

Record

May 1998

Federal Election Commission

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Publications

Latest Disclosure Directory of Federal and State Election Offices Available

The *Combined Federal/State Disclosure and Election Directory 1998*, which lists national and state offices responsible for public disclosure of financial- and election-related filings for candidates and officeholders, is now available.

The publication contains information concerning state responsibilities in the areas of campaign finances, candidates on the ballot, election results, lobbying, personal finances, public financing, spending on state initiatives and other financial filings. This year's edition of the annual directory includes an expanded list of national associations concerned with election administration. The directory also includes e-mail and home page addresses for agencies that have a presence on the Internet. Agencies with on-line access to the FEC's database are noted.

The directory is available at the FEC's web site—<http://www.fec.gov>—and includes links to many of the other agencies listed in the publication. The web edition of the directory will be updated periodically throughout the year. The directory is also available on 3.5 inch diskettes for \$3. Paper copies of the

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Budget

FEC Asks Congress for Funding to Increase Investigative Force

With a mounting caseload of investigations containing allegations of campaign finance improprieties, FEC Vice Chairman Scott Thomas advised Congress that “the time has come to, in essence, put more cops on the beat.”

Mr. Thomas, who also heads the agency's finance committee, testified before the House Appropriations Subcommittee on Treasury, Postal Service and General Government at a budget hearing March 19. He presented the committee with the FEC's fiscal year 1999 budget request of \$36.5 million and told the panel that the Commission would use the money to hire more staff to deal with the increased enforcement caseload. “Our main message is simple: we need more staff to do a better job of ensuring compliance with existing laws,” he said.

The budget request, if approved, would amount to a 15 percent increase over the FEC's current budget of \$31.6 million and would allow the FEC to increase its work force to 360 staff members, adding 47 positions. Thirty-seven of those positions would bolster the Commission's compliance program.

(continued on page 2)

Publications

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1998 edition, which are free, can be ordered from the Public Records office by calling 800/424-9530 (press 3) or 202/694-1120. ♦

Internet Guide for Election Offices Available

The latest publication from the FEC's Office of Election Administration is a guide for state and local election offices on how to put campaign finance information on the Internet. *Innovations in Election Administration 16: Using the Internet in Election Offices* provides a primer on the Internet's history and frequently-used terms. It also discusses the benefits for state and local election offices that set up sites on the web. People requesting information by telephone can be directed to the web site. According to the publication, many callers with web access actually prefer this method to faxing.

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

800/424-9530
 202/694-1100
 202/501-3413 (FEC Faxline)
 202/219-3336 (TDD for the
 hearing impaired)
 800/877-8339 (FIRS)

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 Counsel

Published by the Information
 Division

Louise D. Wides, Director
Angela Rucker, Editor

<http://www.fec.gov>

The publication also lists the steps for setting up a web page—from securing the proper hardware to presenting data in an attractive fashion. The document includes information about outfitting the web site with voter registration instructions and voter education materials, and it provides a number of Internet addresses for state and local election web pages that may prove useful as models.

For those who run into difficulties, there is a section that addresses common problems and suggests on-line and community resources that can provide assistance.

The appendices include a collection of listservs and Internet mailing lists for organizations involved with election administration and government issues.

Copies of the publication are available from the election administration office (call 800/424-9530, press 5 and ask to be transferred to the office). ♦

Budget

(continued from page 1)

Mr. Thomas acknowledged that in recent years congressional budget committees have required the FEC to use funding increases to improve its computerization efforts and make campaign finance data more readily accessible to the public. He stated that, while the Commission has endorsed that approach, "it is imperative to have both modern technology and more staff if the laws on the books are to mean anything." He added: "Without adequate staff to enforce existing disclosure requirements and contribution restrictions, reliable disclosure will fade, and contributions of any amount from any source may become the norm."

