

Record

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Federal Election Commission

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Court Cases

McConnell et al. v. FEC et. al.

On May 2, 2003, the U.S. District Court for the District of Columbia issued an opinion finding certain provisions of the Bipartisan Campaign Reform Act of 2002 (BCRA) to be constitutional, finding other provisions to be unconstitutional and determining the remaining challenged provisions to present nonjusticiable questions. The Commission, the Department of Justice and other parties to the case sought a stay. On May 19, 2003, citing its "desire to prevent the litigants from facing potentially three different regulatory regimes in a very short time span, and the court's recognition of the divisions among the panel about the constitutionality of the challenged provisions of BCRA," the court granted the stay. As a result, as of the date of this writing, the entire BCRA remains in effect, as enacted, pending resolution of the various appeals filed to the Supreme Court.

Both the plaintiffs and the defendants have filed such appeals. As specified in the BCRA, the case was first heard in the district court by a three-judge panel and will

(continued on page 4)

Advisory Opinions

AO 2003-3

Solicitation of Funds for Nonfederal Candidates by Federal Candidate/Officeholder

Eric Cantor, a member of the United States House of Representatives, may solicit or direct donations to state or local candidates as long as the funds solicited or directed are within the limitations and prohibitions of the Federal Election Campaign Act (the Act). Specifically, Representative Cantor may only solicit or direct donations of up to \$2,000 per election from individuals and non-multicandidate committees and of no more than \$5,000 per election from multicandidate committees and national, state and local party committees. Any general solicitation of funds by Representative Cantor that does not request specific amounts must include language informing potential donors that he is only soliciting funds within the aforementioned limitations and prohibitions, or there must be posted at the event clear and conspicuous written notice explaining this limitation.

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Advisory Opinions

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Background

State Senator Bill Boling, State Delegate Bill Janis and Chesterfield County School Board Member Beth Davis are all running for election in Virginia in 2003. In the course of their campaigns, these nonfederal candidates would like Representative Cantor to assist them by attending their campaign events, including fundraisers, and soliciting financial support on their behalf. These nonfederal candidates would like Representative Cantor to conduct these activities both orally and in writing. Virginia law permits donations to state and local candidates in amounts and from sources that are prohibited by the Act.

As amended by the Bipartisan Campaign Reform Act of 2002 (BCRA), the Act regulates the conduct of federal candidates and officeholders, their agents and entities directly or indirectly estab-

lished, maintained financed or controlled by them when they raise or spend funds in connection with a federal or nonfederal election. 2 U.S.C. §441i(e). The Commission's regulations provide that these persons may solicit, receive, direct, transfer, spend or disburse funds in connection with any nonfederal election only in amounts and from sources that are consistent with state law, and that do not exceed the Act's contribution limits or come from prohibited sources under the Act. 11 CFR 300.62. While the BCRA did not define the terms "to solicit" and "to direct," Commission regulations define them as "to ask." 11CFR 300.2(m) and (n).

Application of the BCRA to Proposals

Under the Act and Commission regulations, Representative Cantor may attend a state fundraiser where federally impermissible funds are raised, and he may solicit or direct funds in connection with a state election as long as his solicitation is both consistent with state law and within the limits and prohibitions of the Act. Representative Cantor should take the following steps to ensure that his fundraising activity remains within the Act's limits and prohibitions.

Solicitation of Funds. When Representative Cantor solicits funds in connection with a state or local election in a state that permits donations that are not lawful under the Act, he must expressly limit his request so that it is clear that he is asking only for funds that comply with the Act's limits and prohibitions. If he solicits funds at a fundraising event where federally impermissible funds are raised, written notices indicating that he is only soliciting federally permissible funds may be posted; if used, these notices must be clearly and conspicuously displayed. If such notices are properly displayed, Representative Cantor need not include an oral disclaimer with a

PACronyms, Other PAC Publications Available

The Commission annually publishes *PACronyms*, an alphabetical listing of acronyms, abbreviations and common names of political action committees (PACs).

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

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

To order a free copy of *PACronyms*, call the FEC's Disclosure Division at 800/424-9530 (press 3) or 202/694-1120. *PACronyms* also is available on diskette for \$1 and can be accessed free at www.fec.gov/pages/pacronym.htm.

Other PAC indexes, described below, may be ordered from the Disclosure Division. Prepayment is required.

