

Record

October 1997

Federal Election Commission

Volume 23, Number 10

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Reports

Electronic Filing Update: Commission Introduces FECFile Software

As part of the next phase of the FEC's electronic filing program, the Commission is releasing this month a simple software program designed to help committees keep track of their financial information and prepare reports for electronic filing.

The new software, called FECFile, is intended for small committees that may not need the more comprehensive package of campaign or PAC management tools offered by private vendors, but that still wish to submit their reports electronically. Filings received electronically (currently via diskette, but by February 1998 via telecommunications system) must conform to the Commission's Electronic Filing Format.

FECFile is designed to help treasurers maintain committee records and automatically prepare the information for electronic filing. With the new software, committees can enter data about contributions, disbursements and other financial activity. When reports are due, committees create a filing automatically, run a validation program to ensure proper formatting, copy the file to a diskette and mail it to the

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Court Cases

DSCC v. NRSC

On August 15, in response to a court order, the FEC filed an amicus brief about the confidentiality of its documents in the Democratic Senatorial Campaign Committee (DSCC) suit against the National Republican Senatorial Committee (NRSC).

The DSCC's suit is the first contested case in which a private party has sued another private party for violations of the Federal Election Campaign Act (the Act), pursuant to 2 U.S.C. §437g(a)(8)(C). That section of the Act states that if the FEC fails to take action on a complaint within 30 days after it has been ordered to do so by the U.S. District Court for the District of Columbia, then the complainant may file suit in his or her own name against the alleged offender of the Act.

The DSCC had filed two previous lawsuits—in April and November 1996—against the FEC charging that it had failed to take action within 120 days on an administrative complaint filed by the DSCC, alleging that the NRSC had made illegal "soft money" expenditures to influence a Senate election in Georgia. 2 U.S.C. §437g(a)(8)(A). In the resolution of the second delay

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Court Cases

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suit, which occurred on May 30, the court ordered the FEC to take action on the administrative complaint within 30 days. When that did not happen, the DSCC filed suit on its own against the NRSC. See page 3 of the August 1997 *Record*.

The Commission's brief is in response to an order from the court seeking the FEC's views on keeping under seal certain documents it filed during proceedings in the two DSCC delay cases and to which the NRSC has requested access. The Commission argues that providing such information to the NRSC would compromise its investigation into the DSCC's original administrative complaint, which continues despite the DSCC's most recent lawsuit against the NRSC. The documents being sought by the NRSC include information about potential witnesses and FEC actions and procedures in the investigation. The FEC contends that the information in the sealed files contains no

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

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evidence about the NRSC's alleged violations, and thus would be of little relevance to the NRSC's court battle with the DSCC. And, although the DSCC has seen some of the information under seal, it is barred by the court's protective order from using that information in its own lawsuit against the NRSC.

The Commission also notes the precedent the court would set if it were to allow the NRSC to view the confidential information covered by the protective order, stating that the Commission would have to take such actions into consideration in deciding what information to provide the court in future delay cases.

On August 27, the court granted a stay requested by the NRSC without deciding whether to maintain the confidentiality of the documents.

U.S. District Court for the
District of Columbia, 97-1493. ♦

White v. FEC

On July 31, the U.S. District Court for the District of Columbia granted the FEC's request for summary judgment and dismissed this case.

William D. White, the plaintiff, had charged in this suit that the FEC had acted contrary to law when it dismissed and closed an administrative complaint—later designated MUR 3920—he had filed in November 1994.

U.S. District Court for the
District of Columbia, 94-2509. ♦

New Litigation

Fulani v. FEC (97-1466)

Dr. Lenora B. Fulani and the Lenora B. Fulani for President Committee ask the court to review the FEC's final repayment determination for the committee's financial transactions during the 1992 election cycle. They also ask the court to review the Commission's response

The FEC Takes Visa and Mastercard

FEC customers can pay for FEC materials with Visa or Mastercard. Most FEC materials are available free of charge, but some are sold, including financial statistical reports (\$10 each), candidate indexes (\$10) and PAC directories (\$13.25). The FEC also has a 5¢ per page copying charge for paper documents and a 15¢ per page copying charge for microfilmed documents.

