district court decision is summarized in the September 1995 issue, page 2.)

(continued on page 2)

¹ An independent expenditure is an expenditure made without any coordination with a candidate's campaign for a communication which expressly advocates the election or defeat of a clearly identified candidate for federal office. 11 CFR 100.16.

Court Cases

(continued from page 1)

The court of appeals, finding “no error” in the district court opinion, affirmed that court’s decision.

U.S. Court of Appeals for the Third Circuit, No. 95-2600, August 2, 1996; D.Ct. No. 94-82-L, June 28, 1995. ♦

Stockman v. FEC

In August 1996, a U.S. District Court in Texas dismissed Congressman Stephen E. Stockman’s claim that the FEC had unreasonably delayed its investigation into his 1994 campaign. The court said: “There is no evidence showing that the time spent to investigate this matter is a product of anything other than the excessive demands on a strapped federal agency.”

In an earlier decision, the court dismissed the claim that the FEC had improperly leaked information about the matter to the press.

Federal Election Commission
999 E Street, NW
Washington, DC 20463

800/424-9530
202/219-3420
202/501-3413 (Flashfax Service)
202/219-3336 (TDD for the
hearing impaired)
800/877-8339 (FIRS)

Lee Ann Elliott, Chairman

John Warren McGarry,

Vice Chairman

Joan D. Aikens, Commissioner

Danny L. McDonald,

Commissioner

Scott E. Thomas, Commissioner

John C. Surina, Staff Director

Lawrence M. Noble, General
Counsel

Published by the Information
Division

Louise D. Wides, Director
Stephanie Fitzgerald, Editor

<http://www.fec.gov>

Background

Various newspapers reported that Mr. Stockman’s opponent in the 1994 Republican primary (9th Congressional District, Texas) had filed a complaint with the FEC claiming that: (1) a newspaper allegedly published in the Stockman home and campaign headquarters should have been identified as campaign literature; and (2) the newspaper’s advertising revenue should have been reported as campaign contributions.

Mr. Stockman and his two campaign committees filed suit in November 1995 asking the court to dismiss the complaint (Matter Under Review or MUR 3847) for a number of reasons, including their claim that the FEC had unreasonably delayed its investigation into the matter in violation of the Administrative Procedure Act. The plaintiffs also claimed that the FEC had breached the confidentiality provisions of the Federal Election Campaign Act by leaking information to the press about MUR 3847. (The confidentiality of MUR proceedings is provided for under 2 U.S.C. §437g(a)(12).)

June Court Decision

In a June 13, 1996, decision, the court rejected the argument that MUR 3847 should be dismissed because the FEC had violated the confidentiality provisions. The court ruled that the plaintiffs could not raise the confidentiality issue in court because they had failed to first raise the issue before the FEC. Furthermore, the court said that there was no evidence indicating that the FEC had improperly leaked information. The court noted that the agency had not breached confidentiality by merely confirming to reporters that a complaint had been filed against the plaintiffs. The only issue remaining after the June decision was whether the Commission had unreasonably delayed the investigation.

August Court Decision

On August 27, 1996, the court found the FEC had not unreasonably delayed action on MUR 3847. The court considered several facts in reaching this decision:

- The FEC is not required to resolve MURs within a statutory deadline.
- The agency’s delay in MUR 3847 does not risk human health and welfare, where delay would be intolerable.
- The time the FEC has taken thus far to investigate MUR 3847 is reasonable considering that similar MURs have taken the agency between 3.3 and 4.6 years to resolve.
- If the court were to force the FEC to take immediate action, the agency would have to divest scarce resources from matters of equal or higher priority.
- The plaintiffs provided no real evidence that the delay had caused them any injury.
- The issues presented in MUR 3847 are novel and will likely require substantially more time to consider than issues more frequently investigated.

In granting summary judgment to the FEC, the court said that the agency’s delay in resolving MUR 3847 was not unreasonable, given the complexity of the FEC’s current workload and the depleted level of agency resources to handle the workload.

U.S. District Court for the Eastern District of Texas, Beaumont Division, 1:95-CV-1049, August 27, 1996. ♦

New Litigation

FEC v. Kalogianis

The FEC asks the court to declare that Anastasios Kalogianis violated the contribution limits of 2 U.S.C. §441a by making \$249,000 in loans to the Tsongas for President Committee, the 1992 authorized committee of Senator Paul E. Tsongas. One

of the loans was made payable to an individual, the committee's chief fundraiser, but was purportedly solicited on behalf of the committee and given with the intention of funding the campaign.

The FEC also asks the court to assess an appropriate civil penalty against Mr. Kalogianis and permanently enjoin him from similar violations.

U.S. District Court for the District of New Hampshire, C-96-427-JD, August 9, 1996. ♦

Public Funding

Dole, Clinton, Perot Receive Public Funds

The FEC recently approved public funding grants for the Democratic, Republican and Reform Party tickets.

On August 15, the FEC certified payment of \$61.82 million for the general election campaign of Republican Presidential nominee Bob Dole and his Vice Presidential running mate, Jack Kemp.

On August 30, the same amount was certified to the Democratic party ticket, President Bill Clinton and Vice President Al Gore.

On August 22, Ross Perot, the Reform Party nominee, and his Vice Presidential running mate were certified to receive \$29.055 million in public funds for the general election. (Mr. Perot temporarily named James Campbell as his running mate, later replacing him with Pat Choate.)

The U.S. Department of the Treasury made the payments to the candidates shortly after the FEC certified the funds.

