

Reporting Deadlines

Report Type	Covering	Due
Quarterly	January 1 — March 31 April 1 — June 30 July 1 — September 30 October 1 — December 31	April 15 July 15 October 15 January 31
Pre-Election (Both Pre-Primary and Pre-General as well as Pre-Runoff, if appropriate)	First day of the current reporting period through the 20th day before the election	12 days before the election
Post-General	First day of the current reporting period through the 20th day after the general election	30 days after the general election
48 Hour Notices (Reporting contributions of \$1,000 or more)	Contributions received less than 20 days but more than 48 hours before the election	Within 48 hours of receipt of contribution

to either pay the civil money penalty or submit a written challenge to the Commission action. If the committee challenges the finding, it will be reviewed by an independent reviewing officer who was not involved in the RTB finding. After the Commission considers the reviewing officer's recommendation and the committee's response, if any, the Commission will determine whether the committee violated 2 U.S.C. §434(a) and, if so, will assess a civil money penalty based on the schedules of penalties. The committee will then have 30 days to pay the penalty or seek court review of the case.⁷ See 111.34 and 111.35.

Respondents must demonstrate one of the following situations in their challenge:

- The RTB filing is based on factual errors;
- The RTB civil money penalty is improperly calculated; or
- They could not file due to reasonably unforeseen circumstances beyond their

control, and they filed the late report within 24 hours after those circumstances ended (also called the “best efforts” defense).

Excuses involving negligence, illness, inexperience, unavailability of committee staff or treasurer, failure to know filing dates, failure to use Commission software properly, delays caused by vendors or failure of the committee's computers, software or Internet service provider do not qualify for the “best efforts” defense. 111.35(c) and (d).⁸

5. Electronic Filing

Campaign committees of House and Presidential candidates must file all reports and statements electronically if their total contributions or total expenditures exceed, or are expected to exceed, \$50,000 in a calendar year. The requirement to file electronically does not apply to Senate candidate committees (or other committees that support only Senate candidates),

⁷ For more information on the Administrative Fine Program, see 11 CFR 111.30 to 111.45, Subpart B, and the Commission's website at <http://www.fec.gov/af/af.shtml>.

⁸ These rules are effective as of April 30, 2007. See 72 Fed. Reg. 14662 (March 29, 2007).

who are required to file their reports on paper with the Secretary of the Senate.⁹

Any committees that are required to file electronically, but that file on paper or fail to file, may be subject to enforcement action as nonfilers. 104.18(a)(2). See the previous section, “Administrative Fines for Late Filers and Nonfilers.”

Because electronic filing is more efficient and cost effective than paper filing, even House and Presidential committees that do not meet the \$50,000 threshold requirement are encouraged to voluntarily file their reports electronically. Please note, however, that voluntary electronic filers must continue to file electronically for the remainder of the calendar year unless the Commission determines that extraordinary and unforeseeable circumstances make continued electronic filing impractical. 104.18(b).

Methods of Electronic Filing

Most committees filing electronically find it convenient to do so via an Internet connection with a password. Committees may, however, submit their electronic reports on compact discs (CDs) or 3.5” 1.44 MB diskettes (either hand delivered or sent by other means such as U.S. Postal Service). Electronic filers must file all their reports, notices, designations and statements electronically, and the reports must adhere to the FEC’s Electronic Filing Specifications Requirements.¹⁰ 104.18(d).

Calculating the Threshold

Committees should use the following formulas to determine whether their total expenditures or total contributions are over \$50,000 per calendar year:

Total Contributions Received¹¹

9 Senate candidates are encouraged to voluntarily file electronically an unofficial copy of their reports with the FEC (in addition to their official paper copy with the Secretary of the Senate) to ensure faster disclosure.

10 Available online at <http://www.fec.gov/electfil/vendors.shtml> or on paper from the FEC.

11 Including the outstanding balance of any loans made, guaranteed or endorsed by the candidate or other person.

$$- \text{ Refunds of Contributions} \\ = \text{ Total Contributions}$$

or

$$\text{ Total Operating Expenditures} \\ + \text{ Contributions Made} \\ = \text{ Total Expenditures}$$

Have Reason to Expect to Exceed the Threshold

Once committees actually exceed the \$50,000 yearly threshold they have “reason to expect to exceed” the threshold in the following two calendar years. 104.18(a)(3) (i). Consequently, committees must continue to file electronically for the next two calendar years (January through December).

Exception

A campaign committee that met or exceeded the \$50,000 threshold and began filing electronically is not required to file electronically for the following two calendar years if it meets all three of the following requirements:

- Has \$50,000 or less in net debts outstanding on January 1 of the year following an election;
- Anticipates terminating prior to the next election year; and
- Supports a candidate who has not qualified for the next election and does not intend to become a candidate in the next election.

104.18(a)(3)(i).

Note that such committees must finish filing electronically for the calendar year in which they exceeded the threshold.

Committees With No History

New committees with no history of campaign finance activity on which to base their expectations have reason to expect to exceed the \$50,000 yearly threshold if:

The committee receives contributions or makes expenditures that exceed one-quarter of the threshold amount in the first calendar quarter of the calendar year (i.e., exceeds \$12,500 by the end of March); or

The committee receives contributions or makes expenditures that exceed one-half of the threshold amount in the first half of the calendar year (i.e., exceeds \$25,000 by the end of June).

