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Court Cases

Unity08 v. FEC

On October 16, 2008, the U.S. District Court for the District of Columbia granted the FEC's motion for summary judgment, finding that the FEC's interpretation of the Federal Election Campaign Act (the Act) with regard to the activities of Unity08 (Plaintiff) was reasonable and that the FEC did not impermissibly infringe on Unity08's rights under the First Amendment.

Background

Unity08, a nonprofit corporation organized under the laws of the District of Columbia, described itself as a "political movement" formed for the purpose of nominating and electing a "Unity Ticket" in the 2008 Presidential election. Unity08 intended to solicit funds via the Internet in order to qualify for a position on the ballot in approximately 37 states and planned to hold an "Internet online nominating convention" after qualifying for ballot access to select its candidates for President and Vice President.

Unity08 filed an advisory opinion (AO) request with the FEC asking whether it would be considered a

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Advisory Opinions

[AO 2008-10](#)

Online Advertising Vendor May Sell Political Advertising Services

A corporation that provides an Internet service that permits individuals and nonconnected political committees to post their own online political advertising content and permits individuals to purchase airtime for these ads or ads created by the corporation is considered to be a commercial vendor engaging in *bona fide* commercial activity. As a result, the corporation does not make prohibited contributions or expenditures under the Federal Election Campaign Act (the Act) by offering its service.

Background

WideOrbit, Inc. (the corporation) sells software packages to manage advertising. As part of its business, it has developed and operates an Internet service named VoterVoter.com (the web site) that allows individuals to purchase television airtime for ads posted on the web site that expressly advocate the election or defeat of federal candidates. Neither WideOrbit, Inc. nor VoterVoter.com is owned

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Court Cases

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“political committee”¹ before the conclusion of its online convention in the summer of 2008. In AO 2006-20 (See November 2006 *Record*, page 4), the FEC concluded that Unity08 would be a political committee once it spent more than \$1,000 for ballot access, since spending money for ballot access is considered an expenditure under

¹ The Act defines a “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 which makes expenditures aggregating in excess of \$1,000 during a calendar year.” 2 U.S.C. §431(4)(A).

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the Act, Commission regulations and prior advisory opinions. See 11 CFR 100.111(a). Additionally, the FEC determined that Unity08’s “major purpose” was the election or defeat of federal candidates, and therefore the FEC was not prevented by the First Amendment from finding that Unity08’s activities qualified it as a political committee.

Unity08 filed suit seeking to enjoin the FEC from enforcing AO 2006-20 against it and seeking a declaratory judgment that the advisory opinion violated its First Amendment rights. The FEC filed for summary judgment, arguing that Unity08 lacked standing to bring the action and that, even if Unity08 had standing, the FEC’s decision was neither arbitrary nor capricious, nor did the decision infringe on the Plaintiff’s First Amendment rights.

Decision

The court held that, since Unity08 sought to obtain ballot access merely as a placeholder for its candidates, it was reasonable for the Commission to conclude that any monies Unity08 spent to qualify for the ballot would be considered expenditures under the Act. The court held that Unity08’s ballot access was certain to benefit its candidates, who would be identified by party affiliation and office sought, and who would have declared their intentions to run for federal office when this benefit is conferred upon them. Large, unregulated disbursements made to obtain such access would therefore present the possibility of actual or apparent corruption that the Act was intended to limit. The court also concluded that the FEC’s determination that Unity08 would qualify as a political committee did not violate the First Amendment because Unity08’s major purpose was to nominate and support candidates for federal office.

U.S. District Court for the District of Columbia, 1:07-cv-00053-RWR.

—Myles Martin

FEC v. Jamie Jacob Morgan

On November 7, 2008, the U.S. District Court for the District of Columbia granted the Commission’s motion for entry of default judgment. The court declared that the defendant, Jamie Jacob Morgan, violated the terms of the conciliation agreement he entered into with the FEC and ordered him to pay the \$60,000 civil penalty imposed by the conciliation agreement, plus interest. The court permanently enjoined Mr. Morgan from violating the conciliation agreement in the future. The court further ordered that any matter pertaining to this judgment falls within its jurisdiction and dismissed the case.

