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Message from the Chairman

The upcoming year promises to be exciting and challenging as the Commission continues to improve existing programs and complete BCRA-related rulemakings. A top priority is the reconsideration of regulations as mandated by the D.C. Circuit and District Court in the Shays-Meehan v. FEC litigation. While awaiting the outcome of the appeals process in 2005, the Commission began reconsidering regulations in response to the courts' concerns. As a result, the Commission has already finished reconsidering a number of the challenged regulations and has issued Notices of Proposed Rulemaking for all of the remaining regulations at issue. The Commission is on track to complete all of the required rulemakings by the end of February, which will ensure that final rules are in place across-the-board well in advance of the midterm elections.

In 2006, the Commission will expand its educational outreach activities, offering conferences in Tampa, Seattle and Washington, D.C., as well as state outreach workshops and roundtable discussions at the FEC. Additionally, the Commission is continuing to upgrade its website to make more campaign finance information accessible online and to make it easier to locate.

In the next year, the FEC will also seek to continue making major strides in our programs. The Reports Analysis Division, as a result of the electronic filing system and the initial implementation of "e-review," has already finished reviewing 2004 election-cycle activity and aims to complete 2005 activity by the end of the first quarter of 2006. The Audit Division significantly increased the number of Title 2 audits completed from the 2000 and 2002 cycles, and is well ahead of schedule on completing the 2004 Title 26 Presidential audits. The Office of General Counsel continues to streamline the enforcement process, which has resulted in the resolution of 60% of the 324 enforcement cases arising out of the 2004 cycle. Moreover, the ADR and Administrative Fine programs have greatly enhanced our enforcement programs by providing a quick and efficient means for settling less serious election law violations.

The Commission has many things to accomplish in 2006. As the election year begins, the FEC continues to strive to effectively implement and enforce the federal election laws and to provide the regulated community with the clear and concise information necessary to comply with the law. I look forward to the upcoming year and working with everyone at the FEC to meet the Commission's goals.

– Michael E. Toner
FEC Chairman

Regulations

NPRM on Coordinated Communications

On December 8, 2005, the Commission approved a Notice of Proposed Rulemaking (NPRM) presenting seven alternatives for revising the so-called “content prong” of the three-part regulatory test for coordinated communications. 11 CFR 109.21(c)(4). The Commission is undertaking this rulemaking to comply with the Court of Appeals ruling in *Shays v. FEC* that invalidated one aspect of the content prong.

Background

As part of its rulemakings to implement the Bipartisan Campaign Reform Act of 2002 (BCRA), the Commission devised a three-part test for determining whether a communication has been coordinated with

a candidate or party, and thus results in an in-kind contribution. The test considers:

- The source of payment;
- The content of the communication; and
- The conduct of those involved.

To be considered coordinated, the communication must satisfy all three prongs of the coordinated communication test.

In *Shays*, the Court of Appeals invalidated one aspect of the content prong of the test. To satisfy the content prong a communication must either be:

- An electioneering communication;
- A republication of candidate materials;
- An express advocacy message; or
- A public communication that refers to a political party or a clearly identified federal candidate and is publicly distributed to voters in his/her district within 120 days of the election.

The appeals court found the last of these invalid, concluding that “the Commission offered no persuasive justification for . . . the 120-day timeframe and the weak restraints applying outside of it.”

Proposals

In response to the court’s decision, the Commission published an NPRM that presents seven alternatives to address the court’s concerns.

- 1) Retain current 11 CFR 109.21(c)(4) but revise the Explanation and Justification to further justify the 120-day timeframe.
- 2) Adopt a different timeframe.
- 3) Eliminate the time restriction so that any public communication that refers to a political party or a clearly identified federal candidate and is directed to voters in the relevant jurisdiction would satisfy the content prong of the coordinated communication test, regardless of when it is distributed.
- 4) Replace the content standard containing the 120-day timeframe

with a test that would capture only public communications that “promote, support, attack or oppose” a political party or a clearly identified federal candidate and that are directed to voters in the relevant geographical area.

5) Eliminate the 120-day time restriction for political committees so that any public communication made by a political committee that refers to a political party or a clearly identified federal candidate and is directed to voters in the relevant geographical area, would be a coordinated communication. The 120-day window would continue to apply to any person who is not a political committee.

6) Replace the content standard containing the 120-day time frame with a standard covering public communications made for the purpose of influencing a federal election. This standard would broaden the definition of public communication to include some public communications that are made more than 120 days before an election or do not refer to a political party or a clearly identified federal candidate.

7) Eliminate the content prong and replace it with the requirement that the communication be a public communication as defined in 11 CFR 100.26. This alternative assumes that if an organization or person coordinates with a candidate, then the communication has inherent value to the candidate. Under this alternative, any public communication that satisfies the conduct prong of the coordinated communication test would be deemed to have been made for the purpose of influencing a federal election and thus be a “coordinated communication,” regardless of its timing or content.

Although not included in the *Shays* ruling, the Commission is also evaluating the “conduct prong” to determine how the test works in practice, and will also look at its definition of “party coordinated communication,” since it has a content

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Director

Carlin E. Bunch, Editor

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prong that is substantially similar to that in “coordinated communications.” 11 CFR 109.21(c), (d), (g).

Other issues. Other issues raised by the Commission include: specifying how many persons must be able to receive a communication to be classified as a coordinated communication; federal candidate endorsements of, and solicitations of funds for, other federal candidates, nonfederal candidates or state ballot initiatives; and proposed clarification for application of 120-day timeframe requirement.

Comments

The NPRM was published in the December 14, 2005, *Federal Register* (70 FR 73946) and is available on the FEC web site at <http://www.fec.gov>. The Commission strongly encourages comments, especially those that include empirical data.

All comments must be received on or before January 13, 2006. Comments must be in writing, must be addressed to Mr. Brad C. Deutsch, Assistant General Counsel, must be submitted in email, fax, or paper copy form and must include the full name and postal address of the commenter. Commenters are strongly encouraged to submit comments by email at either coordination@fec.gov or through the Federal eRegulations Portal at www.regulations.gov. Attachments must be either Adobe Acrobat or Microsoft Word. Any comments not conforming to these standards will not be considered. Faxed comments should be sent to (202) 219-3923, with a printed copy follow-up to ensure legibility. Mailed comments should be sent to the Federal Election Commission, 999 E Street, NW, Washington, DC 20463.

A public hearing on the proposed rules will be held on January 25 or 26, 2006, or both at 9:30 a.m. at the FEC.

—Carlin E. Bunch

Final Rules on State, District and Local Party Committee Payment of Certain Salaries and Wages

On December 1, 2005, the Commission voted to amend its rules to permit state, district and local party committees to pay as administrative expenses the salaries, wages and fringe benefits of employees who spend 25 percent or less of their compensated time in a month on federal election activity (FEA) or activity in connection with a federal election (“covered employees”). The previous regulation that allowed party committees to use nonfederal funds for salaries and wages for covered employees was struck down by the courts in *Shays v. FEC*.