Mr. Thomas listed several causes for concern:

- The perception among the regulated community and the public is that there are too many committees bending or breaking campaign finance laws without reservation. "Part of the problem seems to be a growing awareness that the Federal Election Commission simply cannot handle all of the enforcement cases placed in its lap," Mr. Thomas said.
- The FEC can assign the equivalent of only 24 attorneys to its pending case load (162 cases involving over 1,500 respondents as of March 2). By comparison, the Department of Justice reportedly has 125 staffers conducting its investigation into campaign finance irregularities during the 1996 election cycle.
- The number of respondents in administrative complaints reported to the FEC has grown dramatically. For example, while the average pending caseloads in 1995 and 1997 stayed the same, the number of respondents in those cases grew from 1,636 in 1995 to 2,039 in 1997, an almost 25 percent jump. Five of the Commission's current cases involve a total of 222 respondents. These five cases alone are anticipated to generate more than 2 million pages of documents. "We do not think this is an anomaly; it is indicative of a long-term trend," Mr. Thomas said.
- Recent court decisions have made the resolution of enforcement cases more staff intensive for the FEC. The U.S. Supreme Court decision in *FEC v. Colorado Republican Federal Campaign Committee*, for example, has forced FEC staff to investigate whether party committees coordinate their activities with their own candidates.

"The heart of our request is a plea to beef up our compliance program," Mr. Thomas said.

A news release about the FEC's budget request is available at <http://www.fec.gov>. ♦

Court Cases

Stockman v. FEC

On March 27, the U.S. Court of Appeals for the Fifth Circuit sustained a lower court's ruling in this case for the FEC, but it based the dismissal on lack of jurisdiction rather than on the merits.

Former Congressman Stephen E. Stockman was a respondent in an administrative complaint the FEC received concerning a newspaper that was published at Mr. Stockman's residence and campaign headquarters during the 1994 primary election season. In February 1996, Mr. Stockman asked the U.S. District Court for the Eastern District of Texas, Beaumont Division, to direct the FEC to dismiss the administrative complaint because, among other reasons, the FEC allegedly had unreasonably delayed its investigation and FEC personnel allegedly had leaked information about the investigation to the press, in violation of statutory and regulatory confidentiality requirements.

In decisions rendered in June and August 1996, the district court rejected Mr. Stockman's arguments. While the district court found that it had jurisdiction over the delay claim, it ruled that the delay in the investigation was not unreasonable in light of the FEC's work load and lack of resources. The district court dismissed Mr. Stockman's breach-of-confidentiality claim for lack of jurisdiction because Mr. Stockman had failed to follow FEC procedures for resolving such a claim. In the alternative, the court found that there was no factual basis for Mr. Stockman's allegations of press leaks by the FEC. See page 2 of the [October 1996 Record](#). Mr. Stockman then appealed the case.

The appellate court, citing 2 U.S.C. §437g(a)(8), concluded that the Federal Election Campaign Act

(the Act) does not create a cause of action for a delay claim by an administrative respondent (as opposed to the person who files the complaint). Section 437g(a)(8), the court pointed out, states that only an administrative complainant who is aggrieved by the FEC's failure to act may petition for judicial relief, and then only in the U.S. District Court for the District of Columbia. The court further held that Mr. Stockman's delay claim could not be based on the Administrative Procedure Act, which does not apply where the underlying statute precludes judicial review. The court found that the Act precludes judicial review of delay claims by plaintiffs, like Mr. Stockman, who were not administrative complainants and did not file suit in the District of Columbia. The district court therefore lacked jurisdiction, the court of appeals held, over Mr. Stockman's delay claim.

U.S. Court of Appeals for the Fifth Circuit, 96-40994; U.S. District Court for the Eastern District of Texas, Beaumont Division, 1:95-CV-1049. ♦

Advisory Opinions

Advisory Opinion Requests

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

AOR 1998-6

Restricted class status of executive and administrative personnel of foreign corporation and its domestic subsidiaries (Bacardi-Martini USA, Inc., March 24, 1998; 9 pages)

AOR 1998-7

Application of FECA exemption for political party office building fund to construction of multiple state party office facilities and adjacent public parking lot (Pennsylvania Democratic Party, April 3, 1998; 9 pages)

AOR 1998-8

Preemption of Iowa law prohibiting corporate contributions to party building fund (Iowa Democratic Party, April 7, 1998; 4 pages plus 7-page attachment) ♦

New Mexico Special General Election Reporting

Committees¹ involved in the June 23 Special Election to fill the 1st Congressional District seat held by the late Congressman Steve Schiff must follow the reporting schedule below. Note that 48-hour notices are required of authorized committees that receive contributions (including loans) of \$1,000 or more between June 4 and June 20.