Under the Presidential Election Campaign Fund Act, the Democratic and Republican nominees are each entitled to a grant of \$20 million increased by a cost-of-living adjust-

ment (COLA). The 1995 COLA (309.1 percent) increased the base grant to \$61.82 million. Major party nominees have received public funding grants since the program began in 1976.

Mr. Perot became eligible for a \$29 million entitlement because he won more than 19 percent of the vote in the 1992 Presidential election. Under the public funding law, a nonmajor party candidate who collects more than 5 percent of the vote in a Presidential election is entitled to receive pre-election funding in the next Presidential election once he or she obtains the nomination of a political party and meets other requirements. The pre-election entitlement is based on the ratio of votes received by the nonmajor party candidate in the previous election to the average votes received by the major party candidates. (In Mr. Perot's case, the ratio works out to 47 percent.)

All the candidates had to submit "letters of agreements and certifications" in which they agreed to comply with the law and submit to a post-election campaign audit.

Major party nominees must agree to limit campaign spending to the amount of the public funding grant. Although their acceptance of full public funding precludes them from accepting private contributions for their campaigns, they may accept contributions designated for their general election legal and compliance (GELAC) funds. These funds are special accounts maintained exclusively to pay for legal and accounting expenses related to complying with the campaign finance law. Compliance expenses do not count against the expenditure limit. However, contributions to a GELAC fund are subject to the limits and prohibitions of the federal campaign finance laws.

Mr. Perot, as a nonmajor party candidate, may accept private campaign contributions but, like the major party nominees, he must limit

total campaign spending to \$61.82 million. His legal and accounting compliance expenses (like those of the major party candidates) are exempt from the spending limit.

All the candidates must limit spending from personal funds to \$50,000.

The last time a nonmajor party candidate received general election funding was in 1980, when John Anderson and his running mate, Patrick J. Lucey, received \$4.2 million after the general election. They were entitled to post-election funding because they won over 5 percent of the vote in the election.

Thus far in the 1996 Presidential season, the Commission has certified \$234 million in public funds:

- \$56 million to the 11 primary candidates who qualified for matching funds;
- \$25 million to major parties for their nominating conventions; and
- \$153 million to the general election candidates. ♦

Final Rules on Electronic Filing

On August 15, 1996, the FEC published new rules implementing an electronic filing system for campaign finance reports filed with the agency (61 FR 42371). The electronic filing system will be in place in time for the 1997-98 election cycle (i.e., for reports covering activity after December 31, 1996).

Electronic filing will be voluntary. It will be available to committees that file with the FEC; Senate campaigns and other committees that file with the Secretary of the Senate will not have the option of filing electronically.

The November issue of the *Record* will give more details on electronic filing. ♦

Statistics

18-Month House and Senate Activity

House and Senate campaigns raised \$60 million more and spent \$23 million more from January 1995 through June 1996 than they did in the same 18-month period in the previous election cycle. The 1996 campaigns raised \$447.7 million—an increase of 15 percent over the previous cycle, and spent \$293.6 million—an increase of 8 percent (see graph).

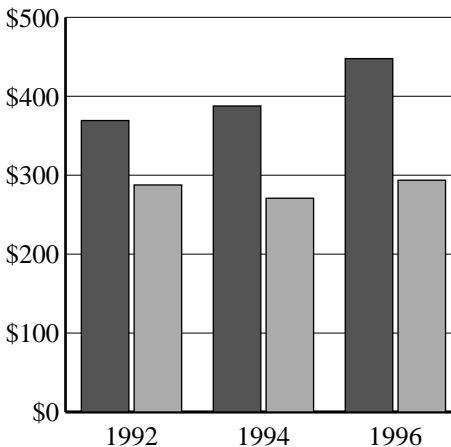
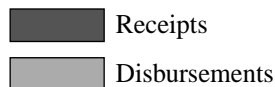
House campaigns were largely responsible for the jump in fundraising. They raised \$278.8 million, more than 24 percent more than in the previous cycle. Republican House campaigns accounted for much of that increase, raising 50 percent more than previously.

Senate fundraising reached \$168.9 million, only slightly more than in the past cycle. However, it is difficult to compare Senate elections across cycles because different seats are up for election each cycle.

Contributions from individuals continued to represent the largest single source of funds for House and Senate campaigns.

House and Senate Finances

(in millions)



Sources of Receipts

Contributions from individuals	58.4%
Contributions from PACs and other committees	24.1%
Contributions from the candidate	13.2%

Data in this article are based on an August 5 news release on 18-month House and Senate activity featuring data from 1986 to 1996. ♦

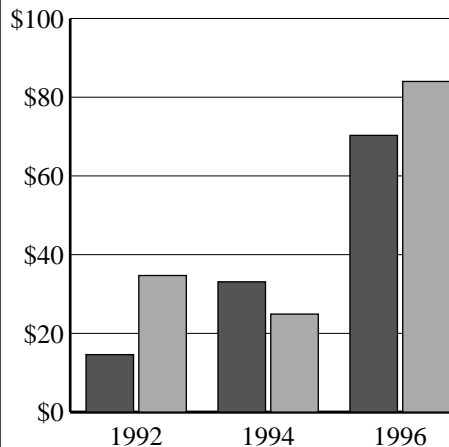
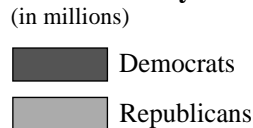
18-Month Party Activity

By the end of June 1996, the Democratic and Republican national committees had raised and spent substantially more for federal elections than they had two years ago. Even so, Democrats continued to lag behind Republicans in funds raised and spent for federal election activity.