Mr. Morgan, a 2002 Congressional candidate and the *de facto* treasurer of his campaign committee, entered into the conciliation agreement with the FEC on April 20, 2007, for committing knowing and willful violations of the Federal Election Campaign Act. The Commission filed suit in the U.S. District Court against Mr. Morgan for failure to comply with the terms of this agreement. For additional information regarding this case, please consult the January 2008 *Record*, page 4.

—Michelle Ryan

Advisory Opinions

(continued from page 1)

or controlled by a candidate, political party or political committee.

Specifically, the web site allows individuals to view ads created by the corporation and by individuals and nonconnected political committees (creators). Then, through the corporation, individuals may purchase TV airtime for the ads that they have either chosen or created. The corporation receives revenue by charging the airtime purchaser a licensing fee for the use of ads created by the company and by obtaining a commission from the TV stations on

the airtime bought by each purchaser through the corporation.

If an individual purchases ads created by the corporation, then the corporation will charge that purchaser a licensing fee related to the corporation's production costs and will receive an airtime commission in an amount sufficient to make a profit on each transaction. When an individual chooses an ad created by a creator, the corporation charges no licensing fee because it incurs no expense to create the ad, and the corporation will be compensated by the commission on the airtime purchased by the individual.

Where purchasers desire a new, customized advertisement, the corporation will arrange with a media creation company for the creation of the ad, with the full costs passed on to the purchaser. As a result of these payment arrangements, the purchaser will pay the corporation the usual and normal charge.

Ads that are posted on the VoterVoter.com web site will not be posted for a fee. The corporation does not charge a fee for uploading or hosting videos when individuals or committees create their own videos to post on the web site, and it requires the creators to affirm that they were not paid by anyone else to create or post their content. The ads created and posted on the web site by the creators and by the corporation expressly advocate the election of clearly identified federal candidates. The business model of the corporation and the web site involves ads that constitute independent expenditures, not coordinated communications. The VoterVoter.com web site will not display the creators' names. No contact between candidates and creators or purchasers is established or facilitated by the corporation. In addition (with the exception of informing a purchaser of the content of the disclaimer on a political committee-created ad that is being aired), the corporation will not provide any information to actual or

prospective purchasers regarding the creator of a given ad, whether other purchasers have also bought airtime for the ad or the scheduling or airing of ads. Similarly, the corporation will not give an ad's creators any information about the ad's purchasers or the scheduling or airing of ads. Services are provided on a strictly nonpartisan basis and without regard to political affiliation.

Once a purchaser chooses an ad to run, the corporation advises the purchaser of the Act's prohibitions and also that the ad will include all required disclaimers. The corporation also offers assistance to purchasers in filling out and filing FEC Form 5 (the form used by individuals and groups to report independent expenditures), but the ultimate reporting responsibility lies with the purchasers.

Analysis

Corporation as commercial vendor engaging in bona fide commercial activity. Under the proposed business model, the ads created by the corporation and by the creators will be viewable by the general public. Although the Act prohibits contributions or expenditures by corporations under 2 U.S.C. §441b, the Commission has determined that the distribution of express advocacy messages to the general public is permissible as "bona fide commercial activity," and is not a contribution or expenditure, when undertaken by a corporation organized and maintained for commercial purposes only and the activities themselves are for purely commercial purposes. For example, in the context of the sale of political paraphernalia, the Commission looked at factors including whether:

- The activity is engaged in by the vendor for genuinely commercial purposes and not for the purpose of influencing an election;
- The sales of any merchandise involve fundraising activity for

candidates or solicitation of political contributions;

- The items are sold at the vendor's usual and normal charge; and
- The purchases are made by individuals for their personal use. AOs 1994-30 and 1989-21.

The Commission has also considered other factors, including whether the entity is owned, controlled or affiliated with a candidate or political committee; is "in the business" of conducting the type of activity involved; and follows industry standards and usual and normal business practices. Matters Under Review (MURs) 5474 and 5539.