Paying by credit card has its advantages. For instance, since the FEC will not fill an order until payment is received, using a credit card speeds delivery by four to five days.

Visitors to the FEC's Public Records Office may make payments by credit card. Regular visitors, such as researchers and reporters, who in the past have paid for FEC materials out of their own pockets, may make payments with a company credit card.

The credit card payment system also reduces costs and paperwork associated with check processing, enabling FEC staff to better serve the walk-in visitor.

to the committee's request for a rehearing of the final determination.

The final determination, adopted on March 6, 1997, required the Fulani committee to repay \$117,269 in public matching funds to the U.S. Treasury. Subsequently, the Fulani committee petitioned the FEC for a rehearing of the final determination. On July 8, the Commission denied the petition except as to the committee's claim of laches (unreasonable delay). Upon rehearing that one claim, the Commission adhered to its repayment determination.

U.S. Court of Appeals for the
District of Columbia Circuit, 97-1466, August 5, 1997. ♦

Reports

(continued from page 1)

FEC. Though optional, committees may also make a printout of their filings for submission to state agencies and for recordkeeping purposes. See page 10 of the July 1997 Record for the six basic steps for submitting a financial report to the FEC on diskette.

The first version of FECFile software is available for PCs running Windows 95, with at least five megabytes of space available on the hard drive. A version operating under Windows 3.1 will be available in a few weeks. To receive a copy of the software, fill out the form below and return it to the Commission at the address listed. FECFile software should arrive in about two to three weeks. And, look for demonstrations of FECFile during the FEC's 1997-98 conferences.

Commercial Software Users Need Not Switch to FECFile

In past issues, the *Record* has reported that many software companies have made modifications to their programs to accommodate the Commission's formatting requirements. Committees using one of those software packages do not need to use the new software offered by the FEC. The modifications to the commercial software made by most vendors should prepare filings in the proper format. Vendors that are working on or have completed modifications to their software packages include:

- Aspen Software (Trail Blazer) 800/446-1375
- Aristotle Industries (Campaign Manager; PAC Manager) 202/543-8345
- Capitol Hill Software 301/459-2590
- Donnelson and Associates (Micropac) 615/356-4853
- Gnosos Software (Keep in Touch: PAC SOLUTION) 202/463-1200 ext. 425



FECFile Order Form

Do you want to file your FEC reports electronically? The FEC will mail you a copy of its new, free electronic filing software—FECFile. Mail or fax this form to the address/number below. Currently, FECFile operates on Windows95 and WindowsNT platforms.

FEC Identification Number _____

Committee Name _____

Electronic Filing Contact Name _____

Address: Street 1 _____

Address: Street 2 _____

City _____

State _____

Zip Code _____

Phone Number _____

Fax Number _____

E-mail Address _____

Federal Election Commission
 Data Division—Room 431
 999 E St., NW
 Washington, DC 20463
 Fax: 202/219-0674

- Public Affairs Support Services (PASS) 703/684-2915

For more information about electronic filing, visit the Commission's web site at <http://www.fec.gov> or call the FEC's technical staff at 202/219-3730 or 800/424-9530. ♦

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Compliance

MUR 4399 State Agency Makes Contributions in the Names of Others

The State Universities Retirement System of Illinois (SURS) and its former executive director, Dennis Spice, paid \$10,500 in civil penalties to the FEC for making contributions in the names of others, a violation of the Federal Election Campaign Act (the Act). Of that amount, Mr. Spice paid \$7,500 for knowingly permitting his name to be used, and knowingly assisting others, to effect contributions in the names of others.

SURS is an executive agency of the state of Illinois. During the 1994 election cycle, SURS reimbursed Mr. Spice and three other SURS officers for \$4,345 in contributions they had made to political parties and candidate fundraisers in order to advance SURS's funding agenda. The employees submitted vouchers generically labeled with such statements as "Legislative Conference" and "Legislative Meeting" without also disclosing that the events were sponsored by political committees. Thus, SURS was not revealed as the true source of the contributions.

In addition to the \$895 of his contributions that were reimbursed, Mr. Spice also charged \$1,280 in contributions to a SURS credit card. The recipient political committees have refunded the illegal contributions.