Background

On July 15, 2005, the U.S. Court of Appeals for the DC Circuit upheld the appealed portion of the U.S. District Court for the District of Columbia’s September 18, 2004 decision. (See the September 2005 *Record*, page 1.) That decision invalidated several Commission regulations implementing provisions of the Bipartisan Campaign Reform Act of 2002 (BCRA), including the regulations addressing payment of salaries and wages of covered employees. BCRA does not address what type of funds state party committees may use for covered employees and the district court held that the Commission’s interpretation of the statute was not a permissible reading under step two of *Chevron* review.¹ The appeals court affirmed the district court’s decision, but held that the regulations addressing the

¹ In *Chevron* review, the court asks first whether Congress has spoken directly to the precise issue at hand. If so, then the agency’s interpretation of the statute must implement Congress’s unambiguous intent. If, however, Congress has not spoken explicitly to the question at hand, the court must consider whether the agency’s rules are based on a permissible reading of the statute.

salaries and wages of state party employees failed to provide sufficient explanation under the Administrative Procedure Act.²

Final Rules

After considering public comments and testimony from a public hearing, the Commission issued final rules that:

- Require state party committees to either pay the salaries and wages of covered employees entirely from a federal account or allocate the salaries and wages between their federal and nonfederal accounts as administrative costs using the allocation ratios at 106.7(d)(2)(i) through (iv);
- Establish that salaries and wages paid to employees who spend *none* of their compensated time in a given month on FEA or activities in connection with a federal election may be paid entirely with nonfederal funds;
- Allow state party committees to use federal funds raised at a federal/nonfederal fundraiser to pay for FEA provided that the direct costs of the fundraiser are paid entirely with federal funds or are allocated according to the “funds received” method; and
- Make clear that a state party committee that raises *only* federal funds at a fundraising activity must pay the entire direct costs of the fundraising activity with federal funds.

The revised rules also supersede advisory opinion 2003-11 to the extent that it allowed party committees to pay fringe benefits using only

(continued on page 4)

² Under the Administrative Procedure Act, regulations that are promulgated without a reasoned analysis may be found “arbitrary and capricious” and may be set aside by a reviewing court. 5 USC §706(2)(A)

Regulations

(continued from page 3)

nonfederal funds. The rules now require committees to pay fringe benefits as administrative expenses.

The final rule was published in the December 20, 2005, *Federal Register* (70 FR 75379) and is available on the FEC web site at http://www.fec.gov/law/law_rulemakings.shtml and from the FEC faxline, 202/501-3413.

—Amy Pike

Reports

Reports Due in 2006

This article on filing requirements for 2006 is supplemented by the reporting tables on the following pages.

General Information

It is the responsibility of the committee treasurer to file required reports on time. To assist treasurers, the Commission sends committees notices of upcoming reporting deadlines. Please note that filing deadlines are not extended in cases where the filing date falls on a weekend or federal holiday. In such cases, reports filed by first-class mail or courier must be received by the Commission on the business day preceding the filing date. Reports filed electronically must be received by the Commission and pass the validation test by 11:59 Eastern time on the filing date.

Under the Commission's mandatory electronic filing regulations, individuals and organizations¹

¹ The regulation covers individuals and organizations required to file reports of contributions and/or expenditures with the Commission, including any person making an independent expenditure. Disbursements for electioneering communications (EC) do not count toward the \$50,000 threshold for mandatory electronic filing. 11 CFR 104.18(a).

2005 Year-End Report

Note: All committees file this report.

Report	Period Covered	Filing Date ¹
Year-End ²	Closing date of last report through 12/31/05	January 31, 2006

2006 Monthly Reports

Note: All national party committees and any state, district or local party committee that engages in federal election activity (FEA) must file monthly reports.

Report	Period Covered	Filing Date ¹
February	1/1 - 1/31	2/20
March	2/1 - 2/28	3/20
April	3/1 - 3/31	4/20
May	4/1 - 4/30	5/20*
June	5/1 - 5/31	6/20
July	6/1 - 6/30	7/20
August	7/1 - 7/31	8/20*
September	8/1 - 8/31	9/20
October	9/1 - 9/30	10/20
Pre-General	10/1 - 10/18	10/26
Post-General	10/19 - 11/27	12/7
Year-End	11/28 - 12/31	1/31/2007

2006 Quarterly Reports³

Report	Close of Books	Filing Date ¹
April Quarterly	3/31	4/15*
July Quarterly	6/30	7/15*
October Quarterly	9/30	10/15*
Year-End	12/31	1/31/2007

Election Reports for November 7th General Election

Report	Close of Books	Filing Date ¹
Pre-General ⁴	10/18	10/26
Post-General	11/27	12/7

* Note that this filing date falls on a weekend. Filing dates are not extended for weekends or federal holidays.

¹ Reports sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system must be postmarked, or deposited with the mailing service, by the filing date. Reports sent by other means—including first class mail—must be received by the filing date. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

² Authorized committees of candidates in the 2006 general election file Form 3Z-1.

³ Principal campaign committees must also file a pre-primary report if the candidate is running in a primary, and all quarterly filers must file pre-primary reports before any primary in which they make a contribution or expenditure on behalf of a candidate in that primary. Primary reporting dates are listed on pages 6-9.

⁴ If sent by registered, certified or overnight mail, the pre-general must be postmarked by October 23.

Guide to 2006 Reporting

Note: All committees must also file a 2005 Year-End Report, due January 31, 2006.

Type of Filer	Required Reports				
	Quarterly	Monthly	Pre-Primary ¹	Pre-General	Post- General
House and Senate Campaigns	X		X	X	X
			Required Only if Candidate Runs in Election		
Presidential Campaigns ²	X	OR	X	Not Applicable	
PACs and Party Committees Filing Monthly			X	X	X
				Filed in Lieu of November and December Monthly Reports	
PACs and Party Committees Filing Quarterly ³	X		X	X	X
			Required Only if Committee Makes Contributions or Expenditures in Connection with Election during Reporting Period ⁴		Required Regardless of Activity

¹ This category includes pre-convention and pre-runoff reports.

² Presidential committees wishing to change their filing frequency during 2006 should notify the Commission in writing. Electronic filers must file this request electronically.

³ PACs and party committees that filed on a semiannual basis in 2005 file on a quarterly basis in 2006. To avoid the need to file pre-primary and pre-runoff reports, these committees may change to monthly filing if they first notify the Commission in writing. Committees may change filing frequency only once a year. 11CFR 104.5(c). National party committees and state and local party committees with reportable receipts or disbursements for federal election activity must file on a monthly schedule. 11CFR 300.36(c)(1).

⁴ A reporting period begins with the close of books for the last report filed and ends with the closing date for the applicable report.

that receive contributions or make expenditures in excess of \$50,000 in a calendar year—or expect to do so—must file all reports and statements with the FEC electronically. Electronic filers who instead file on paper or submit an electronic report that does not pass the validation test will be considered nonfilers and may be subject to enforcement actions (including administrative fines).

Committees that file with the Secretary of the Senate² are not subject to the mandatory electronic filing rules, but are encouraged to file an unofficial electronic copy of their reports with the FEC in order to speed disclosure. 11 CFR 104.18.

The Commission's electronic filing software, FECFile 5, can be downloaded from the FEC's web site at <http://www.fec.gov/electfil/electron.shtml>. Filers may also use commercial or privately-developed software as long as the software meets the Commission's format specifications, which are available on the Commission's web site. Most paper forms are available at the FEC's web site (<http://www.fec.gov/info/forms.shtml>) and from FEC Faxline, the agency's automated fax system (202/501-3413). The 2006 Reporting Schedule is also available on the FEC's web site (http://www.fec.gov/info/report_dates.shtml), and from Faxline. For more information on reporting, call the FEC at 800/424-9530 or 202/694-1100.

