THE FEDERAL ELECTION COMMISSION

RECORD

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INFORMATION

FEC HOLDS CAMPAIGN FINANCE SEMINAR IN WASHINGTON

On April 2, 1982, the Commission held an all-day seminar on the election law for Senate and House candidates. Among those attending the seminar in Washington, D.C., were campaign staff and consultants, Congressional staff and members of the press. Subjects discussed at the morning session, opened by Commission Chairman Frank P. Reiche, included: campaign support available to candidates; contribution limits and prohibitions; recordkeeping requirements; and procedures for filling out reports. The afternoon session, opened by Commissioner John Warren McGarry, focused on: campaign finance problems to be avoided; advisory opinions relevant to Congressional campaigns; and complaint, audit and other legal procedures.

The Commission scheduled two additional seminars, which were held in Washington, D.C., on April 23 and 26.

PUBLIC APPEARANCES

Date	Sponsoring Organization
5/13-14	Practicing Law Institute The Corporation in Politics Washington, D.C. Commissioner Joan D. Aikens Charles N. Steele, General Counsel N. Bradley Litchfield, Assistant General Counsel
5/19	American University Students The FEC and the Federal Election Campaign Act (FECA) Washington, D.C. Commissioner John Warren McGarry
5/21	Hope College Students The FEC and the FECA Washington, D.C. Commissioner Joan D. Aikens
5/25	Federal Bar Association and the American Society of Association Executives The FEC and the FECA Washington, D.C. Kenneth Gross, Associate General Counsel Thomas Josefiak, Special Deputy to the Secretary of the Senate for the FEC

STATISTICS

FEC REPORTS ON 1979-80 ACTIVITY OF MAJOR POLITICAL PARTIES

The FEC has released final figures on spending reported by the major political parties during the 1979-80 election cycle. The FEC study showed that Republican Party committees at the national, state and local levels reported spending almost five times as much, and raising four and one-half times as much, money as their Democratic counterparts. Spending by Republican Party committees in 1979-80 was nearly double that of 1977-78.

Republican Party committees began the 1979-80 election cycle with $2 million. They raised an additional $169.5 million and spent $161.8 million. Of the total spent, the Republicans contributed $4.5 million to federal candidates and spent an additional $12.4 million on their behalf in the 1980 general election. (Under the election law, a political party's national and state party commit-

continued

tees may make limited, coordinated expenditures on behalf of their candidates in the general election. These expenditures are in addition to contributions allowed for the general election. 2 U.S.C. §441a(d).)

Beginning the election cycle with $.7 million, Democratic Party committees raised $37.2 million during 1979-80. They spent $35 million. Of this total, the Democrats contributed $1.7 million to candidates' campaigns and spent an additional $4.9 million on their behalf in the general election.

The FEC study showed a significant drop in the total number of party committees registered with the FEC, particularly state and local committees. For example, 585 state and local committees were registered during 1979-80 as compared with 744 committees registered in 1977-78. The reduction may be attributed, in part, to the 1979 election law amendments, which relaxed registration requirements for state and local party organizations in order to encourage their grassroots activities.

The Commission's statistical information is based on the FEC 1979-80 Report on Financial Activity -- Final Report, a comprehensive, campaign finance study of major party and nonparty, noncandidate committees. The four-volume study is currently out of print but will be available in June for $5 per volume from the FEC's Public Records Office, 1325 K Street, N.W., Washington, D.C. 20463. Computer tapes of the study are also available from the FEC's Data Systems Development Division. See article below.

1980 CAMPAIGN STATISTICS AVAILABLE ON COMPUTER TAPES

During March, the Commission announced the availability of computer tapes covering the 1980 campaign finance activities of Presidential primary candidates, candidates for the U.S. Senate and House, the Democratic and Republican parties, and nonparty, noncandidate political committees. The Commission made the tapes available for purchase after it had published printed volumes covering the same information (i.e., the 1979-80 Reports on Financial Activity). It had released final statistics on the 1980 Presidential primary campaigns on November 15, 1981; party and nonparty, noncandidate activity on February 21, 1982; and 1980 Senate and House campaigns on March 7, 1982. Prices for the tapes are: party information, $65; U.S. Senate and House information, $65; Presidential primary information, $80; and nonparty, noncandidate information, $70. (These fees do not include expedited shipping charges.)