Federal Account Activity National Party Committees (in millions)

	Jan. 93 – Jun. 94	Jan. 95 – Jun. 96	Increase
Raised			
Dem.	\$ 57.9	\$102.3	77%
Rep.	\$119.8	\$180.0	50%
Spent			
Dem.	\$ 53.2	\$ 89.7	68%
Rep.	\$104.3	\$162.4	56%

Nonfederal Account Receipts National Party Committees (in millions)



The Republicans also outpaced the Democrats in soft money activity—funds raised and spent for nonfederal elections. The graph below compares nonfederal receipts at the 18-month point in three election cycles.

The table and graph are based on a comprehensive news release on party activity, dated August 7. ♦

How to Get Statistical Press Releases

The news releases mentioned in the articles above may be ordered from the Public Records office: call 800/424-9530 (press 3). To receive faxed copies, call the FEC's Flashfax service: 202/501-3413. Request document 0530 for statistics on 18-month House and Senate activity (not the complete news release, however) and document 0531 for statistics on 18-month national party activity (complete release).

The news releases are also available on the FEC's World Wide Web site (<http://www.fec.gov>) under the "News Releases and Media Advisories" menu option (again, this is not the complete House and Senate release). The latest data are also available as downloadable databases on the FEC's Web site; select "Financial Information for Candidates, Parties and PACs." ♦

New Party Guide

The FEC recently published a revised edition of the *Campaign Guide for Party Committees*. Copies have been sent via first class mail to treasurers of federally registered party committees as well as to *Record* subscribers who have indicated an interest in party committee activity.

Others wishing to obtain a copy should call the Information Division: 800/424-9530 (press 1) or 202/219-3420.

Advisory Opinions

AO 1996-28 Personal Use of Campaign Funds by Former Member

Former Congressman Don Ritter of Pennsylvania may convert remaining campaign funds to personal use because he served in the House of Representatives in January 1980 (i.e., was a “grandfathered” or “qualified” Member) but did not serve in the 103d Congress (which ended January 1995) or later. The law permits him to convert up the amount of his committee’s excess funds as of November 30 1989, less outstanding debts owed as of that date.¹ 11 CFR 113.2(e).

Mr. Ritter wishes to convert to personal use his committee’s current cash balance of \$26,400 plus \$11,000 still owed by a former treasurer who is under a court order to repay stolen funds. This total (\$37,400) is well under the committee’s November 1989 unobligated balance (about \$61,000).

Because the committee does not owe any money and appears to be existing simply to receive payments from the former treasurer, it may terminate its registration and cease reporting. 11 CFR 102.3. In this particular situation, the committee may assign to Mr. Ritter the rights to receive forthcoming payments from the former treasurer, but the termination report should explain this arrangement.

Date Issued: August 20, 1995;
Length: 4 pages. ♦

¹ This is a limited, statutory exception to the overall ban on the conversion of campaign funds to anyone’s personal use. See Pub. L. 101-194, §504(b), 103 Stat. 1755; see also 2 U.S.C. §439a and 11 CFR 113.1(g).

AO 1996-29 In-Kind Contributions Designated for More Than One Election

The Chris Cannon for Congress committee may accept an in-kind contribution in excess of the \$1,000 per-election limit if the contributor designates the excess amount for a different election and if the item contributed has a long-term useful life expectancy. The contributor must, of course, provide a written, signed designation at the time of the contribution or submit a proper redesignation within 60 days of the committee’s receipt of the contribution. 11 CFR 110.1(b)(5)(ii).

In this case, the committee received in-kind contributions of used computer equipment from three individuals. Although each contribution exceeded the \$1,000 limit, the contributors designated their contributions among the three elections within the Utah election cycle:¹ one person designated \$1,000 for the convention and \$850 for the primary; a second gave \$782.48 for the convention, \$1,000 for the primary and \$67.52 for the general election; the third designated \$1,000 for the convention and \$300 for the primary.

Just as money contributions may be “consumed” over a period of time, the computer equipment will be used through all three elections and perform functions related to each. (An independent appraisal determined that the equipment had a useful life of at least two years.) A contribution of this type is distinguishable from an in-kind contribu-

¹ Because the Utah convention had the power to nominate a candidate, it was considered a separate election with a separate contribution limit. A separate limit also applied to the primary election (held because no candidate won sufficient votes at the convention) and to the general election. See AO 1992-95.

tion that is used only for one particular election, such as printing or mailing costs related to a general election fundraiser.

If the candidate had lost the primary election, the committee, in accordance with the treatment of money contributions, would have had to refund the amount designated for the general election or obtain the contributor’s redesignation of that amount for the next election (i.e., the 1998 convention). AO 1992-15.

The Commission did not reach the question of whether an in-kind contribution could be designated for the next election cycle if the candidate were still seeking election in the current cycle.

Date Issued: August 23, 1996;
Length: 3 pages. ♦

AO 1996-33 Exchange of Contributions Between Federal Candidate and State Candidates

Thomas P. Colantuono, a Republican nominee for a U.S. House seat in New Hampshire, may not contribute surplus campaign funds from his state campaign committee to the campaigns of state legislators with the understanding that those campaigns would contribute roughly equivalent amounts to Mr. Colantuono’s federal campaign committee. This arrangement would amount to a prohibited transfer of funds from Mr. Colantuono’s state committee, through the state legislators’ committees, to his federal committee. 11 CFR 110.3(d).