Year-End Reports Covering 2005 Activity

All committees must file a 2005 year-end report due January 31, 2006. The coverage and reporting dates are found on page 4.

Reports Covering 2006 Activity

To find out which reports your committee must file in 2006, check the Guide to 2006 Reporting above. Then check the tables on page 4 and 6-9 for reporting dates. Please note that committees active in special elections in 2006 may have to file additional special election reports, as explained on page 10.

(continued on page 9)

² See "Where to File" on page 10.

Pre-Election Reporting Dates: 2006 Primary and Runoff Elections

State	Election Date	Close of Books ⁺	Mailing Date ⁺⁺	Filing Date ⁺⁺	48-Hour Notices ^{**} (candidates only)
Alabama	6/6	5/17	5/22	5/25	5/18 - 6/3
Runoff	6/27	6/7	6/12	6/15	6/8 - 6/24
Alaska	8/22	8/2	8/7	8/10	8/3 - 8/19
American Samoa	11/7	10/18	10/23	10/26	10/19 - 11/4
Runoff	11/21	11/1	11/9 ¹	11/9	11/2 - 11/18
*Arizona	9/12	8/23	8/28	8/31	8/24 - 9/9
Arkansas	5/23	5/3	5/8	5/11	5/4 - 5/20
Runoff	6/13	5/24	5/29 ²	6/1	5/25 - 6/10
*California	6/6	5/17	5/22	5/25	5/18 - 6/3
Colorado	8/8	7/19	7/24	7/27	7/20 - 8/5
*Connecticut	8/8	7/19	7/24	7/27	7/20 - 8/5
*Delaware	9/12	8/23	8/28	8/31	8/24 - 9/9
District of Columbia	9/12	8/23	8/28	8/31	8/24 - 9/9
*Florida	9/5	8/16	8/21	8/24	8/17 - 9/2
Georgia	7/18	6/28	7/3	7/6 ³	6/29 - 7/15
Primary Runoff	8/8	7/19	7/24	7/27	7/20 - 8/5
Guam	9/2	8/13	8/18	8/21	8/14 - 8/30
*Hawaii	9/23	9/3	9/8	9/11	9/4 - 9/20
Idaho	5/23	5/3	5/8	5/11	5/4 - 5/20
Illinois	3/21	3/1	3/6	3/9	3/2 - 3/18
*Indiana	5/2	4/12	4/17	4/20 ⁶	4/13 - 4/29

⁺ This date indicates the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the Committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

⁺⁺ Reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes priority or express mail which has a delivery confirmation or an online tracking system and is scheduled for next business day delivery. Reports filed by any other means must be received by the Commission (or Secretary of the Senate for Senate committees) by the filing date.

* States holding 2006 Senate elections.

** Filed by candidate committees only. 48-Hour Notices are required if the campaign committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more, during the applicable period.

¹ The mailing date is the same as the filing date because the computed mail date would fall one day before the primary/general is held.

² Notice that the registered/certified & overnight mailing date falls on a weekend or federal holiday. The report should be post-marked before that date.

³ The July Quarterly Report is waived for committees filing the Georgia, Kansas, Oklahoma and Tennessee Pre-Primary Reports. See 11 CFR 104.5(a)(1)(iii) and (c)(1)(i)(C).

⁶ The April Quarterly Report is waived for committees filing the Indiana, North Carolina and Ohio pre-primary reports. See 11 CFR 104.5(a)(1)(iii) and (c)(1)(i)(C).

**Pre-Election Reporting Dates:
2006 Primary and Runoff Elections**

State	Election Date	Close of Books ⁺	Mailing Date ⁺⁺	Filing Date ⁺⁺	48-Hour Notices** (candidates only)
Iowa	6/6	5/17	5/22	5/25	5/18 - 6/3
Kansas	8/1	7/12	7/17	7/20 ³	7/13 - 7/29
Kentucky	5/16	4/26	5/1	5/4	4/27 - 5/13
Louisiana	8/11 ⁵	7/22	7/27	7/30 ⁴	7/23 - 8/8
*Maine	6/13	5/24	5/29 ²	6/1	5/25 - 6/10
*Maryland	9/12	8/23	8/28	8/31	8/24 - 9/9
*Massachusetts	9/19	8/30	9/4 ²	9/7	8/31 - 9/16
*Michigan	8/8	7/19	7/24	7/27	7/20 - 8/5
*Minnesota	9/12	8/23	8/28	8/31	8/24 - 9/9
*Mississippi	6/6	5/17	5/22	5/25	5/18 - 6/3
Runoff	6/27	6/7	6/12	6/15	6/8 - 6/24
*Missouri	8/8	7/19	7/24	7/27	7/20 - 8/5
*Montana	6/6	5/17	5/22	5/25	5/18 - 6/3
*Nebraska	5/9	4/19	4/24	4/27	4/20 - 5/6
*Nevada	8/15	7/26	7/31	8/3	7/27 - 8/12
New Hampshire	9/12	8/23	8/28	8/31	8/24 - 9/9
*New Jersey	6/6	5/17	5/22	5/25	5/18 - 6/3
*New Mexico	6/6	5/17	5/22	5/25	5/18 - 6/3

⁺ This date indicates the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the Committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

⁺⁺ Reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes priority or express mail which has a delivery confirmation or an online tracking system and is scheduled for next business day delivery. Reports filed by any other means must be received by the Commission (or Secretary of the Senate for Senate committees) by the filing date.

* States holding 2006 Senate elections.

** Filed by candidate committees only. 48-Hour Notices are required if the campaign committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more, during the applicable period.

² Notice that the registered/certified & overnight mailing date falls on a weekend or federal holiday. The report should be post-marked before that date.

³ The July Quarterly Report is waived for committees filing the Georgia, Kansas, Oklahoma and Tennessee Pre-Primary Reports. See 11 CFR 104.5(a)(1)(iii) and (c)(1)(i)(C).

⁴ Notice that this deadline falls on a weekend or federal holiday. Filing dates are not extended for weekends or holidays. Reports filed on paper or 3.5 inch diskette must be received by the appropriate filing offices(s) the Friday before the filing date.

⁵ In AO 2000-29, the Commission determined that the last day to qualify for a position on the general election ballot in Louisiana - in this case August 11, 2006- must be considered the primary election date for Louisiana candidates. See 11 CFR 100.2(c)(4)(i). Additionally, under state law if no candidate in the November 7 general election receives over 50% of the vote, a runoff election will be held on December 9, 2006. If the runoff is held, a pre-runoff report will be due on November 27, 2006. The close of the books for the pre-runoff report will be November 19, and the mailing date for reports sent by registered/certified mail will be November 24.