The facts in this case indicate that the corporation will be acting as a commercial vendor for genuinely

(continued on page 4)

AO Search System Available

The FEC has an Advisory Opinion Search System available on its web site at www.fec.gov. This search function allows users to search for advisory opinions (AOs) by the AO number or name of requestor, or to enter search terms or perform an advanced search for documents.

The system quickly provides relevant AOs, along with all related documents including advisory opinion requests, comments and any concurring or dissenting opinions issued by Commissioners. The search function also provides summary material and links to other AOs cited in the opinion.

When the search system was first launched, it included AOs issued from 1997 to the present. The system has now been updated to include AOs dating back to 1977. The AO search system is available at <http://saos.nictusa.com/saos/searchao>.

Advisory Opinions

(continued from page 3)

commercial purposes and not for the purpose of influencing any federal election. Moreover, the corporation is not owned or controlled by a party, candidate or political committee, and its business model does not involve fundraising for any political committee or candidate. The corporation sells airtime at the usual and normal charge and purchasers pay in advance of the corporation's purchase of the media time requested, and hence in advance of the airing of the ad. These practices are consistent with usual and normal industry practices. In the context of this request, it is also significant that the corporation accepts and posts ads on a nonpartisan basis and seeks

FEC Web Site Offers Podcasts

In an effort to provide more information to the regulated community and the public, the Commission is making its open meetings and public hearings available as audio recordings through the FEC web site, as well as by podcasts. The audio files, and directions on how to subscribe to the podcasts are available under *Audio Recordings* through the *Commission Meetings* tab at <http://www.fec.gov>.

The audio files are divided into tracks corresponding to each portion of the agenda for ease of use. To listen to the open meeting without subscribing to the podcasts, click the icon next to each agenda item. Although the service is free, anyone interested in listening to podcasts must download the appropriate software listed on the web site. Podcast subscribers will automatically receive the files as soon as they become available—typically a day or two after the meeting.

to attract creators without regard to the candidates their ads support or oppose.

Costs incurred by creators. Costs incurred by an individual in creating an ad are exempt from the definition of “expenditure,” as long as the creator is not also purchasing TV airtime for the ad he or she created. Under 11 CFR 100.94 and 100.155, an individual, or group of individuals, may engage in uncompensated Internet activities for the purpose of influencing a federal election without a contribution or expenditure resulting. Thus, the posting by uncompensated individuals of ads they create on the web site, where such ads are not posted for a fee, would not be a contribution or expenditure at the time of posting. See 11 CFR 100.94, 100.155 and 100.26. If an individual then pays to have the ad broadcast on television, the costs for creating the ad are no longer covered by the Internet volunteer activity exemption, and thus become part of the expenses for an independent expenditure. See 11 CFR 109.10.

In contrast, if a political committee posts an ad it creates, its costs constitute expenditures and are reportable as such (even if the ad is never televised), because the exemptions at 11 CFR 100.94 and 100.155 do not apply to political committees. If that ad is then aired on TV, the ad's disclaimers must contain the required information about both the ad's purchasers and the ad's creators. 11 CFR 110.11(b)(3) and (c) (4). See AO 2007-20.¹

Political committee status not triggered. The Act defines a political committee as any group of persons that makes expenditures aggregating over \$1,000 in a calendar year. This definition does not apply to

the individuals who create and purchase ads from the corporation because there is no communication or pre-arrangement between the creator and purchaser, and the corporation has not conveyed any information between them. See 11 CFR 100.5(a). Moreover, purchasers may obtain airtime for an ad that was already purchased and aired by other purchasers, even after reviewing FEC filings by those purchasers. This activity would not by itself be sufficient to cause the purchasers to be considered “a group of persons,” and thus a political committee. The Commission did not address whether any agreements or collaboration between a creator and a purchaser not involving the corporation would result in the formation of a “group of persons” that would be considered a political committee.

