



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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AGENDA ITEM

For Meeting of: 9-30-04
September 27, 2004

SUBMITTED LATE

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon, Staff Director
Lawrence H. Norton, General Counsel *LHN (by JAK)*

FROM: The Forms Committee¹

SUBJECT: Draft FEC Form 13 and Instructions, Report of Donations Accepted for Inaugural Committee

The Forms Committee submits the attached draft of new FEC Form 13 and accompanying instructions for approval. This form implements the reporting requirements for inaugural committees found at 36 USC §510 and in the General Counsel's draft regulations at 11 CFR 104.21.

Recommendation

The Forms Committee recommends that the Commission approve the attached draft form and instructions, along with their explanation and justification, for transmittal to Congress.

¹The Forms Committee consists of Irene Allen (Information Technology Division); Debbie Chacona (Reports Analysis); Barry Conway (Reports Analysis); Brad Deutsch (Office of General Counsel); Mai Dinh (Office of General Counsel); James Jones (Printing Officer); Adam Ragan (Reports Analysis); Kevin Salley (Information); Greg Scott (Information); Pat Sheppard (Audit); Wanda Thomas (Audit); Dorothy Yeager (Information) and Patricia Young (Public Disclosure). Esa Sferra (Office of General Counsel) and Jeff Chumley (Information Technology Division) also participated in preparing the draft form and instructions.

**FEC
FORM 13**

**REPORT OF
DONATIONS ACCEPTED**

For Inaugural Committee

Office Use Only

1. NAME OF COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type over the lines.

12FE4M5

MAILING ADDRESS ►

Check if different than previously reported. (ACC)

_____ - _____

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C

3a. Type of Filing (check one)

Report (90D)

Supplement to Report (90S)

3b. (check one)

New

Amendment to Report or Supplement filed on:

M M / D D / Y Y Y Y Y Y

4. Covering Period

M M / D D / Y Y Y Y Y Y through M M / D D / Y Y Y Y Y Y

Cumulative Total (From Committee's Inception)

5. Total Donations Accepted

6. Total Donations Refunded

7. Net Donations (subtract Line 6 from Line 5)

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name and Title of Officer Designated to Sign this Report _____

Signature of Designated Officer _____

Date

M M / D D / Y Y Y Y Y Y

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office Use Only

1

FEC FORM 13

**SCHEDULE 13-A
ITEMIZED DONATIONS ACCEPTED**

PAGE OF

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Full Name (Last, First, Middle Initial) or Full Organization Name

A.

Mailing Address

City

State

Zip Code

Date Donation Received

MM / DD / YYYY

Amount of This Donation

Donor's Aggregate Donations To Date

Full Name (Last, First, Middle Initial) or Full Organization Name

B.

Mailing Address

City

State

Zip Code

Date Donation Received

MM / DD / YYYY

Amount of This Donation

Donor's Aggregate Donations To Date

Full Name (Last, First, Middle Initial) or Full Organization Name

C.

Mailing Address

City

State

Zip Code

Date Donation Received

MM / DD / YYYY

Amount of This Donation

Donor's Aggregate Donations To Date

SUBTOTAL of Donations This Page (optional) ▶

TOTAL (optional) ▶

**SCHEDULE 13-B
ITEMIZED REFUNDS OF DONATIONS**

PAGE OF

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Full Name (Last, First, Middle Initial) or Full Organization Name

A.

Mailing Address

City

State

Zip Code

Date Refund Made

M M / D D / Y Y Y Y

Amount of This Refund

Full Name (Last, First, Middle Initial) or Full Organization Name

B.

Mailing Address

City

State

Zip Code

Date Refund Made

M M / D D / Y Y Y Y

Amount of This Refund

Full Name (Last, First, Middle Initial) or Full Organization Name

C.

Mailing Address

City

State

Zip Code

Date Refund Made

M M / D D / Y Y Y Y

Amount of This Refund

SUBTOTAL of Refunds This Page (optional) ▶

TOTAL (optional) ▶

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1 **Federal Election Commission**

2 **Instructions for Preparing FEC FORM 13 (Report of Donations Accepted for**

3 **Inaugural Committee)**

4 **Definitions**

5 For purposes of this form:

6 **Inaugural committee** means the committee appointed by the Presidential-elect to
7 be in charge of the Presidential inaugural ceremony and functions, and activities
8 connected with the inaugural ceremony, and that has filed the letter required by
9 11 CFR 104.21(b).

10 **Donation** means a payment, gift, subscription, loan, advance, or anything of
11 value given to an inaugural committee.

12 **Who Must File**

13 FEC Form 13 must be filed by the chairperson or other officer identified in the
14 inaugural committee's letter-filing under 11 CFR 104.21(b).

15 **When to File**

16 The Commission must receive this report not later than 11:59 p.m. (Eastern
17 Time) of the 90th day following the date on which the Presidential inaugural
18 ceremony is held. If a supplement to this report is necessary, the Commission
19 must receive that supplement no later than 11:59 p.m. (Eastern Time) of the 90th
20 day following the filing date of the report (or most recent supplement if a previous
21 supplement has been filed).