Pre-Election Reporting Dates: 2006 Primary and Runoff Elections

State	Election Date	Close of Books ⁺	Mailing Date ⁺⁺	Filing Date ⁺⁺	48-Hour Notices ^{**} (candidates only)
*New York	9/12	8/23	8/28	8/31	8/24 - 9/9
North Carolina	5/2	4/12	4/17	4/20 ⁶	4/13 - 4/29
Runoff	5/30	5/10	5/15	5/18	5/11 - 5/27
*North Dakota	6/13	5/24	5/29 ²	6/1	5/25 - 6/10
*Ohio	5/2	4/12	4/17	4/20 ⁶	4/13 - 4/29
Oklahoma	7/25	7/5	7/10	7/13 ³	7/6 - 7/22
Runoff	8/22	8/2	8/7	8/10	8/3 - 8/19
Oregon	5/16	4/26	5/1	5/4	4/27 - 5/13
*Pennsylvania	5/16	4/26	5/1	5/4	4/27 - 5/13
Puerto Rico	n/a				
*Rhode Island	9/12	8/23	8/28	8/31	8/24 - 9/9
South Carolina	6/13	5/24	5/29 ²	6/1	5/25 - 6/10
Runoff	6/27	6/7	6/15 ¹	6/15	6/8 - 6/24
*Tennessee	8/3	7/14	7/19	7/22 ^{3,4}	7/15 - 7/31
*Texas	3/7	2/15	2/20 ²	2/23	2/16 - 3/4
Runoff	4/11	3/22	3/27	3/30	3/23 - 4/8
*Utah	6/27	6/7	6/12	6/15	6/8 - 6/24
*Vermont	9/12	8/23	8/28	8/31	8/24 - 9/9

+ This date indicates the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the Committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

++ Reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes priority or express mail which has a delivery confirmation or an online tracking system and is scheduled for next business day delivery. Reports filed by any other means must be received by the Commission (or Secretary of the Senate for Senate committees) by the filing date.

* States holding 2006 Senate elections.

** Filed by candidate committees only. 48-Hour Notices are required if the campaign committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more, during the applicable period.

¹ The mailing date is the same as the filing date because the computed mail date would fall one day before the primary/general is held.

² Notice that the registered/certified & overnight mailing date falls on a weekend or federal holiday. The report should be post-marked before that date.

³ The July Quarterly Report is waived for committees filing the Georgia, Kansas, Oklahoma and Tennessee Pre-Primary Reports.

⁴ Notice that this deadline falls on a weekend or federal holiday. Filing dates are not extended for weekends or holidays. Reports filed on paper or 3.5 inch diskette must be received by the appropriate filing offices(s) the Friday before the filing date.

⁶ The April Quarterly Report is waived for committees filing the Indiana, North Carolina and Ohio pre-primary reports. See 11 CFR 104.5(a)(1)(iii) and (c)(1)(i)(C).

Pre-Election Reporting Dates: 2006 Primary and Runoff Elections

State	Election Date	Close of Books ⁺	Mailing Date ⁺⁺	Filing Date ⁺⁺	48-Hour Notices ^{**} (candidates only)
Virgin Islands	9/9	8/20	8/25	8/28	8/21 - 9/6
Primary Runoff	9/23	9/3	9/11 ¹	9/11	9/4 - 9/20
*Virginia	6/13	5/24	5/29 ²	6/1	5/25 - 6/10
*Washington	9/19	8/30	9/4 ²	9/7	8/31 - 9/16
*West Virginia	5/9	4/19	4/24	4/27	4/20 - 5/6
*Wisconsin	9/12	8/23	8/28	8/31	8/24 - 9/9
*Wyoming	8/22	8/2	8/7	8/10	8/3 - 8/19

⁺ This date indicates the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the Committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

⁺⁺ Reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes priority or express mail which has a delivery confirmation or an online tracking system and is scheduled for next business day delivery. Reports filed by any other means must be received by the Commission (or Secretary of the Senate for Senate committees) by the filing date.

* States holding 2006 Senate elections.

** Filed by candidate committees only. 48-Hour Notices are required if the campaign committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more, during the applicable period.

¹ The mailing date is the same as the filing date because the computed mail date would fall one day before the primary/general is held.

² Notice that the registered/certified & overnight mailing date falls on a weekend or federal holiday. The report should be post-marked before that date.

Reports

(continued from page 5)

Authorized Committees of Candidates

House and Senate Candidates. All campaigns that raise or spend more than \$5,000 (and thus trigger registration and reporting requirements) must file quarterly reports in 2006. The authorized committees of House and Senate candidates must also file pre-primary election and pre-general election reports before any election in which the candidate runs in 2006. These committees must also file a post-general election report if the candidate runs in the general election. 11 CFR 104.5(a)(2). Committees that wish to terminate must continue filing

reports until notified in writing that their termination report has been accepted by the Commission.

Principal campaign committees of candidates running in 2006 should have filed FEC Form 3Z-1 as part of their July 2005 Quarterly report and must file another as part of their Year-End report, due January 31, 2006.

11 CFR 104.19. The information provided on Form 3Z-1 allows opposing candidates to compute their "gross receipts advantage," which is used to determine whether a candidate is entitled to increased contribution and coordinated party expenditure limits under the "Millionaires' Amendment." 2 U.S.C. §§441a(i) and 441a-1. Form 3Z-1 is

included in the FEC Form 3 package. Principal campaign committees of candidates who ran in past elections or are running in future elections must also file quarterly reports in 2006. Committees that wish to terminate must continue filing quarterly reports until notified in writing that their termination report has been accepted by the Commission.

Presidential Candidates. All committees authorized by Presidential candidates must file on either a monthly or a quarterly schedule in 2006. A Presidential committee wishing to change its filing schedule should notify the Commission in writing. 11 CFR 104.5(b)(2).

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Reports

(continued from page 9)

PACs and Party Committees

State, District and Local Party Committees. State, district and local party committees that engage in federal election activity (FEA) must file on a monthly schedule. 11 CFR 300.36(c)(1). Committees that do not engage in FEA may file on a quarterly basis in 2006. (See the April 2003 *Record*, page 5, for more information on monthly filing for state, district and local party committees.)

National Party Committees. National committees of political parties must file on a monthly schedule. 2 U.S.C. §434(a)(4)(B).

Political Action Committees. PACs (separate segregated funds and nonconnected committees) that filed on a semiannual basis during 2005 must file on a quarterly basis in 2006. Monthly filers continue on the monthly schedule. PACs may change their filing schedule, but must first notify the Commission in writing. Electronic filers must file this request electronically. A committee may change its filing frequency only once a year. 11 CFR 104.5(c).

Pre- and Post-Election Reports. Please note that in 2006, party committees and PACs that file monthly reports file a pre-general election report and a post-general election report in lieu of the reports otherwise due in November and December. Party committees and PACs that file quarterly reports also file:

- A pre-primary election report and a pre-general election report before any election in which the committee makes a contribution to or an expenditure on behalf of a candidate in that election; and
- A post-general election report.

Where to File

Committee treasurers must file FEC reports with the appropriate federal office. State filing requirements also apply to reports filed by

the principal campaign committees of candidates seeking office in Guam and Puerto Rico and to reports filed by PACs and party committees who support these candidates. 2 U.S.C. §439(a)(2)(B).

House Candidate Committees. Principal campaign committees of House candidates file with the FEC. 11 CFR 105.1.

Senate Candidate Committees. Principal campaign committees of Senate candidates file with the Secretary of the Senate. 11 CFR 105.2.

Presidential Committees. Principal campaign committees of Presidential candidates file with the FEC. 11 CFR 105.3.

Candidate Committees with More Than One Authorized Committee. If a campaign includes more than one authorized committee, the principal campaign committee files, with its own report, the reports prepared by the other authorized committees as well as a consolidated report (FEC Form 3Z). 11 CFR 104.3(f).

PACs and Party Committees. PACs and party committees file with the FEC. However, committees that support only Senate candidates file with the Secretary of the Senate, as do the national Democratic and Republican Senatorial committees. 11 CFR 105.2 and 11 CFR 105.4.