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

The Disclosure Division can also conduct database research to locate federal political committees when only part of the committee name is known. Call the telephone numbers above for assistance or visit the Public Records Office in Washington at 999 E St., NW.

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

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

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David M. Mason, Commissioner
Danny L. McDonald,
Commissioner

Scott E. Thomas, Commissioner
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Greg J. Scott, Assistant Staff
Director

Amy Kort, Editor

<http://www.fec.gov>

general solicitation. If written notices are not provided at the event, he must make the following public oral disclaimer: "I am only asking for up to \$2,000 from individuals, and I am not asking for corporate, labor or minors' funds." If a public oral disclaimer is made, it need only be made once, and is not required to be made during one-on-one discussions. As a general rule, a federal candidate or officeholder may not recite the disclaimer and then encourage potential donors to disregard the limitation.

Representative Cantor will not violate the Act if, in a response to his lawful solicitation, a person makes a donation to a nonfederal candidate in excess of the Act's limits or from a federally prohibited source.

Attendance at Fundraising Events. Representative Cantor may attend a fundraising event where federally impermissible funds are raised as long as he does not solicit funds outside the limits and prohibitions of the Act, and he may speak at the fundraiser as long as he adheres to the guidelines referenced above. He may also merely attend a fundraiser paid for with nonfederal funds, as that, in and of itself, does not represent a violation of the BCRA and the Commission's regulations.

Communications Publicizing Fundraisers. Representative Cantor's attendance at a nonfederal fundraising event may be publicized as long as the publicity does not constitute a solicitation for donations outside of the Act's limits and prohibitions, and as long as he has not approved, authorized, agreed or consented to be featured or named in the publicity. If he has approved or agreed to use his name or likeness in the publicity and that publicity constitutes a solicitation, then there must be an express statement in the publicity to limit the solicitation to funds that comply with the Act's limits and prohibi-

tions. Communications stating that Representative Cantor is serving in a position specifically related to fundraising (e.g., serving on a "host committee"), though not signed by the Representative, constitute a solicitation and must include an express statement limiting the solicitation to funds within the Act's limits and prohibitions.¹

Fundraising and Agency. Representative Cantor may ask other persons to raise funds in connection with a nonfederal election, but when those persons are doing so as his agent, they must comply with provisions of section 441i(e)(4) and 11 CFR 300.62 outlined above.²

Concurring Opinion

Vice-Chairman Smith and Commissioners Mason and Toner issued a concurring opinion on April 29, 2003.

Date Issued April 29, 2003;
Length: 9 pages.◆

—George Smaragdis

AO 2003-4

Corporation's Matching Charitable Contribution Plan

Freeport-McMoRan Copper and Gold, Inc., (Freeport) and its political action committee the Freeport-McMoRan Copper and Gold, Inc., Citizenship Committee (the PAC) may match, dollar for

dollar, individual contributor's contributions to the PAC with donations to any charity identified by the contributor. Under this plan, contributors would not receive any tax benefits or other tangible compensation for their contributions and, thus, no exchange of corporate money for voluntary contributions would occur.

The Federal Election Campaign Act (the Act) prohibits a corporation from making contributions or expenditures in connection with any federal election. 2 U.S.C. §441b(a). However, the Act excludes from the definition of "contribution or expenditure" costs that the corporation pays for the establishment and administration of and solicitation of contributions to the corporation's PAC. 2 U.S.C. §441b(b)(2)(C). Commission regulations further clarify that the corporation may not use this process as a means of exchanging treasury funds for voluntary contributions and that a contributor may not be paid for his or her contributions through a bonus, expense account or other form of direct or indirect compensation. 11 CFR 114.5(b). In past advisory opinions, the Commission has allowed corporations to match contributions made to the corporation's PAC with donations to charity. In these advisory opinions, the Commission viewed a corporation's matching of voluntary political contributions with charitable donations as solicitation expenses related to fundraising for the corporate PAC. AOs 1990-6, 1989-9, 1989-7, 1988-48, 1987-18 and 1986-44. Also, in AOs 1994-7, 1994-6 and 1994-3, the Commission approved the use of matching charitable contribution plans for employees who are only solicitable under the twice yearly procedures.

Given that under Freeport's proposed charitable matching plan

¹The Commission could not agree whether the use of Representative Cantor's name in a position not specifically related to fundraising, such as "honorary chairperson," on a solicitation not signed by him is prohibited by the Act.

²Absent any other factors relevant to establishing an agency relationship, a request that a person raise funds in connection with a nonfederal election does not in and of itself create an agency relationship.