	Close of Books	Certified/Registered Mail Date	Filing Date
Pre-General	June 3	June 8	June 11
July Quarterly	----	Waived	----
Post-General	July 13	July 23	July 23

¹ These committees include authorized committees of candidates running in the election and other political committees that support these candidates and do not file monthly.

Statistics

Year-End Reports from National Party Committees Show GOP Still Leads in Money Race

Heading into the final stretch of the congressional mid-term election cycle, Republican national committees have outpaced their Democratic counterparts in federal contributions by a large margin. While the tallies in soft money were more comparable, Republican committees bested the Democrats in raising nonfederal funds as well, according to Year-End reports for 1997.

The Republican national committees—consisting of the Republican National Committee, National Republican Senatorial Committee and National Republican Congressional Committee—and Republican party federal committees on the state and local levels raised \$108.8 million between January 1 and December 31, and spent \$99.7 million. The committees reported cash on hand at \$10.8 million and debts totaling \$13.3 million. The Democratic national committees—consisting of the Democratic National Committee, Democratic

Senatorial Campaign Committee and Democratic Congressional Campaign Committee—and Democratic party federal committees on the state and local levels raised \$64.5 million and reported spending \$62.8 million during 1997. The committees reported cash on hand at the end of the year at \$4.4 million and debts reaching \$17.3 million.

The receipts for both parties declined from the same period in 1995—a Presidential election cycle—but, when compared to 1993, the last Nonpresidential election cycle, the Republicans increased their receipts by 14 percent while the Democrats increased their receipts by 26 percent.

Soft Money Increases a Record for Both Parties

The Republican national committees raised \$40.2 million for their soft money accounts, a 22 percent increase over 1995. The Democratic national committees raised \$33.9 million in soft money, representing a 19 percent increase over 1995. Soft money refers to funds that are raised outside the limitations and prohibitions of the Federal Election Campaign Act. Such funds cannot be used to pay for expenditures

related to federal elections, but may be used to pay for nonfederal election activity. The FEC began requiring that national party committees disclose information about their soft money accounts in January 1991.

Information about the Democratic and Republican party committees' Year-End reports is included in a March 19 new release. The release, which includes statistical information dating back to the 1990 election cycle, is available:

- At the FEC's web site at <http://www.fec.gov> (click on "News Releases and Media Advisories" at the main menu);
- From the Public Records Office (call 800/424-9530 and press 3); and
- By fax (call FEC Faxline at 202/501-3413 and request document 609).

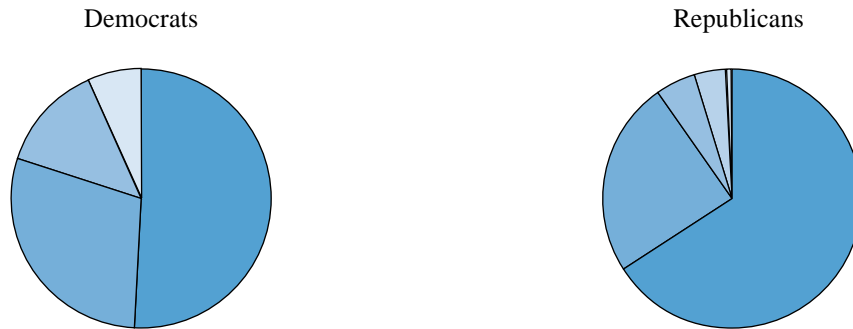
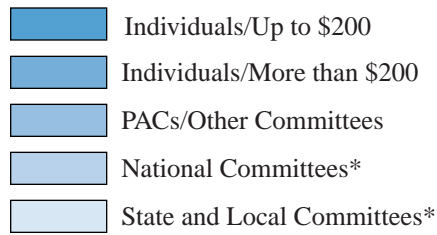
The charts on pages 4 and 5 are based on data taken from this news release. To view digital images of the party committees' reports submitted to the Commission, visit the FEC's web site at the address listed above and click on "[View Financial Reports Filed by Presidential and House Campaigns, Parties, and PACs.](#)" ♦