22 **Where to File**

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1 File this Form with the Federal Election Commission, 999 E Street, N.W.,
2 Washington, DC 20463.

3 The inaugural committee must retain copies of its filings and related records for a
4 period of not less than three years from the date of filing.

5 **Line By Line Instructions**

6 LINE 1. Name and Address of Committee. Provide the requested information.

7 LINE 2. FEC Identification Number. Enter the FEC identification number
8 provided by the Commission in response to the letter-filing required by 11 CFR
9 104.21(b).

10 LINE 3a. Type of Filing. Check "Report" if this is your first Form 13 filing—due
11 within 90 days after the inauguration. Check "Supplement" if you are disclosing
12 donations accepted or refunds made since your previous Form 13 filing.

13 LINE 3b. New or Amendment. Check "New" if this is a new report or if you are
14 filing a supplement to a report. Check "Amendment" if you are correcting a
15 previously filed report or supplement, and provide the filing date of the report or
16 supplement to which the amendment relates.

17 LINE 4. Covering Period. Enter the first and last dates of financial activity
18 covered by the filing; on the report these dates should begin with the date of
19 appointment by the President-elect and end with the closing date of the report,
20 which should be a date 15 days or less from the date the report is filed. Note that
21 the first date covered by a supplement should be the day after the closing date of
22 the report (or most recent supplement if a previous supplement has been filed)
23 and the last date covered by a supplement is the closing date of the supplement,

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1 which should be a date 15 days or less from the date the supplement is filed. For
2 amendments to a report or supplement, list the coverage period for the original
3 filing.

4 LINE 5. Total Donations Accepted. Provide the total donations itemized on all
5 Schedules 13-A filed since the committee's inception.

6 LINE 6. Total Donations Refunded. Provide the sum total of refunds made to
7 donors itemized on all Schedules 13-B filed since the committee's inception.

8 LINE 7. Net Donations. Provide the total net donations by subtracting the total
9 donations refunded (Line 6) from the total donations received (Line 5).

10 Provide the name and title of the committee officer designated in the letter-filing
11 to sign this report. The designated officer (see 11 CFR 104.21(b)) must sign and
12 date the report.

13 **Instructions for Schedule 13-A (Itemized Donations Accepted)**

14 For each donation of money or anything of value aggregating \$200 or more,
15 provide the donor's name and mailing address, the amount of each donation, the
16 date of receipt by the inaugural committee and the aggregate total of donations
17 accepted to date from that donor.

18 After itemizing the donations, add the total amount to the total of any previously
19 itemized donations and enter the sum total on Line 5 of Form 13. (Optional: To
20 facilitate this calculation, subtotal each Schedule 13-A. (You may use multiple
21 pages.) Add the total on the last page of Schedule 13-A to the total amount
22 previously reported on Line 5 of Form 13 (if any), and carry the total to Line 5 of
23 Form 13.)

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- 1 **Instructions for Schedule 13-B (Itemized Refunds of Donations)**
- 2 For each refund of a reported donation made by the committee, enter the
- 3 payee's name and address, the date the refund was made and the amount.
- 4 After itemizing the refunds, add the total itemized to the total of refunds
- 5 previously itemized (if any) and enter the total amount on Line 6 of Form 13.
- 6 (Optional: To facilitate this calculation, subtotal each Schedule 13-B. (You may
- 7 use multiple pages.) Add the total on the last page of Schedule 13-B to the total
- 8 previously reported on Line 6 of Form 13 (if any) and carry the total to Line 6 of
- 9 Form 13.)
- 10 This form may be duplicated.

1 EXPLANATION AND JUSTIFICATION FOR FEC FORM 13 (REPORT OF
2 DONATIONS ACCEPTED FOR INAUGURAL COMMITTEE) AND
3 INSTRUCTIONS
4

5 The Commission has developed FEC Form 13 (Report of Donations
6 Accepted for Inaugural Committee) and accompanying instructions. FEC Form
7 13 implements the reporting and filing requirements of section 308 of the
8 Bipartisan Campaign Reform Act of 2002, which amended 36 U.S.C. 510(b) to
9 require an inaugural committee to disclose donations of \$200 or more. In
10 general, authority for the promulgation of FEC forms is contained in 2 U.S.C.
11 §438(a)(8).

12 On (insert date), the Commission adopted regulations at 11 CFR 104.21
13 to implement the disclosure requirements of 36 U.S.C. 510. These regulations
14 require the inaugural committee appointed by a President-elect to disclose
15 certain donations, and refunds of such donations, in a report filed with the
16 Commission no later than 90 days after the date of the Presidential inaugural
17 ceremony. See 69 *Fed. Register* (insert date and page of publication in Federal
18 Register). The Commission transmitted the final rules to Congress on (insert
19 date of transmittal).

20 The Commission anticipates that FEC Form 13 and its instructions will
21 become effective within ten legislative days of the date of their transmittal to
22 Congress.
23