Potential purchasers unfamiliar with the kinds of information available on the tapes may first wish to buy the documentation booklet that accompanies each tape. The prices for the booklets are: $2.85 for U.S. Senate and House information; $2.70 for Presidential primary information; and $2.75 for party and nonparty, noncandidate information. The booklets and tapes may be purchased through the Commission's Data Systems Development Division, 1325 K Street, N.W., Washington, D.C. 20463. Checks should be made payable to the FEC. For more information, contact the Data Systems Development Division by calling 202/523-4020 or toll free 800/424-9530.

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-21	Contribution by PAC to another PAC as indicative of affiliation. (Date made public: March 16, 1982; Length: 2 pages, plus supplement)
1982-22	Single contribution limit for campaigns waged in two Congressional districts. (Date made public: March 17, 1982; Length: 2 pages)
1982-23	Remaining funds of terminating committee contributed to party committee for specific (but unidentified) candidate. (Date made public: March 23, 1982; Length: 1 page)

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

AOR	Subject
1982-24	Campaign funds raised through sale of artworks consigned by artists. (Date made public: March 23, 1982; Length: 1 page)
1982-25	Campaign disbursement made through electronic transfer of funds from campaign depository to vendor. (Date made public: March 24, 1982; Length: 1 page)
1982-26	Status of member municipal utilities as "corporations" from whom trade assscociation must obtain prior approval to solicit their employees. (Date made public: March 24, 1982; Length: 8 pages)
1982-27	Host city's financing of Presidential nominating convention from fund containing corporate donations. (Date made public: March 25, 1982; Length: 12 pages, plus supplement)
1982-28	Status of corporation organized under Alaska Native Claims Settlement Act as "corporation" under the Act. (Date made public: March 26, 1982; Length: 14 pages)
1982-29	Payroll deduction plan for corporation's subsidiaries. (Date made public: March 30, 1982; Length: 1 page)
1982-30	Discount coupon books sold by vendor to campaign as fundraising item. (Date made public: April 7, 1982; Length: 1 page)

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1981-56: PAC Established by Partnership Of Three Corporations

Satellite Business Systems (SBS), a partnership composed of three unrelated corporations, may not defray the expenses of establishing a separate segregated fund to solicit contributions from its employees.

Under the Act, only a corporation, labor organization, cooperative or a corporation without capital stock may pay the costs of establishing a separate segregated fund. SBS does not fall into any of these categories. Moreover, since SBS's partners are all corporations, and since partnership contributions are attributable to each partner, SBS may **not** lawfully use its partnership funds to establish and maintain any type of political committee. 2 U.S.C. §441b(a) and 11 CFR 110.1(e).

Each of SBS's corporate partners (or its respective sponsoring organization) could, however, sponsor a separate segregated fund and solicit contributions from its stockholders, executive and administrative personnel and their families. 2 U.S.C. §441b(b)(4)(A)-(B). Moreover, SBS's employees could establish a political committee completely independent of SBS. Although SBS could not contribute to the SBS employees' committee, it could allow SBS employees to provide free legal and accounting services to the committee during regular work hours, but solely for the purpose of ensuring the committee's compliance with the Act. 2 U.S.C. §431(8)(B)(ix); 11 CFR 100.7(b)(14) and 114.1(a)(2)(vii).

The Commission was unable to decide, by an affirmative vote of four Commissioners, the two remaining questions posed by SBS:

1. Whether SBS, as a member of a trade association, could solicit contributions for the trade association's separate segregated fund from all (or a portion) of SBS's employees; and
2. Whether the trade association could solicit SBS's executive and administrative personnel. (Date issued: March 15, 1982; Length: 4 pages)

AO 1982-2: Trade Association's Partisan Communications to Members

Partisan communications that the National Radio Broadcasting Association (NRBA), a trade association, sends to its members would constitute neither contributions nor expenditures under the Act. Accordingly, NRBA would not have to establish a separate segregated fund to make the partisan expenditures; nor would they cause NRBA to become a political committee under the Act.

NRBA plans to send letters to both its individual members and the individual representatives of its corporate members urging them to vote for, and contribute to, certain federal candidates. The mailings are permissible under Section 114.3(c)(1) of Commission Regulations because the letters:

1. Will be produced at NRBA's expense;
2. Will be an expression of NRBA's views rather than a reproduction of materials produced by a candidate; and
3. Will not facilitate the making of contributions to candidates endorsed by NRBA.

continued

Moreover, NRBA may send the partisan communications to both its active members (i.e., businesses licensed by the Federal Communications Commission to operate commercial radio stations) and its associate members (i.e., entities licensed to operate noncommercial stations). Both groups qualify as "members" under Commission Regulations because they have interests and rights in NRBA, participate in the direction of NRBA and provide regular financial support to it. 11 CFR 114.1(e). (Date issued: March 26, 1982; Length: 6 pages)

AO 1982-3: Testing-the-Water Activities of Potential Presidential Candidate

Senator Alan Cranston (D-CA) may authorize the formation of an exploratory committee (the Committee) to evaluate his potential as a 1984 Democratic Presidential candidate. The activities the Committee plans to undertake (see below) would constitute testing-the-water activities and, as such, would be exempted from the Act's definitions of "contribution" and "expenditure." 11 CFR 100.7(b)(1) and 8(b)(1).