Party Committees' Federal Activity During Nonelection Years

Democratic totals are shown without shading; Republican totals are shown in blue areas. All totals are in millions.

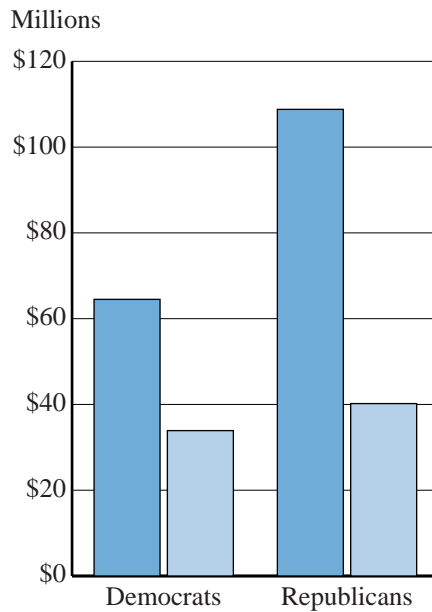
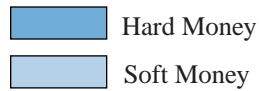
	1989		1991		1993		1995		1997	
Receipts	\$33.0	\$96.0	\$37.0	\$95.8	\$51.1	\$95.7	\$68.7	\$127.4	\$64.5	\$108.8
Disbursements	\$34.5	\$88.1	\$37.0	\$87.4	\$49.5	\$83.9	\$63.2	\$112.1	\$62.8	\$99.7
Cash on Hand	\$6.6	\$16.9	\$3.8	\$7.2	\$5.1	\$12.6	\$5.6	\$16.6	\$4.4	\$10.8
Debts	\$5.0	\$2.5	\$3.4	\$4.7	\$3.2	\$7.5	\$7.9	\$3.2	\$17.3	\$13.3

Contributors to National Party Committees in 1997

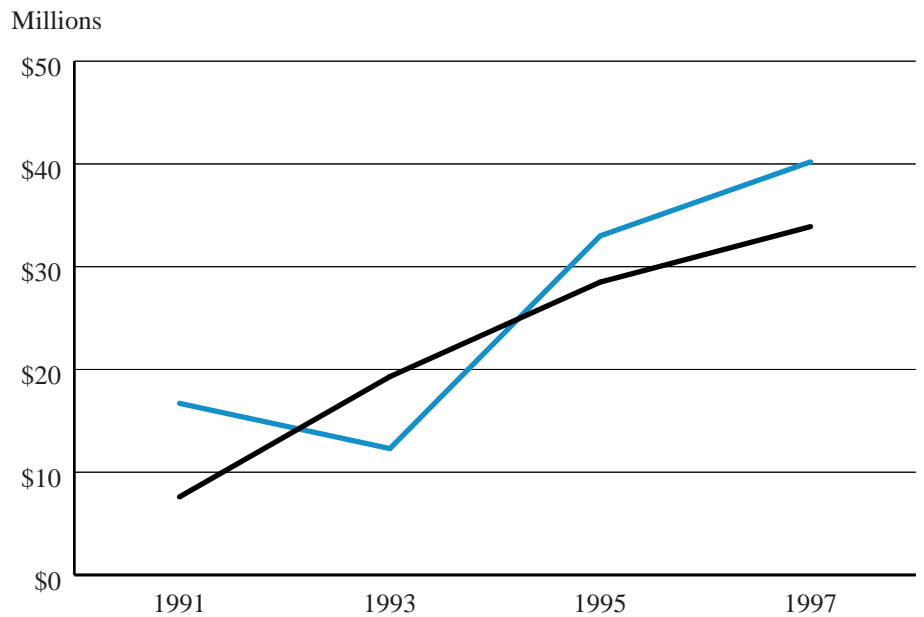
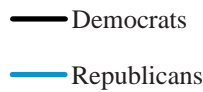


* Denotes transfers of funds from these committees to national party committees.