Waiver of State Filing

All 50 states are now qualified under the Commission's State Filing Waiver program and are relieved of the requirement to make paper copies of FEC reports available to the public. As a result, political committees no longer have to file copies of their federal reports at the state level.³ Committees in territories not certified for the waiver must continue to file copies of their reports

³The Commission has certified that the 50 states, American Samoa and Virgin Islands qualify for filing waivers. Committees that file their reports at the FEC need not file copies in these states. Guam and Puerto Rico are not currently in the State Filing Waiver Program.

with the appropriate state election office. The addresses for the federal offices (FEC and Secretary of the Senate) appear in the instructions for the Summary Page of FEC Forms 3 and 3X. A list of state filing offices is available from the Commission.

Late Filing

The Federal Election Campaign Act does not permit the Commission to grant extensions of filing deadlines under any circumstances. Filing late reports can result in enforcement action by the Commission. The agency pursues compliance actions against late-filers and nonfilers under the Administrative Fine program and on a case-by-case basis. For more information on the Administrative Fine program, visit the FEC web site at <http://www.fec.gov/af/af.shtml>.

Independent Expenditures

Political committees and other persons who make independent expenditures at any time during the calendar year—up to and including the 20th day before an election—must disclose this activity within 48 hours each time that the expenditures aggregate \$10,000 or more. This reporting requirement is in addition to the requirement to file 24-hour notices of independent expenditures each time that disbursements for independent expenditures aggregate at or above \$1,000 during the last 20 days—up to 24 hours—before an election. 2 U.S.C. §§434(b),(d) and (g). Political committees must report all independent expenditures, whether they trigger the 48- or 24-hour reporting thresholds or not, on their regularly-scheduled disclosure reports. Other persons report these expenditures once they exceed \$250. 11 CFR 104.4(b)(1) and 109.10(b).

All individuals, persons and committees, including Senate committees, must file their 24- and 48-hour notices of independent expenditures with the Commission. 11 CFR 104.4, 109.10, 105.1 and 105.2.

Committees Active in Special Elections

Committees authorized by candidates running in any 2006 special election must file pre- and post-election reports in addition to regularly scheduled reports. 11 CFR 104.5(h). They are also required to comply with the 48-hour notice requirement for contributions of \$1,000 or more (including loans) received shortly before an election. See 11 CFR 104.5(f).

PACs and party committees supporting candidates running in special elections may also have to file pre- and post-election reports—unless they file on a monthly basis. 11 CFR 104.5(c)(3) and 104.5(h). All PACs are subject to 24-hour and 48-hour reporting of independent expenditures made before an election. See 11 CFR 104.4(b) and (c) and 104.5(g).

Electioneering Communications

Additionally, individuals and other persons who make electioneering communications (EC)⁴ that aggregate in excess of \$10,000 must file disclosure statements with the Commission within 24 hours of distribution to the public. Charts detailing the EC periods for Congressional primary and runoff elections are available on the FEC web site at http://www.fec.gov/info/charts_ec_dates_midterm.shtml.

—*Carlin E. Bunch*

⁴ On December 15, 2005, the Commission approved revised regulations governing electioneering communications. The changes came in response to court decisions in *Shays v. FEC*. A summary of the revised regulations will appear in the February Record. In the meantime, please visit the Rulemakings section of our web site for further information.

Advisory Opinions

Advisory Opinion 2005-16 Press Exception Applied to Web Sites

The costs that Fired Up, LLC (Fired Up), incurs to cover or carry news stories, commentary or editorials on its web sites are encompassed by the press exception, and therefore do not constitute “expenditures” or “contributions” under the Federal Election Campaign Act (the Act) and Commission regulations.

Background

Fired Up is a for-profit limited liability company that intends to establish and maintain up to 15 state-specific web sites in the coming year. Currently, Fired Up maintains three state-specific web sites and one web site aimed at national issues. Fired Up describes the content on the web sites, which generally consist of commentary on, quotes from, and summaries of, news articles appearing on other web sites, as “unabashedly progressive.” The web sites also contain original news reporting. Fired Up is not owned or controlled by any political party, political committee or candidate.

Founded by former Senator Jean Carnahan, Democratic Party activist Roy Temple and computer consultant and software designer Scott Sorrel, Fired Up currently has no paid employees, but plans to hire staff as revenue permits. Mr. Temple provides most of the content for the web sites and exercises final editorial, and formatting control.

Access to Fired Up’s web sites is free and available without registration; however, registered users of each web site may post comments directly on that web site and receive a complimentary weblog.

Analysis

The Act and FEC regulations define “contribution” and “expenditure” to include “anything of value made by any person for the purpose of influencing” a federal election. 2 U.S.C. §431(8)(A)(i) and (9)(A)(i). Costs incurred in covering or carrying news stories, editorials and commentary by any broadcasting station,¹ newspaper, magazine or other periodical publication are exempt from these definitions, unless the facility is owned or controlled by a political party, political committee, or candidate. 11 CFR 100.73 and 100.132; 2 U.S.C. 431(9)(B)(i). This exception is commonly known as the “press exception.”

To be eligible for the press exception, the entity must satisfy the Commission’s two-step analysis. (See, for example, AOs 1996-16 and 2000-13.) First, the Commission asks whether the entity qualifies as a press entity. Second, the Commission considers whether the entity is owned or controlled by a candidate, political committee or political party; and whether the entity is acting as a press entity in conducting the activity at issue. Two considerations in applying this analysis include whether the entity’s materials are available to the general public and are comparable in form to those ordinarily issued by the entity. It is important to note, however, that any entity otherwise eligible for the press exception would not lose its eligibility merely because of lack of objectivity in a news story, commentary or editorial, even if the news story, commentary or editorial expressly advocates the election or defeat of a clearly identified federal candidate.

The Commission found that Fired Up qualifies as a press entity. Its web sites are available to the general public and are the online equivalent

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¹ This includes any cable television operator, programmer or producer.

Advisory Opinions

(continued from page 11)

of a newspaper, magazine or other periodical publication described in the Act and Commission regulations. A primary function of the web sites is to provide news and information to readers. Fired Up retains editorial control, produces many of the stories that appear on the web sites and exercises day-to-day control over all content. Reader comments are similar to letters to the editor.

Moreover, Fired Up is neither owned nor controlled by any political party, political committee or candidate. The operation of its web sites is at the core of its activities as a press entity.

Thus, as a qualified press entity, the costs Fired Up incurs to cover or carry a news story, commentary or editorial on its web sites are exempt from the definitions of “contribution” and “expenditure.”

Concurring Opinion

Commissioners Scott Thomas and Danny McDonald issued a concurring opinion on November 29, 2005.

Date issued: November 18, 2005;
Length: 6 pages.

—Carlin E. Bunch

Advisory Opinion 2005-18 Candidate May Host Radio Program

Congressman Silvestre Reyes may use campaign funds to finance a weekly radio program discussing Congressional, campaign and local issues. While the program must include a disclaimer indicating that it was paid for by the campaign, other Members of Congress who appear as guests on the program would not need to issue separate disclaimers, nor would their appearance constitute an in-kind contribution from the Reyes campaign.

Background

The Reyes Committee, Inc. (“the Committee”) intends to purchase time on a radio station for a weekly 30-minute Spanish-language program hosted by Congressman Reyes. The program will air in the Congressman’s district throughout the 2006 primary season. Other Members of Congress, who do not represent districts within the radio station’s listening area, may participate in the program, but the program will not advocate those Members’ reelection.