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BCRA on the FEC's Web Site

The Commission has added a new section to its web site (www.fec.gov) devoted to the Bipartisan Campaign Reform Act of 2002 (BCRA).

The page provides links to:

- The Federal Election Campaign Act, as amended by the BCRA;
- Summaries of major BCRA-related changes to the federal campaign finance law;
- Summaries of current litigation involving challenges to the new law;
- *Federal Register* notices announcing new and revised Commission regulations that implement the BCRA;
- BCRA-related advisory opinions; and
- Information on educational outreach offered by the Commission, including upcoming Roundtable sessions and the Commission's 2003 conference schedule.

The section also allows individuals to view the Commission's calendar for rulemakings, including dates for the Notices of Proposed Rulemaking, public hearings, final rules and effective dates for regulations concerning:

- Soft money;
- Electioneering Communications;
- Contribution Limitations and Prohibitions;
- Coordinated and Independent Expenditures;
- The Millionaires' Amendment;
- Consolidated Reporting rules; and
- Other provisions of the BCRA.

The BCRA section of the web site will be continuously updated. Visit www.fec.gov and click on the BCRA icon.

Advisory Opinions

(continued from page 3)

no individual contributor to the PAC would receive a financial, tax or other tangible benefit from either the corporation or the recipient charities, no exchange of corporate treasury funds for voluntary contributions would occur.¹ Thus, the charitable matching plan is permissible under the Act and Commission regulations.

Length: 3 pages; Date Issued: April 25, 2003. ♦

—Amy Kort

Alternative Disposition of Advisory Opinion Request

[AOR 2003-9](#)

On April 25, 2003, the requester withdrew his request for this advisory opinion. The request had asked whether a candidate's interest payments on a 1998 campaign loan would be treated as an "expenditure from personal funds" for the 2004 election cycle under the Millionaires' Amendment. ♦

—Amy Kort

Advisory Opinion Requests

[AOR 2003-13](#)

Trade association PAC's solicitation of trade association "Members-In-Training" (American Academy of Ophthalmology Political Committee, April 15, 2003)

[AOR 2003-14](#)

SSF's distribution of apron pins to contributors as tokens of appre-

ciation; treatment of pins worn by recipients as solicitations by SSF (The Home Depot, Inc., April 21, 2003)

[AOR 2003-15](#)

Treatment of donations to and disbursements from Member of Congress's legal expense fund as "contributions" or "expenditures" (U.S. Representative Denise Majette and the Committee to Re-Elect Congresswoman Denise Majette, April 16, 2003)

[AOR 2003-16](#)

Business arrangement where national bank issues credit cards with national party committee logo in exchange for party's mailing list; credit card holder's rebates or rewards directed to party committee (Providian National Bank, May 6, 2003) ♦

Court Cases

(continued from page 1)

receive an expedited appellate review by the Supreme Court. The charts that follow summarize the district court's ruling on various provisions. However, as noted above, all provisions of the BCRA remain in effect under the terms of the stay.

See the [May 2002 Record](#), page 3, and the [June 2002 Record](#), page 4. The district court's May 2 decision and May 19 stay order are available on the FEC's web site at www.fec.gov—click on the BCRA icon.

U.S. District Court for the District of Columbia, Civ. No. 02-0582 (CKK, KLH, RKL). ♦

—Amy Kort

¹ *Freeport will give each contributor to the PAC written notice that he or she cannot receive any tangible benefit from the charity in exchange for the matching contribution, and Freeport will also advise the charity of this requirement in writing at the time it makes its matching donation.*