The state legislators could instead make contributions from their personal funds to the Colantuono federal committee, but this arrangement could result in prohibited contributions made by one person (the Colantuono state committee) in the name of another (the state legislator). 2 U.S.C. §441f; 11 CFR 110.4(b). Specifically, if a legislator

(continued)

Advisory Opinions

(continued from page 5)

reduced or eliminated his donation to his own campaign and, instead, contributed to Mr. Colantuono's federal campaign in anticipation of receiving a reciprocal donation from the Colantuono state committee, this would indicate that the state committee donation was replacing the amount the legislator would normally give to his own campaign, thereby freeing him to make a personal contribution to the federal campaign. (New Hampshire state legislators typically make substantial donations from their personal funds to their own campaigns.) Date Issued: August 23, 1996; Length: 4 pages. ♦

Advisory Opinion Requests

Advisory opinion requests are available for review and comment in the Public Records Office.

AOR 1996-38

Formation of nonconnected committee by executive board members of unincorporated association with ties to an incorporated association (American Seniors Housing Association; August 21, 1996; 6 pages plus multiple attachments)

AOR 1996-39

Fund established to pay legal fees arising from challenges to candidate's ballot status (Heintz for Congress, September 3, 1996, 1 page plus multiple attachments)

AOR 1996-40

Excess campaign funds donated to educational organization established by candidate (Congressman Mel Hancock, September 10, 1996, 7 pages)

AOR 1996-41

Media corporation's production and broadcast of television programs featuring federal candidates' responses to specific questions

(A.H. Belo Corporation, September 16, 1996, 8 pages plus 17-page attachment) ♦

Election Administration

Simplifying Election Forms

The Office of Election Administration has published a handbook on how to make publications and forms easier for the public to use. Written for election officials, *Simplifying Election Forms and Materials* gives common sense advice on how to improve government writing.

The report says that more and more agencies are making their materials "reader friendly" to bridge the gap between the reading abilities of the general public and the readability of most public materials. An estimated 90 million Americans have trouble understanding long, complex and dense materials.

The report notes that many Americans would have trouble with the typical "electionese" in election materials: "Bona Fide resident"; "your right to vote is secured by"; "the equivalent of an affidavit."

Among other pointers, the report suggests using simpler words (e.g., "place" instead of "locality"), shorter sentences and active voice. The report also gives tips on designing more readable layouts.

The report includes before-and-after samples of the District of Columbia's voter registration form as "living proof" that writing in plain language does make a difference.

Simplifying Election Forms and Materials is available free from the Office of Election Administration. Call 800/424-9530 (and press 4 at the prompt) or 202/219-3670. ♦

Reports

(continued from page 1)

- PACs and party committees filing on a monthly schedule (the pre-election report is filed in lieu of the monthly report covering October activity); and
- PACs and party committees filing on a quarterly basis if the committee makes contributions or expenditures in connection with the general election during the coverage dates for the report (below).

The pre-election report, which covers activity from October 1 through October 16, is due October 24. If sent by registered or certified mail, it must be postmarked by October 21.

48-Hour Notices on Contributions

Committees of candidates running in the November general election must file a 48-hour notice if they receive a contribution of \$1,000 or more (including contributions and loans from the candidate) between October 17 and November 2. The committee must disclose the contribution on FEC Form 6 or in a statement containing the same information. The notice must be received by the federal and state filing offices within 48 hours of the committee's receipt of the contribution.

Forty-eight hour notices (but not other reports) may be faxed to the federal filing office:

- FEC Fax: 202/219-0174
- Secretary of the Senate Fax: 202/224-1851.

24-Hour Reports on Independent Expenditures

Political committees and other persons² planning to make indepen-

² Individuals and other persons who are not political committees are reminded that when their independent expenditures exceed \$250 in a calendar year, they must file a report at the end of that reporting period. 11 CFR 109.2.

dent expenditures to support or oppose candidates in the November 5 general election are reminded of the 24-hour reporting requirement. Under that requirement, general-election independent expenditures aggregating \$1,000 or more and made between October 17 and November 3 must be reported with the appropriate federal and state filing offices within 24-hours after the expenditure is made. ♦

Texas Special Elections

Texas has scheduled special elections on November 5 based on an order by the U.S. District Court for the Southern District of Texas. The court redrew the boundaries, invalidated the results of primary and runoff elections, and ordered new elections in 13 U.S. Congressional districts in Texas: districts 3, 5, 6, 7, 8, 9, 18, 22, 24, 25, 26, 29 and 30. *Vera v. Bush*, No. H-94-0277 (S.D. Tex. August 5, 1996). The court's directions resulted from an earlier judicial determination that three of those districts were "created as a product of overt racial gerrymandering."

If no candidate receives a majority of the votes in the November 5 special election, a special runoff election will be held December 10, 1996.

The reporting requirements for committees involved in these special elections are shown in the accompanying tables. Additionally, this article provides information on contribution and coordinated party expenditure limits.

If you have any questions after reading this article, call the FEC at 800/424-9530 or 202/219-3420.