104.18(a)(3)(ii).

Verification Requirements

The political committee's treasurer must verify the electronically filed reports by submitting either:

- A signed, written certification along with the diskette or CD; or
- A digitized copy of the signed certification as a separate file in an electronic (i.e., not transmitted by diskette or CD) submission.

The signed verification must certify that the treasurer or assistant treasurer has examined the submitted report, and that, to the best of his or her knowledge, the report is true, correct and complete. 104.18(g).

Obtaining a Password

Requesting a Password

A committee's treasurer or assistant treasurer can obtain a password by faxing a request letter to the password office at 202/219-0674. Requests may also be mailed to the Federal Election Commission, 999 E Street NW, Washington, DC 20463. A password request must:

- Include the committee's name and nine-digit FEC identification number;
- Be signed by the treasurer and also by the assistant treasurer if the assistant treasurer is the individual requesting the password;
- Include the treasurer's phone number and, if applicable, the phone number of the assistant treasurer; and
- Be printed on the committee's letterhead (if the committee has official letterhead).

A sample request can be viewed on the FEC's website at <http://www.fec.gov/electfil/passwords.shtml>.

Requests sent by fax can usually be processed within a few hours. However, committees are encouraged to request a password as early as possible. Requests received near a filing deadline

may not be processed in time for a committee to use the password to file a timely report.

Note: For the initial Form I the treasurer can get a password by faxing or mailing a signed statement which contains the sentence "I represent that I am the duly appointed treasurer and have authority as such to sign FEC reports for the above committee."

Assigning the Password

Once the password office receives the letter requesting a password, it will verify that the requester is listed as the treasurer (and assistant treasurer, if applicable) of that committee on that committee's Statement of Organization (FEC Form I). Only the committee's treasurer and assistant treasurer can receive a password.

If the requester is listed on the Statement of Organization, then a representative from the password office will call the requester and ask him or her to choose a password. This password will be assigned immediately. Passwords are case sensitive and must be entered exactly as initially assigned.

Lost or Forgotten Password

The Commission cannot provide a treasurer's password to a treasurer or committee if a treasurer forgets or loses the password because the passwords are encrypted. Instead, the treasurer must ask for a new password, repeating the process described above.

New Treasurers and New E-filers

In some cases, a committee may have a new treasurer who has been neither assigned a password nor has a signature on file and, due to the requirement that all filing information be submitted electronically, cannot amend the Statement of Organization to indicate the change of position. Under these circumstances, the new treasurer must submit a password request letter which contains the sentence "I represent that I am the duly appointed treasurer and have authority as such to sign FEC reports for the above committee." Once a password is received, an amended Form I must be filed to indicate the change of position. Treasurers of committees e-filing for the first time must also submit a password request letter.

Special Requirements

The following documents have special signature and submission requirements:

- Schedule C1 (Loans and Line of Credit), including copies of loan agreements; and
- Form 8 (Debt Settlement Plan).

These two forms, in addition to being included in the electronic report, must be submitted on paper or in a digitized format (submitted as a separate file in the electronic report). 104.18(h).

6. Public Inspection of Reports

All reports filed by political committees are available for public inspection and copying (for a minimal fee) in the FEC's Public Records Office. They are also available on the Commission's website (<http://www.fec.gov/disclosure.shtml>).

Copies of reports may also be purchased by mail. For more information, call 800/424-9530 (press 2 when prompted) or 202/694-1120.

“Sale or Use” Restriction

The Act prohibits anyone from selling or using the names and addresses of individual contributors, copied from FEC reports, for commercial purposes or for the purpose of soliciting funds. This “sale or use” restriction, however, does not apply to the names and addresses of political committees that are listed in FEC reports. 2 U.S.C. 438(a)(4); 104.15; see also AO 2003-24.

“Salting” Reports to Detect Misuse

When preparing a report to be filed, a committee may “salt” the report with up to 10 fictitious names in order to detect impermissible uses of individual contributor information by other organizations. 104.3(e).

Salting can be done by taking a portion of the subtotal for unitemized contributions and allocating it, as itemized contributions, among several fictitious contributors. The committee itemizes each fictitious contribution on a Schedule A, providing a real address (such as the address

of a campaign staff member) for each fictitious contributor. The committee must adjust its subtotals for itemized and unitemized contributions accordingly on the Detailed Summary Page. If a solicitation or commercial mailing is sent to one of the fictitious names, the committee will know that someone has illegally used the names of contributors disclosed on its reports. The committee may then file a complaint with the FEC.

When a committee files a report containing fictitious names, a list of the fictitious names should be sent under separate cover directly to the FEC's Reports Analysis Division—not the Secretary of the Senate (where Senate candidates' reports are filed). The list will be kept confidential.

Sale or Use of Committee's Contributor List

The sale or use restriction does not prevent a committee from compiling its own list of contributors and distributing it to others. Under certain conditions, a committee may donate, sell, trade or rent its own contributor list to other committees and organizations. AOs 2002-14, 1982-41 and 1981-53.