Hard Money and Soft Money Collected by Party Committees During 1997



Soft Money Contributions to National Party Committees, 1991-1997



Information

FEC Faxline Menu

FEC Faxline 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.

Federal Election Commission

- 411. Complete Menu of All Material Available
- 501. The FEC and the Federal Campaign Finance Law
- 502. La Ley Federal relativa al Financiamiento de las Campañas
- 503. Federal and State Campaign Finance Laws
- 504. Compliance with Laws Outside the FEC's Jurisdiction
- 505. Biographies of Commissioners and Officers
- 506. Telephone Directory
- 507. Table of Organization
- 508. Index for 1996 *Record* Newsletter
- 509. Free Publications
- 510. Personnel Vacancy Announcements
- 511. Freedom of Information Act Requesters' Guide
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- 532. Electronic Filing Took Kit
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- 550. Independent Expenditures
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- 567. The \$3 Tax Checkoff
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- 570. Presidential Fund Income Tax Checkoff Status
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- 608. 1995-6 PAC Finances
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- 652. Selected 1996 Campaign Names and Addresses
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- 654. 1996 Public Funding Certifications and Payments
- 655. 1996 Presidential General Election Ballots
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- 701. List of Reports Available
- 702. Voting Accessibility for the Elderly and Handicapped Act
- 703. National Voter Registration Act Regulations
- 704. National Voter Registration Act of 1993
- 705. The Electoral College
- 706. Organizational Structure of the American Election System
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- 802. Form 2, Statement of Candidacy
- 803. Form 3 and 3Z, Report for an Authorized Committee
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- 806. Form 6, 48-Hour Notice of Contributions/Loans Received
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- 1007. Part 100.7, Contribution
- 1008. Part 100.8, Expenditure
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- 102. Part 102, Registration, Organization and Recordkeeping by Political Committees
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- 103. Part 103, Campaign Depositories
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- 106. Part 106, Allocations of Candidate and Committee Activities
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- 108. Part 108, Filing Copies of Reports and Statements with State Offices
- 109. Part 109, Independent Expenditures
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- 1101. Part 110.1, Contributions by Persons Other Than Multicandidate Political Committees
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- 1103. Part 110.3, Contribution Limitations for Affiliated Committees and Political Party Committees; Transfers
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- 9501-49. AOs 1995-1 through 1995-49
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- 1998-2: Status as national committee of political party; status of affiliated state parties as state committees of political party, 4:10
- 1998-3: Status as state committee of political party, 4:11

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Index to PAC Abbreviations, Other PAC Publications Available

The Commission has published its latest edition of *Pacronyms*, an alphabetical compilation of acronyms, abbreviations and common names of political action committees (PACs).

For each PAC listed, the index provides the full name of the PAC, its city, state, FEC identification number and, if not identifiable from the full name, its connected, sponsoring or affiliated organization.

The index is helpful in identifying PACs that are not readily identified in their reports and statements on file with the FEC.

To order a free copy of *Pacronyms*, call the Office of Public Records at 800/424-9530 (press 3) or 202/219-4140. *Pacronyms* also is available on diskette for \$1 and can be accessed free on the FEC's web site—<http://www.fec.gov>.

Other PAC indexes, described below, may be ordered from the Office of Public Records. Prepayment is required.

- An alphabetical list of all registered PACs shows each PAC's identification number, address, treasurer and connected organization (\$13.25).
- A list of registered PACs arranged by state provides the same information as above (\$13.25).
- An alphabetical list of organizations sponsoring PACs shows the PAC's name and identification number (\$7.50).

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