Reporting by Candidate Committees

Candidate committees are required to register and to file financial disclosure reports with the FEC once their campaign activity

(continued on page 8)

Reporting Dates for Texas Special Elections

1. If Only the 11/5 General Is Held¹

	Close of Books ²	Reg./Cert. Mailing Date ³	Filing Date
October Quarterly	September 30	October 15	October 15
Pre-General	October 16	October 21	October 24
Post-General	November 25	December 5	December 5
Year-End	December 31	Jan. 31, '97	Jan. 31, '97

2. If Two Elections Held: Committees Involved in Both the 11/5 General and the 12/10 Runoff⁴

	Close of Books ²	Reg./Cert. Mailing Date ³	Filing Date
October Quarterly	September 30	October 15	October 15
Pre-General	October 16	October 21	October 24
Pre-Runoff	November 20	November 25	November 29
Post-Runoff/Year-End⁵	December 31	Jan. 9, '97	Jan. 9, '97

3. If Two Elections Held: Candidate Committees⁶ Involved in the 11/5 Election Only

	Close of Books ²	Reg./Cert. Mailing Date ³	Filing Date
October Quarterly	September 30	October 15	October 15
Pre-General	October 16	October 21	October 24
Year-End	December 31	Jan. 31, '97	Jan. 31, '97

4. Monthly Filers

	Close of Books ²	Reg./Cert. Mailing Date ³	Filing Date
Monthly Report	September 30	October 20	October 20
Pre-General	October 16	October 21	October 24
Post-General	November 25	December 5	December 5
Year-End	December 31	Jan. 31, '97	Jan. 31, '97

¹ PACs and party committees filing on a monthly schedule should follow Table 4.

² The close of books is the end of the reporting period. The period begins with the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered and, if applicable, before the individual became a candidate.

³ Reports sent by registered or certified mail are considered to be filed on time if they are postmarked by this date.

⁴ Monthly filers follow Table 4.

⁵ Committees should file a consolidated post-runoff/year-end report by the filing date for the post-runoff report.

⁶ PACs and party committees that file on a quarterly schedule and that have no special runoff activity to disclose are required to file a post-general election report for the 11/5 election. Therefore, PACs and party committees that must disclose pre-general activity but do not have any 12/10 runoff activity to disclose must follow the reporting schedule in Table 1.

Reports

(continued from page 7)

exceeds \$5,000 in either contributions or expenditures. 2 U.S.C. §431(2). See the *Campaign Guide for Congressional Candidates and Committees*.

Once the \$5,000 threshold is reached, a principal campaign committee of a candidate running in a special election must file the required reports as shown in the tables on page 7.

Principal campaign committees are reminded that they must file 48-hour notices on contributions of \$1,000 or more received between the 20th day and 48 hours before the day of an election.

Reporting by Party Committees and PACs

Quarterly Filers. Party committees and PACs filing on a quarterly (rather than monthly) basis are required to file pre- and post-special election reports if they make previously undisclosed contributions or expenditures in connection with a special election by the close-of-books date shown in the tables on page 7.

Monthly Filers. Party committees and PACs filing monthly continue to follow the normal election-year reporting schedule (Table 4). They are not required to file pre- and post-election reports for the December 10 runoff. PACs may also have to file 24-hour reports (see below).

Twenty-Four-Hour Reports on Independent Expenditures. All PACs and persons¹ making independent expenditures may have to file 24-hour reports. This report is required if the committee or person makes independent expenditures aggregating \$1,000 or more between the 20th day and 24 hours before the date of an election. The report must be filed with the appropriate federal and state offices within 24 hours after the expenditure is made.

Contribution and Expenditure Limits

Briefly summarized below are several decisions the Commission made with respect to the Texas special election limits in Advisory Opinion 1996-36, approved September 19. (The *Record* will provide a more detailed summary in the next issue.)

Separate Contribution Limit for November 5 Election. There is a separate contribution limit for the November 5 special general election. This limit applies to contributions made after August 5 (the date of the court decision).

Separate Contribution Limit for December 10 Runoff. If a December 10 runoff is held in a district, a candidate participating in the runoff

¹ *Individuals and other persons who are not political committees are reminded that, when their independent expenditures exceed \$250 in a calendar year, they must file a report at the end of that reporting period.*

has a separate contribution limit for that election.

Candidates may accept contributions for a possible runoff election before the November 5 general election if: (1) the campaign sets up a separate account or appropriate accounting system to track such contributions; (2) the contributions are designated in writing for the runoff; and (3) the contributions are returned to the contributors if the candidate does not participate in the runoff.

March 12 Primary Winners. The August 5 court decision placed March 12 primary winners in a new electoral situation in which they were no longer party nominees. As a result, they had a separate contribution limit for the now defunct campaign (from March 13 through August 5). However, they are not permitted to collect contributions after August 5 to retire net debts outstanding from the defunct election period.

Primary winners have a separate limit for the November 5 special election campaign (from August 6 through November 5) and, if they participate in a runoff, a separate limit for the runoff.

Transfers of Surplus Funds. Candidates who have surplus funds remaining from the March 12 primary or from the defunct March 13-to-August 5 campaign may transfer them to their November 5 special election accounts without the contributions counting against the limits for that race.

March 12 Primary Nonparticipants or Losers. Candidates in the special elections who did not participate in the March 12 primary, or who were defeated in that primary, may not accept contributions for the defunct general election since they were never candidates for that election. They may, however, accept contributions made after August 5 for their special general election campaigns. They also have a separate limit for the December 10

Missouri Special Election Reporting

Committees involved in Missouri's November 5 special general election in the 8th Congressional District to fill the seat held by the late Congressman Bill Emerson must follow the reporting schedule below:

	Close of Books	Certified Mail Date	Filing Date
Pre-General Report	Oct. 16	Oct. 21	Oct. 24
Post-General Report	Nov. 25	Dec. 5	Dec. 5

These filing dates are the same as those for the regularly scheduled general election on November 5. See "Reports Due in October," page 1.

runoff if they participate in that election.