In-kind contributions not triggered. Here, given that there is no collaboration between purchasers and creators, the purchase of airtime to run an ad created by a nonconnected committee does not result in an in-kind contribution from the purchaser to the committee. See 11 CFR 100.52(d)(1).

The republication of a candidate's campaign materials does result in a contribution. However, if an individual independently creates and uses his or her own footage of a candidate's public appearance in a web site posting and the campaign does not have any ownership rights to the footage, then the footage does not constitute a candidate's campaign materials and use of it would not represent an in-kind contribution by either the creator or a subsequent purchaser of airtime for the ad. 11 CFR 109.23. The footage may include images of campaign materials (e.g., tee-shirts, buttons and signs customarily displayed at campaign events) without becoming a republication of campaign materials, unless the creator arranged for such materi-

¹ *Disclaimers need not appear on ads created by political committees and only posted on the web site, because ads posted on VoterVoter.com are not placed for a fee and, thus, are not a “public communication.” 11 CFR 100.26.*

als to be held up, displayed or worn during the event.

Date Issued: October 24, 2008;
Length: 12 pages.

—Dorothy Yeager

Advisory Opinion Requests

AOR 2008-17

Use of campaign funds and leadership PAC funds to pay expenses associated with publication of candidate/officeholder’s book (Missourians for Kit Bond and KITPAC, October 23, 2008)

AOR 2008-18

Affinity program between corporation and political party committees involving prescription drug discount cards (Mid-Atlantic Benefits, September 30, 2008)

Statistics

National Party Financial Activity through October 15

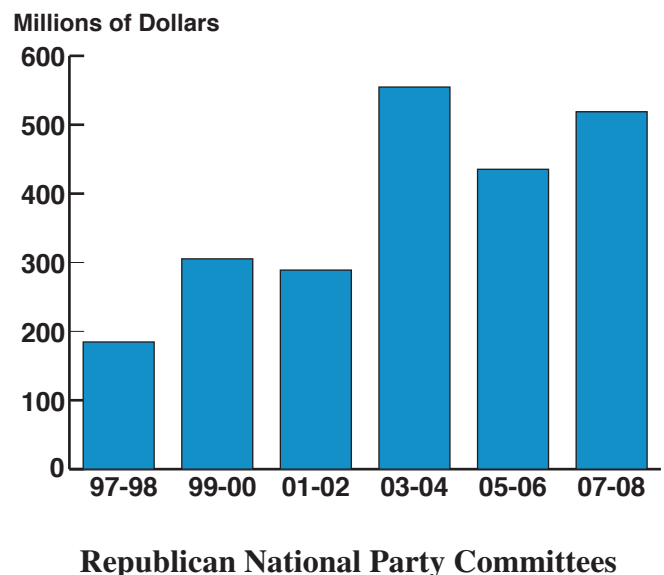
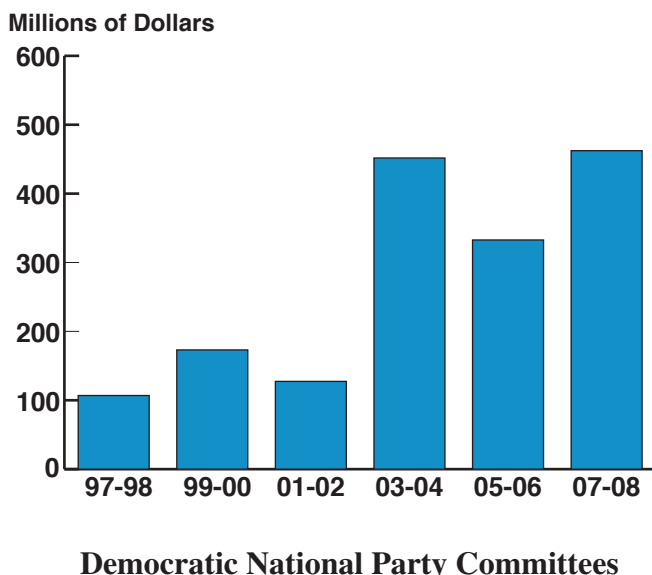
National committees of the two major political parties have spent \$865.1 million during the 2007-2008 election cycle according to reports filed with the Commission. The most recent comprehensive disclosures of all financial activity were submitted on October 23, indicating that national party committees raised \$981.2 million between January 1, 2007, and October 15, 2008. The charts below detail the receipts of the Democratic and Republican national committees through 20 days prior to the general election from the 1997-98 election cycle through the 2007-2008 election cycle.