The Act at 441f states that no person may make a contribution in the name of another or knowingly permit his or her name to be used to effect such a contribution. Commission regulations go on to instruct that no person may knowingly help or assist another in making a contribution in the name of another. 11 CFR 110.4(b)(iii). Although the

Act excludes the federal government from the definition of person, no such exclusion is made for state governments. 2 U.S.C. § 431(11).

This MUR, or Matter Under Review, was initiated in response to a December 1995 *sue sponte* submission by SURS to the FEC.¹ Prior to finding probable cause to believe that a violation of the Act had occurred, the Commission entered into conciliation agreements with Mr. Spice and SURS. ♦

Regulations

Proposed Revisions to FEC Recordkeeping and Reporting Regulations, Forms Available for Public Comment

On September 18, the Commission approved two documents for public comment. The first, a Notice of Proposed Rulemaking (NPRM), proposes multiple revisions to 11 CFR 102.9, 104.3 and part 108. The NPRM seeks comments on FEC regulations that govern recordkeeping, reporting and filing with state officers.

Many of the revisions are technical in nature and are intended to update, clarify and simplify the current requirements for completing and filing FEC disclosure reports. For example, the draft rules propose permitting alternatives for reporting loan repayments, simplifying reporting requirements for draws on a line of credit and clarifying procedures for reporting disbursements paid by credit card. The Commission anticipates a November 5 public hearing on this NPRM.

¹ A *sue sponte* submission is one in which an individual, a committee or an organization brings a possible violation to the attention of the FEC.

The second document is a set of proposed Forms and Schedules for political committees. The proposed disclosure reports revise current Forms 3 and 3X to reflect the changes proposed by the NPRM for recordkeeping and reporting requirements. The document also presents accompanying instructions for each set of forms in a consolidated instruction booklet.

Public comments in response to the NPRM and proposed disclosure reports must be submitted in either written or electronic form to Susan E. Propper, Assistant General Counsel. Written comments should be mailed to Federal Election Commission, 999 E St., NW, Washington, DC 20463. Faxed comments should be transmitted at 202/219-3923, with a copy mailed to the preceding address to ensure legibility. Comments also may be sent by e-mail to recrep@fec.gov. Electronic submissions must include the commenter's full name, e-mail address and postal mail address. The deadline for comments is October 27.

See the NPRM and proposed disclosure reports for more details about the draft revisions. Copies are available from the FEC's Public Records Office at 800/424-9530 (press 3). The NPRM also is available on FEC Faxline (document 231), and was published in the September 26 Federal Register. ♦

Need FEC Material in a Hurry?

Use FEC Faxline to obtain FEC material fast. It operates 24 hours a day, 7 days a week. More than 300 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.

Advisory Opinions

AO 1997-10 Termination of 1992, 1996 Committees

Former Representative Martin Hoke may make a loan to his 1996 authorized committee and then transfer those funds to his 1992 authorized committee in order to correct a previous impermissible transfer and to terminate both committees. Before this transfer can take place, however, Mr. Hoke's committees must determine the amounts of, and refund, any 1992 contributions received by the 1996 committee that resulted in excessive contributions by contributors. The committees must also refund any other contributions that were improperly accepted.

Mr. Hoke represented Ohio's 10th Congressional District after winning the 1992 election for that seat. During that election, he loaned his campaign committee, the Hoke for Congress Committee (1992 Committee), \$254,000 from his personal funds. The committee repaid him \$80,000, leaving a balance of \$174,000. This amount stood as the 1992 Committee's only outstanding debt. Mr. Hoke then made an unsuccessful bid for the same congressional seat in the 1996 election cycle, creating a new principal campaign committee called Hoke for Congress 96 (1996 Committee).

During the 1996 election cycle, 92 individuals—all of whom, the Committee stated in its advisory opinion request, had contributed the \$1,000 maximum to both Mr. Hoke's 1992 and 1996 committees—contributed a total of \$91,652 to help retire the 1992 Committee's \$174,000 debt. The 1992 Committee then transferred the \$91,652 to the 1996 Committee to aid in that election. This transfer was contrary

to Commission regulations at 11 CFR 116.2(c)(2), which state that no transfers may be made from a candidate's authorized committee to another authorized committee of the same candidate if the initial transferring committee has any net debts outstanding at the time of the transfer. 11 CFR 110.1(b)(3)(ii).