\$25,000 Annual Limit. Contributions from individuals made for the March 12 primary and for the defunct campaign count against the individual's \$25,000 aggregate contribution limit for 1996 (as do contributions for the November 5 and December 10 special elections).

Coordinated Party Expenditure Limits. The national committee and the state committee of a political party each have a coordinated party spending limit of \$30,910 for the November 5 special general election. Coordinated party expenditures made before August 6 do not have to be attributed to this limit. There is no separate coordinated party expenditure limit for the December 10 runoff. ♦

Federal Register

Federal Register notices are available from the FEC's Public Records Office.

Notice 1996-14

11 CFR Part 110: Coordinated Party Expenditures; Final Rule; Technical Amendment (61 FR 40961, August 7, 1996)

Notice 1996-15

Rulemaking Petition: Democratic Senatorial Campaign Committee and Democratic Congressional Campaign Committee; Notice of Availability (61 FR 41036, August 7, 1996)

Notice 1996-16

11 CFR Part 104: Electronic Filing of Reports by Political Committees; Final Rules; Transmittal to Congress (61 FR 42371, August 15, 1996)

Notice 1996-17

Filing Dates for Missouri Special Election (61 FR 45426, August 29, 1996)

Notice 1996-17

Filing Dates for Texas Special Elections (61 FR 50298, September 25, 1996)

Compliance

Nonfilers

The candidate committees listed below failed to file required campaign finance disclosure reports. The list is based on recent FEC news releases. The FEC is required by law to publicize the names of nonfiling candidate committees. 2 U.S.C. §438(a)(7). The agency pursues enforcement actions against nonfilers on a case-by-case basis. ♦

MUR Information Available On Line

Listings of newly released FEC enforcement cases (MURs or Matters Under Review) are available on the agency's World Wide Web site: <http://www.fec.gov>. Click on "News Releases, Media Advisories" and look for lists of compliance cases.

The MUR press releases are also available from the FEC's Public Disclosure Division.

The *Record* will no longer publish MUR lists to save printing and mailing costs. It will continue, however, to publish occasional summaries of selected closed MURs. ♦

Candidate	Office Sought	Report Not Filed
Broun, Paul	Senate GA	July Quarterly
Brown, Corrine	House FL/03	Pre-Primary
Brown, Kenneth D.	House GA/04	July Quarterly
Brown, Robert Paul	House FL/23	Pre-Primary
Bryant, James S.	Senate OK	July Quarterly
Collins, Barbara-Rose	House MI/15	Pre-Primary
Diaz-Balart, Lincoln	House FL/21	Pre-Primary
Duke, David	Senate LA	Pre-Primary ¹
Diggs, Douglass J.	House MI/15	Pre-Primary
Gentry, Raymond Davis, Jr.	House FL/05	Pre-Primary
Griffin, James	House CT/06	Pre-Convention
Gryska, Paul V.	House MA/09	Pre-Primary
Florez, Vida Zoe	House AZ/02	July Quarterly
Franks, Gary A.	House CT/05	Pre-Convention
Katsorhis, Kerry John	House NY/18	Pre-Primary
Kennedy, Joseph P., II	House MA/08	Pre-Primary
Kinnamon, Larry E., Jr.	House MO/06	Pre-Primary ²
McKasy, Bert J.	Senate MN	Pre-Primary
Moore, John R.	House MO/03	Pre-Primary ²
Moreno, Monti A.	Senate MN	July Quarterly
O'Toole, John A.	House CT/05	July Quarterly
Owens, Major Robert O.	House NY/11	July Quarterly Pre-Primary
Oxford, William C.	House GA/06	July Quarterly
Seal, Robert	House NV/02	Pre-Primary
Taliaferro, Phyllis	House NY/11	July Quarterly
Tenpas, Douglas B.	Senate MN	July Quarterly
Tsakanikas, Peter James	House FL/19	Pre-Primary

¹ The campaign submitted Summary and Detailed Summary pages without supporting schedules.

² These committees filed July quarterly reports, which included part of the 12-day pre-primary.

Information

Flashfax Menu

Flashfax documents may be ordered 24 hours a day, 7 days a week, by calling **202/501-3413** on a touch tone phone. You will be asked for the numbers of the documents you want, your fax number and your telephone number. The documents will be faxed shortly thereafter.

Disclosure

- 301. Guide to Researching Public Records
- 302. Accessibility of Public Records Office
- 303. Federal/State Records Offices
- 304. Using FEC Campaign Finance Information
- 305. State Computer Access to FEC Data
- 306. Direct Access Program (DAP)
- 307. Sale and Use of Campaign Information
- 308. Combined Federal/State Disclosure Directory 1996 on Disk
- 309. Selected Political Party Organizations and Addresses
- 310. Internet Access to the FEC
- 311. Downloadable Databases via the Internet

Limitations

- 315. Contributions
- 316. Coordinated Party Expenditure Limits
- 317. Advances: Contribution Limits and Reporting
- 318. Volunteer Activity
- 319. Independent Expenditures
- 320. Local Party Activity
- 321. Corporate/Labor Facilities
- 322. Trade Associations
- 323. Foreign Nationals
- 324. The \$25,000 Annual Contribution Limit
- 325. Personal Use of Campaign Funds

Public Funding

- 330. Public Funding of Presidential Elections
- 331. The \$3 Tax Checkoff
- 332. 1993 Changes to Checkoff
- 333. Recipients of Public Funding
- 334. Presidential Fund Tax Checkoff Status
- 335. Presidential Spending Limits