Republican committees, including the Republican National Committee (RNC), the National Republican Senatorial Committee (NRSC) and the National Republican Congressional Committee (NRCC), raised \$518.8 million in federally permissible “hard money.”

During the same period from January 2007 through mid-October of 2008, the Democratic National Committee (DNC), Democratic Senatorial Campaign Committee (DSCC) and the Democratic Congressional Campaign Committee (DCCC) raised \$462.4 million in federally permissible funds. Republican committees reported \$81.8 million in cash remaining on October 15, while their Democratic counterparts reported \$42.7 million available on that date.

—Myles Martin

Fundraising by Democratic and Republican National Party Committees through 20 Days Prior to the General Election—1997 to 2008



Nonfilers

Committees Fail to File Pre-General Election Reports

The Commission cited 16 campaign committees for failing to file the Pre-General Election Report required by the Federal Election Campaign Act (the Act).

As of noon October 31, 2008, the required disclosure report had not been received from;

- Larry Ishmael for Congress (WA-1);
- Jim Lopez for Congress Committee (CA-20);
- Committee to Elect Faye Armitage for Congress (FL-7);
- Heather Ryan for Congress (KY-1);
- Elect Andrea Miller for Congress (VA-4);
- Lynch for Congress (FL-19);

Campaign Guides Available

For each type of committee, a *Campaign Guide* explains, in clear English, the complex regulations regarding the activity of political committees. It shows readers, for example, how to fill out FEC reports and illustrates how the law applies to practical situations.

The FEC publishes four *Campaign Guides*, each for a different type of committee, and we are happy to mail your committee as many copies as you need, free of charge. We encourage you to view them on our web site (www.fec.gov).

If you would like to place an order for paper copies of the *Campaign Guides*, please call the Information Division at 800/424-9530.

- Doug Tudor for Congress (FL-12);
- Friends of Bob Conley (SC-Senate);
- Webster for Congress (NC-13);
- Reed for US Senate 2008 Inc. (IA-Senate);
- Principal Campaign Committee James E. Bryan (FL-1);
- Joel Haugen for Congress (OR-1);
- Jessica Martinez—Comisionada Residente (PR);
- Committee to Elect Gregorio Kilili Camacho Sablan for Delegate (MP);
- Tracey Smith Campaign Committee (TX-12); and
- John Murphy for Congress (PA-16)

The reports were due on October 23, 2008, and should have included financial activity for the period October 1, 2008, through October 15, 2008. If sent by certified or registered mail, the report should have been postmarked by October 20, 2008.

Some individuals and their committees have no obligation to file reports under federal election law, even though their names may appear on state ballots. If an individual raises or spends less than \$5,000, he or she is not considered a “candidate” subject to reporting under the Act.

The FEC notified committees involved in this primary of their potential filing requirements on September 29, 2008. Those committees who did not file on the due date were notified on October 24, 2008, that reports had not been received and that their names would be published if they did not respond within four business days.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate’s campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against nonfilers and late filers is decided on a case-by-case basis.

Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an administrative fine program with provisions for assessing monetary penalties.

—Myles Martin

800 Line

Winding Down Your Federal Campaign

This article answers common questions from candidates and officeholders who are registered with the Federal Election Commission (the Commission) but are “no longer actively seeking” election to federal office. Federal candidates who withdraw from the race before the election takes place, lose the primary or general election or retire from office may choose to terminate their campaign committees. The Federal Election Campaign Act (the Act) and Commission regulations contain certain provisions related to the process of winding down and terminating a principal campaign committee (committee), including the proper use of remaining campaign funds, the settlement of committee debts and the process for terminating the committee’s reporting obligations.