Analysis

Under the Federal Election Campaign Act (the Act) and FEC regulations, campaigns have wide discretion over how they spend their funds, so long as funds are not converted to personal use. 11 CFR 113.2. The regulations specifically identify campaign and officeholder expenses as permissible uses of committee funds. Since Congressman Reyes’ radio program will address Congressional, campaign and local issues, the Committee’s payments fall within both of those permissible expense categories.

The Committee will pay the radio station the prevailing commercially-reasonable rate for airtime. Were it to pay less than that, the amount of the discount would represent an in-kind contribution from the incorporated station, prohibited under 2 U.S.C. §441b.

A radio program paid for by a congressional candidate’s committee on which other Members of Congress running for reelection appear as guests could constitute a coordinated communication, and therefore would be an in-kind contribution to those Members under 11 CFR 109.21. To determine whether a communication is coordinated, the Commission applies a three-part test that examines: 1) who paid for the communication; 2) the content of the communication; and 3) the

conduct of those involved. Only communications that satisfy all three parts are considered coordinated. In this case, the communication does not satisfy the second part—the content test. To satisfy the content test a communication must be either an electioneering communication, a republication of campaign materials, an express advocacy message or a public communication disseminated to the relevant electorate within 120 days of the election.

The broadcasts would not qualify as electioneering communications because the Committee’s payments would be reported as expenditures and, as such, would be exempt under 11 CFR 100.29(c)(3). The program also would not republish campaign materials or expressly advocate the election or defeat of a clearly identified candidate. Lastly, because the station’s listening area is not in the jurisdiction of the other Members of Congress, it would not reach the relevant electorate. Therefore it does not satisfy the “120 public communication” content standard.

As a public communication paid for by the Committee and authorized by Mr. Reyes, each broadcast will require a disclaimer identifying the Committee as the sponsor. 11 CFR 110.11. Additionally, Congressman Reyes must voice a disclaimer that identifies him and the office he seeks, and indicates that he approved the communication. As noted above, other Members of Congress who may appear on the program are not required to make a disclaimer, because they are not paying for or authorizing the broadcast.

Concurring Opinion

Commissioners Scott Thomas, Michael Toner, David Mason, Danny McDonald and Ellen Weintraub issued a concurring opinion on December 2, 2005.

Date issued: November 18, 2005;
Length: 6 pages.

—Carlin E. Bunch

Advisory Opinion Request AOR 2005-20

Use of federal contractor partnership's automated payroll system to allow partners to designate funds from their electronic payroll distributions as contributions to the partnership's nonconnected PAC. (Pillsbury Winthrop Shaw Pittman LLP Political Action Committee, November 23, 2005)

Court Cases

CREW v. FEC

On November 15, 2005, the U.S. District Court for the District of Columbia granted the FEC's motion for summary judgment finding that Citizens for Responsibility and Ethics in Washington (CREW) lacked standing to challenge the Commission's dismissal of its administrative complaint.

Background

According to the administrative complaint CREW filed during the 2004 campaign, Grover Norquist, head of Americans for Tax Reform, provided Kenneth Mehlman, campaign manager for Bush-Cheney '04, with a master list of conservative activists. On October 19, 2004, the Commission voted to take no further action in this matter and to close the file. Although the FEC found the master list to be an unreported in-kind contribution, it appeared to be "limited in size and impact." The Office of General Counsel recommended that the Commission "exercise its prosecutorial discretion and take no further action" in the matter.

Court Decision

On December 13, 2004, CREW filed suit to challenge the FEC's decision not to pursue further investigation. The FEC filed a motion for summary judgment on April 15, 2005, arguing that CREW lacked standing to pursue the action.

In order to have standing, the plaintiff must satisfy three requirements: injury, causation and redressability. The injury standard is met when the plaintiff suffers an actual, not abstract, invasion of a concrete, legally protected interest. Causation is proved when the injury is fairly traceable to the defendant's action in question. Lastly, it must be likely, not merely speculative, that a favorable court decision will redress the injury.

CREW argued that the FEC should assign a monetary value to the master list and publicly disclose that figure, to facilitate CREW in its mission of "empowering citizens." In order to have standing, however, the plaintiff must prove it has suffered an injury in fact to its own interests, not simply assert that it would be unable to help others achieve abstract goals. CREW cannot vote, nor does it have any members who participate in the political process. Therefore, the court held that CREW could not have suffered from a lack of information in the voting process.

—*Carlin E. Bunch*

FEC v. Reform Party

On November 22, 2005, the US District Court for the Northern District of Florida ordered the Reform Party of the United States of America ("Reform Party") to repay \$333,558 with calculated interest to the United States Treasury and enjoined the party from diverting any of its assets to any other expenditures other than repayment of federal taxes until it completes its repayment obligation.

Background

The Reform Party received \$2,522,690 in public funds for its 2000 presidential nomination convention. Based on the results of a mandatory post-convention audit, the Commission determined that the Reform Party must repay \$333,558

for impermissible presidential nominating convention expenditures.

By law, public funding recipients may—among other things—ask the Commission to reconsider its repayment determinations, and seek additional review by the US Court of Appeals for the DC Circuit. The Reform Party repeatedly asked both the Commission and the courts to review its repayment obligation, but most of its requests were not filed within statutory and regulatory deadlines, and all were denied. The FEC brought this action to recover the repayment amount.

Court Decision

The district held that the US Court of Appeals for the DC Circuit is the only venue in which repayment determinations made by the FEC may be challenged. Accordingly, the district court ruled that the Reform Party could not now raise defenses that it failed to properly bring to the DC Circuit. Finding that this case was simply an effort by the FEC to recover funds it had already determined the party owed, the court granted the FEC's motion for summary judgment and ordered the defendants to repay \$333,558 plus interest calculated in accordance with 11 CFR § 9007.2(d)(3). In addition, the court found that the Reform Party to date has failed to repay the funds and thus enjoined the Reform Party from diverting any of its assets to any expenditures other than repayment of federal taxes until it completes its repayment obligation.

For more information on this case, please refer to the June, August and September 2004 issues of the Record.

—*Carlin E. Bunch*

Commission

New Chairman and Vice Chairman Elected

On December 14, 2005, the Commission elected Michael E. Toner as its Chairman and Danny Lee McDonald as Vice Chairman for 2006.

Chairman Toner was nominated to the Commission by President George W. Bush on March 4, 2002, and appointed on March 29, 2002. He was confirmed by the U.S. Senate on March 18, 2003.

Prior to being appointed to the FEC, Chairman Toner served as Chief Counsel of the Republican National Committee. He joined the RNC in 2001 after serving as General Counsel of the Bush-Cheney Transition Team in Washington, DC, and General Counsel of the Bush-Cheney 2000 Presidential Campaign in Austin, TX.

Before joining the Bush campaign in Austin, Chairman Toner was Deputy Counsel at the RNC from 1997-1999. Prior to his tenure at the RNC, he served as counsel to the Dole/Kemp Presidential Campaign in 1996. He was an associate attorney at Wiley, Rein, & Fielding in Washington, DC, from 1992-1996.

Vice Chairman McDonald, a Democrat, has previously served as Vice Chairman four times. Prior to his initial appointment by President Reagan in 1981, the Sand Springs, Oklahoma, native served as General Administrator of the Oklahoma Corporation Commission. Additionally, he served as secretary of the Tulsa County Election Board and as Chief Clerk of that Board. He was also a member of the Advisory Panel to the FEC's National Clearinghouse on Election Administration.