District Court Ruling on Bipartisan Campaign Reform Act

BCRA Provision	Constitutional	Unconstitutional
2 U.S.C. §441i(a) Prohibition of national party committees raising and spending nonfederal funds	The ban on the use of nonfederal funds to pay for public communications that promote, attack, support or oppose a clearly identified federal candidate (see 2 U.S.C. §431(20)(A)(iii)).	All aspects of the 441i(a) prohibition other than the ban on the use of nonfederal funds to pay for public communications that promote, attack, support or oppose a clearly identified federal candidate (see 2 U.S.C. §431(20)(A)(iii)).
2 U.S.C. §§431(20) and 441i(b) Definition of “federal election activity” (FEA) and restrictions on state and local party committee spending for FEA	The part of the FEA definition pertaining to communications that promote, attack, support or oppose a clearly identified federal candidate and the ban on the use of nonfederal funds to pay for this type of FEA (see 2 U.S.C. §431(20)(A)(iii)).	The definition of the following as FEA: certain voter registration activity, certain voter identification, get-out-the-vote or generic campaign activity and salary for employees who spend more than 25 percent of their compensated time on activities in connection with a federal election (see 2 U.S.C. §§431(20)(A)(i), (ii) and (iv)); the ban on the use of nonfederal funds to pay for such expenses.
2 U.S.C. §441i(d) Restrictions on national, state and local party committee solicitations for or donations to tax-exempt 501(c) and 527 organizations		All provisions found unconstitutional.
2 U.S.C. §441i(e) Restrictions on federal candidates soliciting, receiving, directing, transferring or spending nonfederal funds	All provisions found constitutional.	
2 U.S.C. §441i(f) Restrictions on state officeholders and candidates using nonfederal funds for public communications that refer to a clearly identified federal candidate and promote, attack, support or oppose a candidate for this office	All provisions found constitutional.	

**The court did not rule on the constitutionality of the following provisions, finding them to be nonjusticiable: 2 U.S.C. §434, reporting requirements for certain independent expenditures; portions of 2 U.S.C. §441a, regarding the definition of coordinated communications; provisions of 2 U.S.C. §§431 and 441a, regarding the Millionaires’ Amendment; provisions of 2 U.S.C. §315, regarding limitations on the lowest unit charge for candidate ads referring to other candidates; and provisions of 2 U.S.C. §441a, regarding the raising and indexing of the contribution limits.*

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District Court Ruling on Bipartisan Campaign Reform Act, cont.

BCRA Provision	Constitutional	Unconstitutional
2 U.S.C. §434(f)(3) Definition of “electioneering communication”	2 U.S.C. §434(f)(3)(A)(ii), as modified by the court, defining “electioneering communication” as “any broadcast, cable, or satellite communication which promotes or supports a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate).” All reporting requirements for electioneering communications, except the provision that requires disclosure of contracts to disburse funds for communications that have not yet aired.	2 U.S.C. §434(f)(3)(A)(i), which defines “electioneering communications” as a broadcast, cable or satellite communication that refers to a clearly identified federal candidate and is within a certain proximity to an election. Reporting provision which requires that electioneering communications be disclosed once a person executes a contract to disburse funds for the communication. See 2 U.S.C. §434(f)(5).
2 U.S.C. §441a(a)(7)(C) Electioneering communications that are coordinated with a candidate or party committee are contributions to that candidate or party committee	Provision found constitutional.	
2 U.S.C. §441b(b)(2) Prohibition on electioneering communications by corporations and labor unions	Constitutional using modified alternative definition of electioneering communication: “any broadcast, cable, or satellite communication which promotes or supports a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate).”	Unconstitutional using other definitions of electioneering communication.
2 U.S.C. §441b(c)(2) and (6) Prohibition on nonprofit organizations making electioneering communications		Unconstitutional only as it applies to MCFL groups.
2 U.S.C. §441a(d)(4) Restrictions on party committees making both independent and coordinated expenditures with respect to a candidate		
2 U.S.C. §§441a(a)(7)(B) and 441b(b)(2) Definition of coordinated communications	Both provisions found constitutional.	
2 U.S.C. §441d Disclaimer provisions for public communications	All provisions found constitutional.	
2 U.S.C. §441k Ban on contributions by minors		All provisions found unconstitutional.
47 U.S.C. §315 Disclosure of broadcasting records		All provisions found unconstitutional.

Compliance

Commission to Hold Public Hearing on Enforcement Procedures

The Commission will hold a public hearing on June 11, 2003, to discuss its current enforcement practices and procedures.

The hearing will take place from 10:00 a.m. to 5:00 p.m. at the Federal Election Commission, 999 E Street, NW, Washington, DC.

This hearing is part of a review the Commission is conducting of its enforcement procedures, and the Commission will use comments received from the public to determine whether internal directives or practices should be adjusted and/or whether a rulemaking in this area is advised. The Commission would especially like commenters to address the issues that face counsel who practice before the Commission, complainants and respondents who directly interact with the FEC, witnesses, other third parties and the general public. The Commission seeks general comments on how its enforcement procedures have been helpful or unhelpful in working through enforcement cases, and specific examples of practices and procedures used by other civil law enforcement agencies when acting in a prosecutorial capacity. The Commission is also interested in any studies, surveys, research or other empirical data that might support changes in its enforcement procedures.