The Federal Election Campaign Act (the Act) states that a political committee may terminate after filing a termination report with the FEC or a written statement declaring that the committee is no longer receiving contributions or making disbursements and has satisfied all outstanding debts and obligations. 2 U.S.C. §433(d)(1).

Under the Hoke Committees' plan, Mr. Hoke would loan \$91,652 to the 1996 Committee, which would transfer those funds to the 1992 Committee. The 1992 Committee then would pay the same amount to Mr. Hoke in order to retire part of its net outstanding debt to the candidate. Mr. Hoke would then forgive the remaining \$82,347 debt, thus erasing the net outstanding debt for the 1992 Committee. This plan is permissible.¹ Commission regulations permit congressional candidates to make unlimited loans to their own campaigns. 11 CFR 110.10(a).

The debt settlement process must precede termination of either committee. Because of the prohibited transfer, the 1992 and 1996 Committees must refund any 1992 contributions, which, when aggregated with 1996 contributions, exceeded contribution limits found at 2 U.S.C. §441(a). The 1992 Committee must also refund any contributions it accepted that are not consistent with 11 CFR 110.1(b)(3). That section of the regulations instructs that contributions designated for a specific election may

¹ This opinion does not make any determination as to the permissibility of past transfers by the 1992 Committee.

only be accepted after that election if there is a remaining net debt for that election. The committees must make the refunds prior to repaying Mr. Hoke.

Date: August 15, 1997; Length: 3 pages. ♦

AO 1997-12 Use of Campaign Funds for Legal Expenses

Representative Jerry Costello may use campaign funds to pay a legal firm for various expenses he has incurred for its services in helping him refute allegations reported by the media that he was involved in questionable and illegal activities during his tenure as a federal officeholder. For some of the expenses, Mr. Costello must follow the allocation formula listed below.

Mr. Costello, who was re-elected to represent the 12th congressional district of Illinois in 1996, has been the subject of a number of allegations in his hometown newspapers since September 1995, including these three:

- Mr. Costello was a silent partner in business dealings with two felons—Thomas Venezia, who was convicted in 1995 on federal charges of gambling-related racketeering, and long-time friend Amiel Cueto, who was convicted in 1997 for obstruction of justice, conspiracy and a number of other federal crimes. During the course of Mr. Cueto's trial, Mr. Costello was named as an unindicted co-conspirator. He testified during grand jury proceedings concerning Mr. Cueto, but was not called to testify during the trial.
- Mr. Costello, in his capacity as an officeholder, attempted to lure a county prosecutor away from his position by offering him a judgeship in the state. In turn, the prosecutor would help Mr. Costello convince the top-elected

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Advisory Opinions

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county official to appoint Mr.

Cueto to the prosecutor's position.

- Mr. Costello voted for federal legislation to recognize the Pokagon band of the Potawatami Indians at a time when he had a secret interest in a business venture with Mr. Cueto and others who would have operated a gambling casino on the Pokagon's property.

Mr. Costello has denied any wrongdoing and has had assistance from a law firm, Jenner & Block, in doing so. To date, the legal services from the firm have included: reviewing and monitoring press reports in order to brief Mr. Costello; investigating allegations against Mr. Costello contained in the media reports; counseling Mr. Costello as to his responses to the media; participating in drafting press releases; researching Mr. Costello's formal testimony before Congress in support of the Indian recognition bill; and representing him before the grand jury and handling other legal proceedings related to Mr. Cueto's trial. The law firm also researched the Federal Election Campaign Act (the Act) and Commission regulations related to the use of campaign funds to pay for its expenses.

The Act prohibits a candidate from converting campaign funds to personal use. 2 U.S.C. §439a. Commission regulations define personal use as "any use of funds in a campaign account...that would exist irrespective of the candidate's campaign or duties as a federal officeholder." 11 CFR 113.1(g)(1)(i). When a specific use is not listed, as in the case of legal expenses, the Commission examines the use of campaign funds on a case-by-case basis. 11 CFR 113.1(g)(1)(ii)(A).