Compliance

- 340. Candidate Registration

- 341. Committee Treasurers
- 342. Political Ads and Solicitations
- 343. 10 Questions from Candidates
- 344. Filing a Complaint
- 345. 1996 Reporting Dates
- 346. 1996 Congressional Primary Dates
- 347. 1996 Special Election Reporting Dates

Federal Election Commission

- 401. The FEC and the Federal Campaign Finance Law
- 402. La Ley Federal relativa al Financiamiento de las Campañas
- 403. Federal and State Campaign Finance Laws
- 404. Compliance with Laws Outside the FEC's Jurisdiction
- 405. Biographies of Commissioners and Officers
- 406. Telephone Directory
- 407. Table of Organization
- 408. Index for 1995 *Record* Newsletter
- 409. Free Publications
- 410. Personnel Vacancy Announcements
- 411. Complete Menu of All Material Available

Clearinghouse on Election Administration

- 424. List of Reports Available
- 425. Voting Accessibility for the Elderly and Handicapped Act
- 426. National Voter Registration Act Regulations
- 427. National Voter Registration Act of 1993
- 428. The Electoral College
- 429. Organizational Structure of the American Election System
- 430. Primary Functions of an Electoral System

Money in Politics Statistics

- 525. 1991-2 Political Money
- 526. 1995 Year-End PAC Count
- 527. 1993-4 Congressional
- 528. 1993-4 National Party
- 529. 1993-4 PAC Finances
- 530. 1995-6 Congressional
- 531. 1995-6 National Party
- 532. 1995-6 PAC Finances

1996 Presidential Election

- 550. 1996 Presidential Primary Dates
- 551. Selected 1996 Campaign Names and Addresses
- 552. Selected 1996 Campaign Finance Figures
- 553. 1996 Matching Fund Certifications and Convention Fund Payments

Regulations (11 CFR Parts 100-201)

- 100. Part 100, Scope and Definitions
 - 1007. Part 100.7, Contribution
 - 1008. Part 100.8, Expenditure
- 101. Part 101, Candidate Status and Designations
- 102. Part 102, Registration, Organization and Recordkeeping by Political Committees
 - 1021. Part 102.17, Joint Fundraising by Committees Other Than SSFs
- 103. Part 103, Campaign Depositories
- 104. Part 104, Reports by Political Committees
 - 1047. Part 104.7, Best Efforts
- 105. Part 105, Document Filing
- 106. Part 106, Allocations of Candidate and Committee Activities
- 107. Part 107, Presidential Nominating Convention, Registration and Reports
- 108. Part 108, Filing Copies of Reports and Statements with State Offices
- 109. Part 109, Independent Expenditures
- 110. Part 110, Contribution and Expenditure Limitations and Prohibitions
 - 1101. Part 110.1, Contributions by Persons Other Than Multi-candidate Political Committees
 - 1102. Part 110.2, Contributions by Multicandidate Committees
 - 1103. Part 110.3, Contribution Limitations for Affiliated Committees and Political Party Committees; Transfers
 - 1104. Part 110.4, Prohibited Contributions
 - 1105. Part 110.5, Annual Contribution Limitation for Individuals
 - 1106. Part 110.6, Earmarked Contributions
 - 1107. Part 110.7, Party Committee Expenditure Limitations
 - 1108. Part 110.8, Presidential Candidate Expenditure Limitations
 - 1109. Part 110.9, Miscellaneous Provisions
 - 1110. Part 110.10, Expenditures by Candidates
 - 1111. Part 110.11, Communications; Advertising
 - 1112. Part 110.12, Candidate Appearances on Public Educational Institution Premises

- 1113. Part 110.13, Nonpartisan Candidate Debates
- 1114. Part 110.14, Contributions to and Expenditures by Delegates and Delegate Committees
- 111. Part 111, Compliance Procedure
- 112. Part 112, Advisory Opinions
- 113. Part 113, Excess Campaign Funds and Funds Donated to Support Federal Officeholder Activities
- 114. Part 114, Corporate and Labor Organization Activity
- 115. Part 115, Federal Contractors
- 116. Part 116, Debts Owed by Candidates and Political Committees
- 200. Part 200, Petitions for Rulemaking
- 201. Part 201, Ex Parte Communications

Recent Actions on Regulations, Including Explanations and Justifications

- 227. Presidential Nominating Conventions
- 228. Public Financing of Presidential Primary and General Election Campaigns
- 229. Candidate Debates and News Stories
- 230. Electronic Filing of Reports by Political Committees
- 231. DSCC and DCCC Rulemaking Petition

Forms

- 361. Form 1, Statement of Organization
- 362. Form 2, Statement of Candidacy
- 363. Form 3 and 3Z, Report for an Authorized Committee
- 364. Form 3X, Report for Other Than an Authorized Committee
- 365. Form 5, Report of Independent Expenditures
- 366. Form 6, 48-Hour Notice of Contributions/Loans Received
- 367. Form 7, Report of Communication Costs
- 368. Form 8, Debt Settlement Plan
- 369. Form 1M, Notification of Multi-candidate Status

Schedules

- 370. Schedule A, Itemized Receipts
- 371. Schedule B, Itemized Disbursements
- 372. Schedules C and C-1, Loans
- 373. Schedule D, Debts and Obligations
- 374. Schedule E, Itemized Independent Expenditures
- 375. Schedule F, Itemized Coordinated Expenditures

- 376. Schedules H1 – H4, Allocation
- 377. Schedule I, Aggregate Page Nonfederal Accounts