I collected contributions for the general election but will not participate in that election. Are refunds required?

Yes. A candidate is entitled to an election limit only if he or she seeks office in that election. Thus, a candidate who loses the primary (or otherwise does not participate in the general election) does not have a separate contribution limit for the general. If a candidate accepts contributions for the general election before the primary is held and loses the primary (or does not otherwise participate in the general election), the candidate’s principal campaign

committee must return the general election contributions within 60 days of the primary or the date the candidate became ineligible to participate in the general election. 11 CFR 102.9(e)(3) and 110.1(b)(3)(i). Alternatively, the campaign committee may redesignate the contributions in accordance with 11 CFR 110.1(b)(5) or 110.2(b)(5), or redistribute them in accordance with 11 CFR 110.1(k)(3), as appropriate.

Can my committee continue to pay expenses even if the campaign is over?

Yes. Under the Act, campaign funds may be used for the following non-campaign purposes:

- Defrayal of ordinary and necessary expenses of a federal officeholder, such as travel expenses for a federal officeholder and an accompanying spouse, provided that the travel is undertaken to participate in a function that is connected to the officeholder's official responsibilities. 113.2(a)(1);
- Winding down costs of a federal officeholder's office for a period of six months after leaving office. 113.2(a)(2);
- Donations to charitable organizations defined in 26 U.S.C §170(c). 113.2(b);
- Unlimited transfer to any national, state or local political party committee. 113.2(c);
- Donations to state and local candidates, pursuant to state law. 113.2(d); and
- Any other lawful purpose, unless such use is personal use under 11 CFR 113.1(g). 113.2(e).

Can I use remaining campaign funds to cover personal expenses?

Using campaign funds for personal use is prohibited, even when a federal candidate or officeholder is no longer seeking election to federal office. In determining whether expenses are for personal use or are legitimate campaign/officeholder expenses, the Commission uses the

“Irrespective Test.” Personal use is any use of funds in a campaign account of a candidate (or former candidate) to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate's campaign or responsibilities as a federal officeholder. 11 CFR 113.1(g). More simply put, if the expense would exist even in the absence of the candidacy or even if the officeholder were not in office, then the personal use ban applies.

Automatic Personal Use. Commission regulations list some expenses that are automatically considered to be personal use:

- Household food items and supplies;
- Funeral, cremation and burial expenses, except for a candidate or campaign worker whose death arises out of, or in the course of, the campaign;
- Clothing, except for the cost of campaign T-shirts, hats, etc.;
- Tuition payments;
- Mortgage, rent and utility payments for the candidate's personal residence, even if a portion of the space is used for campaign purposes. AO 1995-08;
- Investment expenses, unless all of the investment and its proceeds are used for campaign purposes or one of the permissible non-campaign uses of funds described above. 67 Fed. Reg. 38354 (June 4, 2002);
- Entertainment expenses, such as concert or sporting event tickets, unless the entertainment is part of a specific campaign or officeholder activity;
- Dues, fees and gratuities for country clubs, health clubs, recreational facilities or other nonpolitical organizations; and
- Salary payments to the candidate's family, unless the family member is providing a *bona fide* service to the campaign and the payments reflect the fair market value of those services. 11 CFR 113.1(g)(1)(i)(A)-(J).

Case-by-Case Determination of Personal Use. The Commission will determine, on a case-by-case basis, whether other expenses would exist irrespective of the candidate's campaign or duties as a federal officeholder and would be considered personal use expenses. 11 CFR 113.1(g)(1)(ii).

Can my campaign committee pay winding down costs?

Yes. Excess campaign funds may be used to pay any ordinary and necessary expenses incurred in connection with one's duties as a federal officeholder. Such expenses include the costs of winding down the office of a former federal officeholder for a period of six months after he or she leaves office. 113.2(a)(2). Winding down costs include:

Moving Expenses. A retiring Member may use campaign funds

(continued on page 8)

Administrative Fine Program Extension

The Commission approved regulations to extend its Administrative Fine Program. The program was scheduled to cover reports only through December 31, 2008, unless Congress extended the program.