On May 1, 2003, the Commission published in the *Federal Register* a Notice of Public Hearing and Request for Comment regarding its enforcement procedures ([68 FR 23311](#)). The Commission specifically requested public comments on its current procedures for:

- Designating additional respondents in a complaint;

- Advising witnesses about the confidentiality requirements of the Act (2 U.S.C. §437g(a)(12));
- Considering motions from complainants' and respondents' attorneys;
- Providing depositions and documents to respondents;
- Granting respondents extensions of time to respond to the probable cause brief;
- Allowing respondents in a Matter Under Review (MUR) to appear before the Commission;
- Releasing documents from enforcement matters in proximity to an election;
- Releasing its directives and penalty guidelines;
- Bringing MURs to a timely conclusion;
- Prioritizing cases;
- Dividing responsibility for enforcement of the Act with the Department of Justice; and
- Dealing with situations where the six Commissioners vote 3-3 at the "reason-to-believe" stage of an investigation.

Comments and requests to testify at the hearing were required to have been received by the Commission no later than May 30, 2003. The full text of the Notice of Public Hearing and Request for Comment is available on the FEC web site at <http://www.fec.gov/press/20030501hearing/fr68n084p23311.pdf>. ♦

—Amy Kort

MUR 5270 Failure to Accurately Report Disbursements and Cash-on-Hand

The Commission has entered into a conciliation agreement with the American Federation of State, County and Municipal Employees-Public Employees Organization to Promote Legislative Equality (AFSCME PEOPLE) and its treasurer William Lucy concerning

the committee's failure to report transfers of funds from its federal account to its nonfederal accounts. AFSCME PEOPLE and Mr. Lucy admitted to reporting violations that spanned six years and involved more than \$10 million, and agreed to pay a \$60,000 civil penalty.

Background

Under the Federal Election Campaign Act (the Act) and Commission regulations, political committee treasurers are required to file reports of receipts and disbursements and to disclose the committee's cash-on-hand at the beginning of each reporting period. 2 U.S.C. §§434(a) and 434(b)(1). Unauthorized committees, such as separate segregated funds and

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FEC Accepts Credit Cards

The Federal Election Commission now accepts American Express, Diners Club and Discover Cards in addition to Visa and MasterCard. While most FEC materials are available free of charge, some campaign finance reports and statements, statistical compilations, indexes and directories require payment. Walk-in visitors and those placing requests by telephone may use any of the above-listed credit cards, cash or checks. Individuals and organizations may also place funds on deposit with the office to purchase these items. Since pre-payment is required, using credit cards or funds placed on deposit can speed the processing and delivery of orders. For further information, contact the Public Records Office at 800/424-9530 (press 3) or 202/694-1120.

Compliance

(continued from page 7)

political action committees, must report all disbursements for the reporting period and the calendar year, and must also itemize certain disbursements and provide the purpose of the disbursement. 2 U.S.C. §434(b)(6)(A) and 11 CFR 104.3(b)(4)(i).

AFSCME PEOPLE

AFSCME PEOPLE is the separate segregated fund of the American Federation of State, County and Municipal Employees, and it had elected to file its FEC reports on a monthly schedule. From 1995 through September 2000, AFSCME PEOPLE failed to report in excess of \$10 million in disbursements that the committee made in the form of transfers from its federal account to its nonfederal accounts. The failure to report these disbursements also caused the committee to make corresponding overstatements of its beginning and ending cash-on-hand in reports filed during this period.

In October 2000, AFSCME PEOPLE and Mr. Lucy voluntarily notified the Commission of the reporting errors and expressed the committees' desire to file amended reports reflecting the correct figures. AFSCME PEOPLE also sent two representatives to an FEC training conference on reporting shortly after discovering the reporting errors. On March 28, 2001, the respondents filed amendments to AFSCME PEOPLE's reports in order to accurately reflect the disbursements from its federal account and the corresponding cash-on-hand figures for those reporting periods. The Commission took into account AFSCME PEOPLE and Mr. Lucy's self-reporting of the violations and voluntary corrective measures when it considered an appropriate civil penalty in this matter.