While legal expenses associated with refuting allegations about private business ventures normally would be considered personal use—

and could not be paid for with campaign funds—the need for some of the legal services provided to Mr. Costello appears to have resulted from the political necessity for him to respond to allegations of wrongful conduct that were reported in the media and that allegedly happened while he was a federal officeholder and candidate. The Commission has recognized that the activities of candidates and officeholders may receive heightened scrutiny because of their status. AO 1996-24. Mr. Costello's need to respond to media allegations would not exist irrespective of his campaign or officeholder status and, thus, he may use campaign funds to pay for such expenses subject to the Commission's guidelines, as follows:

1. Any legal expenses that relate directly and exclusively to dealing with the press—for example, preparing press releases, appearing at press conferences or meeting with reporters—would qualify for 100 percent payment with campaign funds.
2. Any legal expenses that relate directly to allegations arising from campaign or officeholder activity would qualify for 100 percent payment with campaign funds.
3. Legal expenses that do not fall into category 1 and do not directly relate to allegations arising from campaign or officeholder activity would qualify for 50 percent payment with campaign funds because the candidate is providing substantive answers to press questions beyond "no comment" statements.¹

Thus, Mr. Costello may use 100 percent campaign funds to pay for legal expenses relating to the

¹ This analysis represents a slight modification from the approach used in AO 1996-24.

allegations about his vote for the Indian band recognition. However, he may use campaign funds to pay only 50 percent of the legal services expenses associated with refuting allegations about his silent partner status in business dealings with Mr. Cueto and Mr. Venezia and his attempts to move Mr. Cueto into a state prosecutor job. Although the expenses are not directly related to his status as a federal officeholder, Mr. Costello did have to conduct research and prepare to respond to press questions on the matters. Additionally, Mr. Costello may pay 100 percent of his legal bills associated with the firm's research of campaign finance laws and regulations with campaign funds.

The cost of legal expenses that are paid with campaign funds should be reported as an operating expenditure on FEC disclosure forms with the purpose noted.

Date: August 15, 1997; Length: 7 pages. ♦

AO 1997-13 Affiliation of Limited Liability Company PAC with Parents' SSFs

The United Space Alliance PAC (USA PAC), a political committee of a joint venture limited liability company (LLC), is affiliated with the separate segregated funds (SSFs) of its two incorporated member/owners.

USA PAC is the political committee of United Space Alliance, LLC (USA), a Delaware company owned 50-50 by wholly-owned subsidiaries of Lockheed Martin Corporation (LMC) and the Boeing Company. Both Boeing and LMC have SSFs, the Boeing Company Political Action Committee (BPAC) and the Lockheed Martin Employees Political Action Committee (LMEPAC), respectively. The nature of the relationship between the incorporated owners and USA determines USA PAC's status.

The Federal Election Campaign Act (the Act) and Commission regulations state that SSFs that are established, financed, maintained or controlled by the same corporation, including a parent or subsidiary, are affiliated. 2 U.S.C. §441a(a)(5) and 11 CFR 100.5(g)(2). The Commission has held in previous advisory opinions that a corporation's affiliates may include entities other than corporations. When an entity, such as USA, is not an acknowledged subsidiary of another entity, the Commission weighs several factors to determine whether an affiliated relationship exists. 11 CFR 100.5(g)(4)(i) and (ii)(A)-(J), and 110.3(a)(3)(i) and (ii)(A)-(J). Of those factors, four are relevant to the issue of affiliation between USA PAC and the PACs of its corporate parents:

- Whether the sponsoring organizations own a controlling interest in the voting stock or securities of USA;
- Whether the sponsoring organizations may direct or participate in the governance of USA;
- Whether the sponsoring organizations have authority over hiring and appointment of USA's officers and other decision-making employees; and
- Whether the sponsoring organizations had an active role in forming USA.

Based on these factors, USA is affiliated with Boeing and LMC and, consequently, USA PAC is affiliated with LMEPAC and BPAC. The corporations each own 50 percent interest in USA. Both must also give approval to certain significant policy decisions at USA. Officials at Boeing and LMC select USA's chief executive officer, chief operating officer and other high-level officers, and these individuals are charged with managing the day-to-day operations of USA. Additionally, USA's operations are overseen by a seven-member advisory board

whose members are appointed by Boeing and LMC. Although neither company has the predominant position in owning or controlling the company, the assent of each is necessary for certain major hiring and governance decisions of USA.