Vice Chairman McDonald received a Bachelors degree from Oklahoma State University and attended the John F. Kennedy School of Government at Harvard Univer-

sity. He has served as a member of the JFK School Advisory Board for State and Local Government.

—*Carlin E. Bunch*

Staff

FEC Announces Retirement of Staff Director

After more than 30 years of public service, FEC Staff Director James A. Pehrkon has retired. Mr. Pehrkon had served as Staff Director since 1999, and before that was Deputy Staff Director for Management. He began his service to the FEC as Director of Data Systems.

FEC Chairman Scott Thomas commented: "Jim helped develop many of the programs that the Commission uses today, including the disclosure system. He also helped assure agency staff had the resources they needed. We wish him well."

The Commission will immediately begin a search for a new Staff Director. In the interim, Robert J. Costa will continue to serve as Acting Staff Director.

—*Carlin E. Bunch*

Compliance

MUR 5628: Contributions in the Name of Another

The Commission has entered into a conciliation agreement with AMEC Construction Management, Inc. (AMEC), in which AMEC has agreed to pay an \$85,000 civil penalty for violating the Federal Election Campaign Act (the Act) by reimbursing employee contributions. The company has fired or demoted those implicated in the scheme.

Background

The Act prohibits corporations from making contributions or expenditures from their general treasury funds in connection with

any election of any candidate for federal office. The Act also prohibits any officer or director of any corporation from consenting to any such expenditure or contribution by the corporation. In addition, it is unlawful for any person to make a contribution in the name of another, or for any person to knowingly permit his or her name to be used to make such a contribution.

AMEC voluntarily provided information to the FEC regarding employee contributions that it had reimbursed several years before it made its submission to the Commission. Specifically, AMEC's predecessor, Morse Diesel International, reimbursed employee contributions first by using its expense account system, and later by paying special bonuses through its payroll system. AMEC's then chief operating officer and/or its then chief financial officer determined which contributions to make and which employees would make them and then be reimbursed by the corporation. The contributing employee then received a bonus which, after taxes, equaled the amount of the contribution. AMEC provided information to the FEC indicating that AMEC reimbursed \$16,935 in contributions between October 15, 1998, and December 22, 1999. Additional reimbursements were made in earlier years. AMEC had determined that four officers and two supervisory-level employees were involved in its contribution reimbursement program. After concluding its internal investigation, AMEC fired or demoted those implicated employees who still worked there.

Conciliation Agreement

Having accepted an \$85,000 civil penalty payment (more than five times the amount of the disclosed reimbursed contributions) for violations that AMEC itself brought to the agency's attention, the Commission chose not to impose additional civil penalties that it otherwise may

have sought from the six employees identified in AMEC's internal investigation. Similarly, the FEC chose not to expend its resources conducting a protracted investigation of admitted violations several years old, but instead decided to rely on the truthfulness and completeness of AMEC's submissions. However, in the conciliation agreement, AMEC agrees that if it made false statements or failed to disclose material information concerning its reimbursements, then such conduct would constitute a violation of the conciliation agreement. If a court determined that AMEC so violated the agreement, AMEC would consent to a civil penalty equal to 200% of such reimbursements.

Additional Information

For additional information on this case, please visit the Commission's Public Records Office or consult the Enforcement Query System on the FEC's web site and enter case number 5628.

Appropriations Act Extends Administrative Fine Program

On November 30, 2005, President Bush signed the Transportation, Treasury, Housing and Urban Development, Judiciary, District of Columbia, and Independent Agencies Appropriations Act, 2006, allotting \$54.7 million to fund the Federal Election Commission for the current fiscal year. In addition to the funding, the Appropriations Act also amended the Federal Election Campaign Act (the Act) to extend the agency's Administrative Fine Program through December 31, 2008.

Administrative Fine Program

Under the Administrative Fine Program, the Commission assesses civil money penalties for late and non-filed reports. Penalty amounts are determined by the number of

days a report was late, the amount of financial activity involved and any prior penalties for violations under the administrative fines regulations.

Initially, Congress authorized the Program as a pilot, only in place for violations occurring between January 1, 2000 and December 31, 2001. Since then, however, Congress has extended authorization for the Administrative Fine Program several times. The 2006 Appropriations Act extends the Congressional authorization for the Administrative Fine Program from December 31, 2005 to December 31, 2008.

On December 15, 2005, the Commission approved a final rule amending 11 CFR 111.30 to reflect the new sunset date of December 31, 2008. The Commission did not make any other revisions to the Administrative Fine Program at that time. The Commission published the Final Rule and Explanation and Justification in the *Federal Register* (70 FR 75717) on December 21, 2005.

The full text of the Final Rule Extending the Administrative Fine Regulations is available on the FEC web site at <http://www.fec.gov/register.htm>.

—*Carrie Hoback*

ADR Program Update

The Commission recently resolved nine additional cases under the Alternative Dispute Resolution (ADR) program. The respondents, the alleged violations of the Federal Election Campaign Act (the Act) and the final disposition of the cases are listed below.

1. The Commission reached an agreement with Friends of Greg Parke, Wayne A. Carlson, treasurer, regarding their impermissible use of a contributor list for solicitation purposes. The respondents acknowledged that they inadvertently and mistakenly included 30 names from a list of contributors in a merged mailing database. They agreed to send a representative from the Com-

mittee to attend an FEC seminar on reporting requirements within 12 months of the effective date of the agreement and pay a \$500 penalty. (ADR 235)

2. The Commission reached an agreement with Kevin Kelley for Congress, Karen P. White, treasurer, regarding excessive contributions. The respondents acknowledged that they inadvertently violated FECA by mistakenly believing that a spouse's credit card was a joint personal account. They agreed to work with Commission staff to terminate within 60 days of the effective date of the agreement and pay a \$500 penalty. (ADR 241*)

3/4. The Commission reached agreement with Women's Campaign Fund, Nancy Clack, treasurer, regarding failure to accurately disclose receipts. The respondents acknowledged a violation occurred due to software interface issues and inexperienced staff. They agreed to conduct a two-year internal audit within 60 days, work with Reports Analysis Division (RAD) staff to ensure all past reports were accurate, develop a compliance manual for the Committee staff to use and pay a \$3,500 penalty. (ADR 247 & 280*)

5. The Commission reached agreement with Chicago Board of Options Exchange, Inc. PAC, Alan J. Dean, treasurer, regarding failure to accurately report all financial activity. The respondents acknowledged that some reports filed in 2003-2004 contained incomplete financial data due to a software problem. They agreed to designate a Committee compliance officer who will attend an FEC campaign finance seminar for PACs within 12 months of the effective date of the agreement. (ADR 262*)

6. The Commission reached agreement with Bob Ney for Congress, Terrence A. Lee, treasurer, regarding failure to accurately report all disbursements. The respondents acknowledged that a violation of

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Compliance

(continued from page 15)

FECA occurred when two wire transfers were not recorded properly. They have retained a compliance specialist to review the Committee's reporting process, and have agreed to send the treasurer to an FEC seminar within 12 months and pay a \$2,000 penalty. (ADR 268*)

7. The Commission reached agreement with Lott for Congress Committee, Jerry Deas, treasurer, regarding failure to file disclosure reports. The respondents acknowledged an inadvertent violation of FECA due to inexperienced staff, and agreed to work with Commission staff to terminate the Committee and pay a \$2,000 penalty. (ADR 273)

8. The Commission reached agreement with Arab American Leadership Council PAC, James J. Zogby, treasurer, regarding failure to file disclosure reports. The respondents acknowledged a violation of FECA due to inexperienced staff. They agreed to file missing reports, hire a PAC administrator/compliance specialist, develop a compliance manual for Committee staff reference, send a Committee representative to an FEC seminar within 12 months and pay a \$4,000 penalty. (ADR 277*)

9. The Commission reached agreement with Rick Renzi for Congress, Nancy H. Watkins, treasurer, regarding failure to accurately report all receipts. The respondents acknowledged an inadvertent violation of FECA due to a software problem. They agreed to pay a \$1,000 penalty and appoint a compliance officer for the Committee who will attend an FEC seminar within 18 months. (ADR 282*)

—Carlin E. Bunch

* Case was internally generated by the FEC.