In their conciliation agreement with the Commission, the respondents admitted to violations of 2 U.S.C. §§434(b)(1) and 434(b)(4)(H) and agreed to pay a \$60,000 civil penalty. They also agreed to cease and desist from violating the Act's reporting requirements at section 434 and to properly disclose all future transfers from the committee's federal accounts to its nonfederal accounts. ♦

—Amy Kort

recommendations with broad Commission support. The proposals involve a variety of issues:

- Making permanent the Commission's Administrative Fine program for late and nonfiled reports;
- Allowing the Commission to restrict the political activities of its employees;
- Increasing and indexing for inflation all registration and reporting thresholds;
- Requiring Senate committees to file electronically if they have, or have reason to expect to have, aggregate contributions or expenditures in excess of \$50,000 in a calendar year;
- Allowing filers to use the date of receipt by an overnight delivery, priority or express mail service as the date a report is "filed," in the same way that filers may currently use a registered or certified mail postmark;
- Indexing for inflation multicandidate political committees' contribution limits and adjusting the amount that these committees can contribute to national party committees, in order to harmonize these limits with the limits applicable to non-multicandidate committees;
- Implementing a plan to avert the impending shortfall in the Presidential public funding program.

The full text of the recommendations is available on the FEC web site at <http://www.fec.gov/pdf/legrec2003.pdf>. ♦

—Amy Kort

Federal Register

Federal Register notices are available from the FEC's Public Records Office, on the FEC web site at <http://www.fec.gov/register.htm> and from the FEC faxline, 202/501-3413.

Notice 2003-9

Notice of Public Hearing and Request for Public Comment on Enforcement Procedures (68 FR 23311, May 1, 2003)

Notice 2003-10

Extension of Public Comment Period for Public Financing of Presidential Candidates and Nominating Conventions (68 FR 26237, May 15, 2003)

Legislation

Commission Sends Legislative Recommendations to President and Congress

On May 8, 2003, the Commission submitted seven recommendations to Congress and President Bush for legislative action in the area of campaign finance law. The Commission substantially reduced the number of recommendations this year, submitting only high priority

Regulations

Extension of Comment Period for NPRM on Public Financing of Presidential Candidates and Nominating Conventions

The Commission extended until May 23, 2003, the comment period for its Notice of Proposed Rulemaking on the public financing of Presidential candidates and nominating conventions. The Commission also postponed the date for a possible public hearing on the matter until June 6. The hearing is scheduled to be held only if sufficient requests to testify are received by the close of the comment period. See the [May 2003 Record](#), page 1. ♦

—Amy Kort

Campaign Guides Available

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

The FEC publishes four *Campaign Guides*, each for a different type of committee, and we are happy to mail your committee as many copies as you need, free of charge. We encourage you to view them on our web site (go to www.fec.gov, then click on “Campaign Finance Law Resources” and then scroll down to “Publications”).

If you would like to place an order for paper copies of the *Campaign Guides*, please call 800-424-9530, press 1, then 3.

Audits

Final Audit Report on LaRouche’s Committee for a New Bretton Woods

On May 1, 2003, the Commission made a determination that the LaRouche Committee for a New Bretton Woods (the Committee) must repay \$236,692 to the U.S. Treasury for public funds it used during the 2000 primary elections. The largest portion of the repayment, \$163,272, represents primary matching payments that the Committee received in excess of its entitlement. Another \$70,139 represents apparent non-qualified campaign expenses that the Committee incurred by overpaying vendors for campaign work. The remaining \$3,281 represents staled-dated checks. The Commission made its determination after conducting an audit of the Committee, as required under the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act. 26 U.S.C. §§9007(a), 9008(g) and 9038(a). ♦

—Amy Kort

Information

New IRS Political Organization Filing and Disclosure Web Site

On July 1, 2003, the Internal Revenue Service will introduce the new Political Organization Filing and Disclosure web site at www.irs.gov/polorgs (IRS Keyword: political orgs). This new web site was developed to reflect the changes required by Public Law 107-276 (November 2002) and will replace the old Political Organizations electronic filing and search site.

Political committees filing with the FEC are not required to file IRS Form 8871, *Political Organization Notice of Section 527 Status*, and Form 8872, *Political Organization Report of Contributions and Expenditures*. However, in anticipation of the launch of the new web site, the IRS is including this article in the *FEC Record* to:

- Remind readers representing organizations that do have an IRS Form 8871 or 8872 filing requirement (such as nonfederal PACs) to make sure they have a user name and electronic password; and
- Recommend that software developers check the draft XML schemas posted on the IRS web site to ensure their software will conform to the requirements of the web site.