The Act allows a corporation to use its general treasury funds to pay the administrative and solicitation costs of its SSF, and, in previous advisory opinions, the Commission has permitted a corporation that is affiliated with another corporation or other entity to pay the administration and solicitation costs of the political committee of that corporation or entity. 2 U.S.C. §441b(b)(2)(C), AOs 1996-49, 1996-38 and 1992-17. Therefore, because Boeing and LMC are affiliated with USA, they may pay such costs for USA PAC.

The Act does not expressly give USA, as an LLC, the ability to establish an SSF and conduct itself as a connected organization. However, in several advisory opinions, the Commission has spoken on a similarly situated entity—the joint venture partnership. In that case, by virtue of the fact that it is owned entirely by corporations and affiliated with at least one of them, a joint venture partnership may perform the functions of a connected organization for its PAC. AOs 1996-49, 1994-11, 1994-9 and 1992-17.

Although USA is not a partnership, the Commission's conclusion is relevant here. In the case of the joint venture partnership found in AO 1992-17, the Commission stated that the administrative and solicitation costs could be construed as coming from the affiliated corporations. USA is in a similar position as a joint venture partnership: it is entirely owned by corporations, whose control over USA is essentially the same as corporate joint venture partners, and it is affiliated with at least one of the corporations.

Because Commission regulations do not include LLCs in the definition of connected organization, only Boeing and LMC—not USA—are the connected organizations of USA PAC. Although USA may pay the exempt costs, such support would be deemed to have come from LMC and Boeing.

In naming its SSF, USA does not have to include the name of its connected organizations. While 2 U.S.C. §432(e)(5) and 11 CFR 102.14(c) require that the name of an SSF include the full name of its connected organization, another regulation states that an SSF established by a subsidiary need not include the name of its parents or another subsidiary of the parent. Although USA is not technically a subsidiary of LMC or Boeing, it is in virtually the same position as a subsidiary. Also, the disclosure of USA's connected organizations are on its Statement of Organization filed with the FEC, and is available for public inspection.

As to contribution limits, USA PAC must share its limit with LMEPAC and BPAC, both of which are multicandidate committees.¹ Following the same methodology for contributions from a joint venture partnership, which calls for apportioning each contribution on a pro rata basis to each of its partners, contributions by USA PAC must be apportioned to half the limit of LMEPAC and half the limit of BPAC (unless another division is agreed to by all parties). This means there will be two sets of contribution limits available among the three committees—aggregate contributions to the same candidate may not exceed \$10,000 per election from all

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¹ *The contribution limits for multicandidate committees are as follows: \$5,000 to a candidate per election, and \$15,000 to a national party committee and \$5,000 to any other party committee per calendar year.*

Advisory Opinions

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three committees and may not exceed \$5,000 from any one committee. Contributions made by LMEPAC or BPAC will not be aggregated with those from USA PAC for the purposes of USA PAC's \$5,000 limit. But, USA PAC's contributions will be aggregated with each corporate PAC's contributions on a 50-50 basis (or an alternative apportionment so long as the three PACs agree and no excessive contribution results) for the purpose of the limits of those two corporate PACs. USA PAC's contributions may be held under \$5,000 to avoid the exceeding of the limits by the corporate PACs.

Date: August 15, 1997; Length: 7 pages. ♦

AO 1997-14 Use of Corporate Donations for Building Fund

The Mississippi Republican Party (MRP) may accept donations from corporations in any amount for its building fund account. Although a state law prohibits corporate contributions in excess of \$1,000 during a calendar year, it is preempted by the Federal Election Campaign Act (the Act), which allows such donations for this purpose.

The MRP plans to buy or construct a building to be used as party headquarters. The building would be used to influence federal and nonfederal elections, but the building fund account would not. This account, separate from the MRP's other accounts, would accept contributions and donations from corporations and individuals designated solely for the building fund.