U.S. Code (Title 2)

- 431. Section 431
- 432. Section 432
- 433. Section 433
- 434. Section 434
- 437. Section 437
- 437g. Section 437g
- 438. Section 438
- 439. Section 439
- 441. Section 441
- 441a. Section 441a
- 441b. Section 441b
- 441c. Section 441c
- 441d. Section 441d
- 441e. Section 441e
- 441f. Section 441f

Advisory Opinions

- 601-33. AOs 1996-1 through 1996-33
- 700. Brochure
- 701-49. AOs 1995-1 through 1995-49
- 801-40. AOs 1994-1 through 1994-40
- 901-25. AOs 1993-1 through 1993-25

Index

The first number in each citation refers to the “number” (month) of the 1996 *Record* issue in which the article appeared. The second number, following the colon, indicates the page number in that issue. For example, “1:4” means that the article is in the January issue on page 4.

Advisory Opinions

- 1995-38: Corporate vendor and nonconnected PAC with common officer, 1:14
- 1995-40: Disaffiliation of PACs, 3:7
- 1995-41: Preemption of state disclosure requirements, 2:3
- 1995-42: Using campaign funds to pay child-care expenses, 2:3
- 1995-43: Refunding legal fees to candidate committee, 3:8
- 1995-44: Presidential primary candidate excused from filing 48-hour notices, 3:8

- 1995-45: Qualified campaign expenses for ballot access, 3:9
- 1995-46: Purchase of candidate’s book by his campaign, 3:9
- 1995-47: Use of campaign funds for travel to party’s Presidential nominating convention, 5:7
- 1995-48: Preemption of Georgia law limiting receipt of contributions, 3:10
- 1995-49: Status of a state affiliate of national party committee, 6:6
- 1996-1: Corporate partisan communications, 5:7
- 1996-2: Providing free on-line accounts to candidates, 6:6
- 1996-3: Determining political committee status, 6:7
- 1996-4: Public funding shortfalls and bridge loans, 5:8
- 1996-5: Returning illegal contributions, 5:9
- 1996-7: Public funding certifications, 5:9
- 1996-8: Local party committees and building funds, 7:6
- 1996-9: Building a library center with excess campaign funds, 6:7
- 1996-10: Corporate employees as stockholders, 7:7
- 1996-11: Incumbent appearances at convention of membership organization, 7:9
- 1996-12: Criteria for qualified campaign expenses, 7:10
- 1996-13: Property owned by limited liability company used for campaign events, 8:6
- 1996-14: Use of excess campaign funds for moving expenses, 7:11
- 1996-15: Discarding envelopes used to mail reports to state, 7:11
- 1996-16: Defining a news entity, 7:11
- 1996-17: Cars provided as official vehicles of convention, 7:12
- 1996-18: Conduit accounts, 8:7
- 1996-19: Use of campaign funds for travel to Presidential nominating convention: wife and children, 8:8
- 1996-20: Use of campaign funds for travel to Presidential nominating convention: chief of staff, 8:8
- 1996-21: Membership organization communications, 8:9

(continued)

Index*(continued from page 11)*

1996-22: Public funding for non-major party candidates, 8:10

1994-23: Disaffiliation of reorganized corporations and their PACs, 9:4

1996-24: Use of campaign funds for certain legal expenses, 8:10

1996-26: Corporation as collecting agent for PAC of affiliated association, 9:5

1996-27: Qualifying as state party committee, 9:6

1996-28: Personal use of campaign funds by former Member, 10:5

1996-29: In-kind contributions designated for more than one election, 10:5

1996-33: Exchange of contributions between federal candidate and state candidates, 10:5

Court Cases

FEC v. _____

– Christian Action Network, 10:1

- Christian Coalition, 9:1
- Colorado Republican Federal Campaign Committee, 8:1
- DSCC (95-2881), 1:5
- GOPAC, 4:1
- Hartnett, 4:12
- Kalogianis, 10:2
- Legi-Tech, 4:9
- McCallum, 9:2
- Murray, 8:5
- National Right to Work, 4:11
- Parisi, 3:6
- Wofford, 6:4
- _____ v. FEC
- Albanese, 5:4
- Buchanan, 6:4
- Center for Responsive Politics, 1:3
- Chamber of Commerce, 1:2
- Clifton, 5:6; 7:1; 9:3
- Common Cause (94-02104), 5:5
- DCCC (1:96CV00764), 6:4
- DSCC (95-0349), 7:5
- Grover, 7:6
- Hooker, 3:7
- Jordan, 4:12
- ME Right to Life Committee, 1:3; 4:9

- MN Citizens Concerned for Life, 3:6; 6:3
- RNC (94-1017), 4:10; 9:3
- Reilly, 8:5
- Stockman, 2:9; 10:2
- Whitmore, 3:6
- On Appeal?, 5:6; 7:6; 9:3

Reports

Electronic filing system, 2:2

Point of entry change for House candidates, 2:1

Reporting reminders, 4:3; 6:1; 10:1

Schedule for 1996, 1:5

Special elections, 2:5; 3:2; 7:16; 10:7; 10:8

800 Line

Ballot access payments, 2:8

Bundling by individuals, 8:2

Conventions, permissible corporate and labor activity, 2:7

– correction, 9:4

Filing tips, 5:1

Last-minute independent expenditures: 48 hour notices, 9:3

FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

Official Business
Penalty for Private Use, \$300



Printed on recycled paper

Bulk Rate Mail
Postage and Fees Paid
Federal Election Commission
Permit Number G-31