Passwords

Political organizations that have to file Form 8871 are required to do so electronically. In addition, beginning on July 1, 2003, those political organizations that have to file Form 8872 with the IRS and have, or expect to have, more than \$50,000 in contributions or expenditures will be required to do so electronically.

In order to electronically file on the new web site, a political organization must have the user name and password issued to the organization after filing its initial Form 8871. A political organization can replace a forgotten or misplaced user name and password by sending a letter requesting a new user name and password to:

IRS

Attn: Request for 8872 Password
Mail Stop 6273
Ogden, UT 84201

It may take several weeks for a new user name and password to arrive, as they will be mailed to the organization.

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Information

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Political organizations should submit a request now in order to have the user name and password available for their next filing.

XML Schemas

Political organizations will have the ability to upload XML data files containing the information required to be reported on Form 8871 and Form 8872 via the new web site. Political organizations that choose this option for electronic filing will still need to use the user name and password.

The draft schemas for the XML files that may be uploaded to complete the forms are now available at www.irs.gov/polorgs (IRS Keyword: political orgs). Software developers should use these schemas to ensure their software will conform to the requirements of the Political Organization Filing and Disclosure web site. This capability is scheduled to be available beginning July 1, 2003.

Back Issues of the Record Available on the Internet

This issue of the *Record* and all other issues of the *Record* starting with January 1996 are available through the Internet as PDF files. Visit the FEC's World Wide Web site at <http://www.fec.gov> and click on "What's New" for this issue. Click "Campaign Finance Law Resources" to see back issues. Future *Record* issues will be posted on the web as well. You will need Adobe® Acrobat® Reader software to view the publication. The FEC's web site has a link that will take you to Adobe's web site, where you can download the latest version of the software for free.

Additional Information

More information is available via the:

- IRS web site: www.irs.gov;
- Political Organization Filing and Disclosure Web site (includes information on filing requirements): www.irs.gov/polorgs (IRS Keyword: political orgs); and
- IRS toll free number: 1-877-829-5500. Staff at this number answer questions about tax law filing requirements for political organizations and are available from 8:00 a.m. to 6:30 p.m., Eastern time, Monday through Friday. ♦

—Submitted by the IRS

Publications

Directory of Federal and State Disclosure and Election Offices Available

The 2003 edition of the *Combined Federal/State Disclosure and Election Directory* is available. This annual publication provides a listing of the federal and state agencies responsible for the disclosure of campaign finances, lobbying, personal finances, public financing, candidates on ballots, election results, spending on state initiatives and other financial filings. The contact information for each agency includes e-mail and Internet addresses.

The *Directory* is available in paper copy, diskette and on the Commission's web site, www.fec.gov (via the "Elections and Voting" section). The online version provides hyperlinks to directly access the web pages of the federal and state agencies listed, and is periodically updated throughout the year.

Free paper copies may be obtained by calling the Public Records Office at 800/424-1120 (press 3) or 202/694-1120. ♦

—Amy Kort

Outreach

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

The FEC will hold a conference for trade associations, membership and labor organizations and their PACs June 16-17 in Washington, DC. Commissioners and experienced FEC staff will conduct a series of workshops to address how the campaign finance law affects these associations and organizations. Seminars and workshops will also discuss how the BCRA affects trade associations, member and labor organizations and their PACs. In addition, a representative from the IRS will be available to answer election-related tax questions.

The registration fee for the conference is \$385, which covers the cost of the conference, materials and meals. The registration form must be received by May 23—a ten dollar late fee will be assessed for late registrations. Because demand for this conference is exceptionally high, the FEC can only accept conference registrations from two attendees representing any given association or organization.

The conference will be held at the Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC. A room rate of \$189 per night is available to conference attendees who make room reservations on or before May 23.

Complete conference registration information is available online. Conference registrations will be accepted on a first-come, first-served basis. Attendance is limited, and FEC conferences are selling out quickly this year, so please register early. For registration information:

- Call Sylvester Management Corporation at 800/246-7277;

- Visit the FEC web site at <http://www.fec.gov/pages/infosvc.htm#Conferences>; or
- Send an e-mail to toni@sylvestermanagement.com. ♦
—Amy Kort

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June 16-17, 2003
Washington, DC

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

September 9-10, 2003
Chicago, IL

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

October 28-29, 2003
San Diego, CA

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Need FEC Material in a Hurry?

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

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

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