The Act and Commission regulations state that a gift, loan or anything of value made to a national or state party committee that is specifically designated to defray the costs of construction or purchase of an office facility is not considered to

FEC Conference Schedule

The FEC will hold several regional conferences during 1997 and 1998. To register for any of the scheduled conferences, call Sylvester Management at 1/800-246-7277 or send an e-mail message to:
TSYLVESTER@WORLDNET.ATTNET.

Atlanta

Date: October 15-17, 1997
Location: Sheraton Colony Square
Registration: \$180
Hotel rate: \$149
Candidates, political parties, corporate and labor organizations

Washington, DC

Date: November 6-7, 1997
Location: Madison Hotel
Registration: \$180.50
Hotel rate: \$124
Corporate and labor organizations

Washington, DC

Date: December 11-12, 1997
Location: Hyatt Regency Capitol Hill
Registration: \$180
Hotel rate: \$145
Trade and membership associations

Read future issues of the *Record* to get more scheduling information for the following conferences slated for 1998:

Washington, DC

February 1998
Candidate committees

Denver

March 1998
Candidates, political parties, corporate and labor organizations

Washington, DC

April 1998
Nonconnected committees

be a contribution or expenditure so long as the facility is not acquired for the purpose of influencing any candidate in any particular election for federal office. 2 U.S.C. §431(8)(B)(viii) and 11 CFR 100.7(b)(12), 100.8(b)(13) and 114.1(a)(2)(ix). In past advisory opinions, the Commission has interpreted the statute and FEC regulations to permit state and national party committees to accept corporate donations to building fund accounts set up specifically to purchase or construct a headquarters for those committees. AOs 1996-8, 1993-9 and 1991-5.

Additionally, the Act explicitly states at 2 U.S.C. §453 that its provisions "supersede and preempt any provision of State law with respect to election to Federal office." Commission regulations go further, specifically stating that the Act supersedes state law with respect to the limitations on contributions and expenditures regarding

political committees. 11 CFR 108.7(a) and (b).

The Commission notes that corporate donations are permissible only for the construction or purchase of a party committee headquarters, but not for any ongoing operating costs such as property taxes. Additionally, while the MRP does not have to disclose information about donations to its building fund account to the FEC, it must follow any disclosure requirements put upon its accounts by the state of Mississippi. AO 1991-5.

Date Issued: August 22, 1997; Length: 3 pages. ♦

Advisory Opinion Requests

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

AOR 1997-17

Contribution limits of limited liability company in Missouri (Jay Nixon, July 29, 1997; 1 page)

AOR 1997-18

Status of committee as independent local party committee (California Reform Party Congressional Committee, March 24, 1997; 2 pages plus 15-page attachment)

AOR 1997-19

Donations by corporation and foundation to potential host committee of presidential convention (CoreStates Financial Corp., July 23, 1997; 1 page plus 3-page attachment)

AOR 1997-20

Permissibility of contributions by nonfederal campaign committee to federal candidates (Friends of McCarthy, July 18, 1997; 1 page plus 12-page attachment)

AOR 1992-21

Refund to candidate who had made contribution to her own campaign (Firebaugh for Congress Committee, August 29, 1997; 2 pages) ♦

Publications

Index to PAC Abbreviations

The Commission has published the 1997 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.¹

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). ♦

¹ Under FEC regulations, the name of a corporate or labor PAC must include the full, official name of the connected organization. A PAC may use an abbreviated name on checks and letterhead if it is a clearly recognized abbreviation or acronym by which the connected organization is commonly known. However, both the full, official PAC name and the abbreviated name must be disclosed in all reports, statements and disclaimers. 11 CFR 102.14(c).

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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.

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808. Form 8, Debt Settlement Plan
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New York Special General Election Reporting

Committees* involved in the November 4 Special Election to fill the 13th Congressional District seat vacated by former Congresswoman Susan Molinari 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 October 16 and November 1.

	Close of Books	Certified/ Registered Mail Date	Filing Date
Pre-General	Oct. 15	Oct. 20	Oct. 23
Post-General	Nov. 24	Dec. 4	Dec. 4
Year-End	Dec. 31	Jan. 31, 1998	Jan. 31, 1998

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

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