Outreach

FEC Conferences in February and March

Each year the Federal Election Commission sponsors conferences where Commissioners and staff conduct a variety of technical workshops on federal campaign finance law. 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. The schedule in the box lists the dates and locations for conferences to be held in 2006.

Regional Conference in Tampa for House and Senate Campaigns, Political Party Committees and Corporate/Labor/Trade PACs

The Commission will hold a regional conference in Tampa February 1-2, 2006, for House and Senate campaigns, political party committees and corporations, labor organizations, trade associations, membership organizations and their respective PACs. The Tampa conference will be held at the Wyndham Harbour Island Hotel. The registration fee for this conference is \$375, which covers the cost of the conference, a reception, materials and meals. A \$10 late fee will be added to registrations received after January 6. For additional information, or to register for the conference, please visit the FEC web site at http://www.fec.gov/info/conference_materials/2006/tampa/tampa_06.shtml.

The Wyndham Harbour Island Hotel is located in downtown Tampa at 725 South Harbour Island Boulevard. A room rate of \$169 (single or double) is available to conference attendees who make reservations on or before January 2. To make your hotel reservations, please visit <http://www.wyndham.com/groupevents/867FEC/main.wnt>, or call 813/229-5000 or 800/WYNDHAM and indicate that you are

attending the FEC conference. The FEC suggests that you wait to make your hotel and air reservations until you have received confirmation of your conference registration.

Washington, DC Conference for House and Senate Campaigns and Political Party Committees

The Commission will hold a conference for House and Senate campaigns and political party committees March 15 and 16, 2006, in Washington, DC. The registra-

2006 Conference Schedule

Regional Conference for Campaigns, Parties and Corporate/Labor/Trade Assn. PACs

February 1-2, 2006
Wyndham Harbour Island
Tampa, FL

Conference for House and Senate Campaigns and Political Party Committees

March 15-16, 2006
Omni Shoreham Hotel
Washington, D.C.

Conference for Corporations and their PACs

April 25-26, 2006 (tentative)
Capitol Hilton (tentative)
Washington, D.C.

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

May 25-26, 2006
Hyatt Regency on Capitol Hill
Washington, D.C.

Regional Conference for Campaigns, Parties and Corporate/Labor/Trade Assn. PACs (tentative)

Summer 2006
Seattle, WA

tion fee for this conference is \$385 for participants who register on or before February 16, and \$395 for registrations received February 17 or afterwards. Because of the popularity of this annual conference, there is a limit of two attendees per organization. For additional information, or to register for the conference, please visit the FEC web site at http://www.fec.gov/info/conference_materials/2006/dccp/dccp06.shtml

The conference will be held at the Omni Shoreham Hotel, 2500 Calvert Street NW, Washington, DC 20008. A room rate of \$225/night (single or double) is available for conference participants who make reservations on or before February 21. To make reservations call 888/444-OMNI. You must mention that you are attending the FEC conference to receive the group rate. Parking is available at the hotel for a fee of \$22/day (self-parking) or \$26/day (valet parking). The hotel is located one and ½ blocks from the Woodley Park/Zoo Metro Station (Red Line). The FEC suggests that you wait to make your hotel and air reservations until you have received confirmation of your conference registration.

Registration Information

Complete registration information is available on the web sites for each conference, listed above. Please direct all questions about conference registration and fees to Sylvester Management Corporation at 800/246-7277 or e-mail at tonis@sylvestermanagement.com. For questions about the conference program, or to receive e-mail notification of upcoming conferences and workshops, call the FEC's Information Division at 800/424-9530 (press 6) or locally at 202/694-1100, or send an e-mail to Conferences@fec.gov.

—Dorothy Yeager

Reporting and FECFile Help

The Commission will kick-off the election year by hosting reporting and electronic filing workshops on January 18, 2006. The reporting workshops will address common filing problems and respond to questions committees may have as they prepare to file their January 31 year-end reports. The workshops will be followed by a half-hour reception at which each attendee will have an opportunity to meet the campaign finance analyst who reviews his or her committee's reports. The electronic filing sessions will provide hands-on instruction for committees that use the Commission's FECFile software and will address questions filers may have concerning electronic filing.

Attendance is limited to 30 people per session for reporting workshops, and 16 people per session for the electronic filing workshops. Registration is accepted on a first-come, first-served basis. Please call the FEC before registering or sending money to ensure that openings remain. The registration form is available on the FEC web site at <http://www.fec.gov/info/outreach.shtml#roundtables> and from Faxline, the FEC's automated fax system (202/501-3413, request document 590). For more information, call the Information Division at 800/424-9530, or locally at 202/694-1100.

Roundtable Schedule

Date	Subject	Intended Audience
January 18 9:30-11 a.m. Reception 11-11:30 a.m.	Reporting for PACs and Party Committees, plus "Meet Your Analyst" reception	Individuals responsible for filing FEC reports for PACs and Party Committees (Up to 30 may Attend)
January 18 1:30-3 p.m.	Hands-on Help with FECFile and E-filing for PACs and Party Committees	PACs and Party Committees that use FECFile and/or have questions about electronic filing (Up to 16 may Attend)
January 18 1:30-3 p.m. Reception 3-3:30 p.m.	Reporting for Candidates and Their Committees, plus "Meet Your Analyst" reception	Individuals responsible for filing FEC reports for Candidate Committees (Up to 30 may Attend)
January 18 9:30-11 a.m.	Hands-on Help with FECFile and E-filing for Candidates and their Committees	Campaigns that use FECFile and/or have questions about electronic filing (Up to 16 may Attend)

Web Site

Commission Calendar Always Up-to-Date

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/Fec_calendar/maincal.cfm. 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 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.

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 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.

The screenshot shows the Federal Election Commission website interface. At the top, there is a navigation bar with links for 'ABOUT THE FEC', 'PRESS OFFICE', 'QUICK ANSWERS', and 'SITE MAP'. A search bar is located on the right. Below the navigation bar, the page title is 'HOME / FEC CALENDAR'. The main content area features a calendar for January 2006, with tabs for 'All Events', 'Commission Meetings', 'Reporting Deadlines', 'Conferences and Outreach', 'AGs and Rules', and 'Other'. The calendar grid shows events for each day of the month, including 'NC FEA Period St.', 'GA-41 Post-Ret.', 'Tampa Conference', 'Executive Session', 'Public Hearings', and 'Year-End Report'. A sidebar on the left contains links to 'Campaign Finance Reports and Data', 'Commission Meetings', 'Enforcement Matters', 'Help with Reporting and Compliance', and 'Law & Regulations'. The 'Commission Calendar' link is highlighted.

The Commission Calendar on fec.gov keeps visitors apprised of upcoming FEC-related activities.

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