Congress recently passed legislation to extend the program for reports covering through December 31, 2013, and President Bush signed the legislation into law on October 16, 2008. Therefore, the Commission has amended its regulations to reflect the extension of the program through 2013. The rule was published in the December 1, 2008, *Federal Register*. For more information on the Administrative Fine Program extension, see the November 2008 [Record](#), page 9.

800 Line

(continued from page 7)

to pay for the expenses of moving office and personal furnishings from the Congressional office in Washington, D.C., back to the Member's home state. While the costs of transporting a Member's personal household effects and furnishings from Washington, D.C., to the Member's home state are not "winding down costs," such costs are "ordinary and necessary expenses" incurred in connection with ending the Member's duties as a federal officeholder. AO 1996-14. Similarly, a retiring Member may use campaign funds to pay the expenses of transporting office furnishings from the Member's district office to Washington, D.C., where the Member will remain upon leaving office. Such costs are considered winding down costs. AO 1996-44. All such moving expenses should be reported as "other disbursements" by the Member's committee, with the specific payee(s) and purpose noted. 11 CFR 104.3(b)(2)(vi) and (b)(4)(vi).

Payments to Committee Staff. A retiring Member may use excess funds to pay staff salaries and incidental expenses while performing duties "imposed by virtue of having been a Member." AOs 1976-90 and 1978-43.

Gifts. Campaign funds may be used to purchase gifts or make donations of nominal value to persons other than the members of the candidate's family. 11 CFR 113.1(g)(4).

Can my campaign committee contribute to other candidates?

Yes. A federal candidate committee may contribute up to \$2,000 per election to the committee of another federal candidate. 11 CFR 102.12(c)

(2).¹ Donations from federal candidate committees to state or local candidate committees are subject to state law.

Can my campaign committee donate to a charitable organization?

Yes. Gifts to charity are not considered personal use expenses as long as the candidate does not receive compensation from the charitable organization before it has expended the entire amount donated. Note that the amount donated must have been used for purposes that do not personally benefit the candidate. 11 CFR 113.1(g)(2). AOs 2005-6, 1997-1, 1996-40 and 1994-20.

May I convert my principal campaign committee into a PAC?

In past advisory opinions, the Commission has explicitly permitted a principal campaign committee to become a multicandidate committee as an alternative to the committee's termination. In meeting the requirements for multicandidate status, a former principal campaign committee may avail itself of the length of time of its prior registration, the number of contributions it has made in the past and the number of contributions it has received. Note that the prohibition on converting campaign funds to personal use still applies to such a committee. AOs 2004-3, 1988-41 and 1985-30.

May I use remaining campaign funds in a future federal election?

Yes, surplus funds may be used in connection with a future election. Funds may be transferred between authorized committees of the same

¹ Note: The contribution limit that applies to a contribution from one federal candidate's campaign to another federal candidate's campaign is \$2,000 per candidate, per election. This limit is different from an individual's contribution limit to a federal candidate's campaign, which is \$2,300 per candidate, per election and is indexed for inflation.

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 <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.

candidate (for example, from a previous campaign committee to a current campaign committee) without limit as long as the committee making the transfer has no “net debts outstanding” as defined in 11 CFR 110.1(b)(3)(ii), 11 CFR 110.3(c) and 116.2(c)(2). Alternatively, a candidate may redesignate a former campaign committee as the principal campaign committee of his or her current campaign and use the excess funds of the previous campaign in the current campaign. AO 1980–30. A candidate who wishes to use the committee for a subsequent federal campaign, may redesignate it as an authorized committee using FEC Form 2.

How does a committee terminate?

A committee may file a termination report at any time, provided that:

- The committee no longer intends to receive contributions, make expenditures or make any disbursements that would otherwise qualify it as a political committee; and
- Neither the committee seeking to terminate nor any other authorized committee of the same candidate has any outstanding debts or obligations. 11 CFR 102.3 and 116.1.

A committee involved in an FEC enforcement action, an FEC audit or litigation with the FEC, however, must continue to file regularly scheduled reports until the matter is resolved. When filing the committee’s termination report, the treasurer should check the “Termination Report” box on Line 4 of the Summary Page of FEC Form 3. The termination report must disclose:

- All receipts and disbursements not previously reported, including an accounting of debt retirement; and
- The purposes for which any remaining committee funds or assets will be used. 11 CFR 102.3(a).

The committee’s reporting obligation ends only when the Commission

notifies the committee in writing that the termination report has been accepted. Until the committee receives this notification, it must continue to file reports. The FEC, upon its own initiative or at the request of a political committee, may administratively terminate a committee’s reporting status. For details on administrative termination, consult section 102.4 of the regulations.

— Isaac J. Baker

Outreach

FEC Announces Campaign Finance Law Conferences in 2009

Each year the Federal Election Commission sponsors conferences on the federal campaign finance law. At the conferences, Commissioners and staff conduct a variety of technical workshops. Workshops are designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law. Discussion topics include fundraising, reporting and communications.

This year, a new workshop will focus on best practices in recordkeeping and how to avoid committee fraud and embezzlement. Also, conferences held in Washington, DC, will feature an opportunity for participants to meet the FEC Campaign Finance Analysts who review their reports.

The schedule in the box at right lists the dates and locations for conferences to be held in 2009. Although registration has not yet begun for these conferences, participants are encouraged to mark their calendars for the conference that they would like to attend.

The FEC notifies individuals via e-mail when conference registration begins. If you would like to receive this notification, please join the FEC’s conference e-mail list

by visiting http://service.gov-delivery.com/service/subscribe.html?code=USFEC_12.

Additional Information

Any questions about conference registration or fees should be directed to Sylvester Management Corporation at 1-800/246-7277. For questions about the conference content or program, please contact the FEC’s Information Division at 1-800/424-9530 (or locally at 202/694-1100) or send an e-mail to Conferences@fec.gov. Confer-

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FEC Conference Schedule for 2009

Conference for House and Senate Campaigns and State/Local Party Committees

March 3-4, 2009

Omni Shoreham

Washington, DC

Conference for Corporations and their PACs

April 2-3, 2009

Westin City Center

Washington, DC

Conference for Trade Associations, Membership Organizations, Labor Organizations and their PACs

May 21-22, 2009

Omni Shoreham

Washington, DC

Conference for Campaigns, Party Committees and Corporate/Labor/Trade PACs

September 15-16, 2009

Hyatt Regency

Chicago, IL

Conference for Campaigns, Party Committees and Corporate/Labor/Trade PACs

October 28-29, 2009

Sheraton at Fisherman’s Wharf

San Francisco, CA

Outreach

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ence information is also available online at <http://www.fec.gov/info/outreach.shtml#conferences> and also by joining our new LinkedIn Group for FEC Conference attendees at <http://www.linkedin.com/groups?gid=1232377>.

—Dorothy Yeager

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Need FEC Material in a Hurry?

Use FEC Faxline to obtain FEC material fast. It operates 24 hours a day, 7 days a week. Hundreds of FEC documents—reporting forms, brochures, FEC regulations—can be faxed almost immediately.

Use a touch tone phone to dial 202/501-3413 and follow the instructions. To order a complete menu of Faxline documents, enter document number 411 at the prompt.

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Between issues of the *Record*, you can stay up-to-date on the latest FEC activity by visiting the Commission Calendar on our web site at <http://www.fec.gov/calendar/calendar.shtml>. The Calendar lists Commission meetings, reporting deadlines, conferences and outreach events, advisory opinion and rulemaking comment periods and other useful information. Each calendar entry links directly to the relevant documents, so you can quickly access detailed information on the subjects that interest you.

While you’re visiting www.fec.gov, be sure to explore the rest of our site to review the latest campaign finance reports and data, research enforcement actions and litigation, read press releases and get help complying with the law. Visit today and add our site to your favorites.

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