Senator Cranston will make no decision on his potential candidacy until the Committee has completed its exploratory work and reported its recommendations to him in late 1982 or early 1983. The Committee does not intend to purchase general public political advertising (e.g., ads in newspapers or broadcast media) or to raise any funds for a future campaign (should the Senator decide to become a candidate). Under these circumstances, funds raised and spent by the Committee to test the waters would not be considered contributions or expenditures as long as circumstances indicated Senator Cranston had **not** moved beyond the process of deciding whether or not to become a candidate and into the process of planning and scheduling public activities designed to heighten his political appeal to the electorate. In this regard, activities conducted over an extended period might suggest that the candidate had moved beyond the process of deciding whether or not to become a candidate and into active campaigning. (See AO 1981-32.)

The Committee plans the following activities to test the waters:

1. Travel for the purpose of speaking to groups on public issues and meeting with opinion makers to determine whether support exists for Senator Cranston's candidacy for President.
2. Reimbursement of expenses incurred by the Senator and others for testing-the-water activities, including expenses that could become contributions to a future campaign committee if they were not reimbursed.
3. Hiring independent contractors for polling, political consulting, communications and research related to testing the waters.
4. Compiling information on persons who indicate an interest in Senator Cranston's candidacy.
5. Organizing advisory groups on critical issues that require expert knowledge.

Should Senator Cranston decide to become a candidate, all receipts and disbursements made by his exploratory committee for testing-the-water activities would become "contributions" and "expenditures" subject to the reporting requirements, limits and prohibitions of the Act. 11 CFR 100.7(b)(1) and (8)(1); 101.3. Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: March 15, 1982; Length: 6 pages, including dissent)

AO 1982-9: Portion of Honorarium Given to Charity

Senator Bob Dole may accept $2,000 of a $5,000 honorarium for a speaking engagement and ask the host organization to pay the remaining $3,000 to a charitable organization it selects from a list of five or more charitable organizations furnished by Senator Dole. Since, under the Act, the honorarium limitation ($2,000 per appearance) is triggered only when an honorarium is actually accepted, that portion given to charity would not count against the limit.

The Commission expressed no opinion on applicable Senate rules or tax laws since they are not within its jurisdiction. (Date issued: March 18, 1982; Length: 2 pages)

AO 1982-10: Contributions and Expenditures in Connection with Nonfederal Elections by Wholly-Owned Subsidiary of Foreign Corporation

Syntex USA, a wholly owned subsidiary of the Syntex Corporation (Syntex-Panama), a foreign corporation, may make contributions and expenditures in connection with state and local elections provided:

1. Syntex USA's proposed contributions and expenditures comply with applicable state and local laws; and
2. No director or corporate officer of Syntex USA or Syntex-Panama who is a foreign national participates in decisions regarding Syntex USA's contributions and expenditures.

Section 441e of the Act prohibits foreign nationals from making contributions in connection with elections to **any** political office. This ban would not, however, extend to Syntex USA's proposed activities because, as a corporation organized under Delaware law with its principal place of business in California, Syntex USA is a domestic -- rather than a foreign -- corporation. Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: March 24, 1982; Length: 4 pages, including dissent)

AO 1982-11: Trade Association PAC's Combined Dues Collection/Political Contribution Plan

The American Chiropractic Association Political Action Committee (the Committee), the separate segregated fund of the American Chiropractic Assoc. (ACA), may solicit contributions from ACA members through a combined dues payment/political contribution plan. Under this plan, members may check a box on their dues statement to designate a voluntary contribution to the Comittee. The solicitation statement must notify members that they may contribute more or less than the suggested amount and that ACA will not favor or disadvantage any member because of the amount contributed or a decision not to contribute. The voluntary combined plan is permissible, provided:

1. No portion of a contributing member's dues is used directly, or indirectly, as his or her contribution;
2. Combined dues payments and political contributions from individuals with incorporated professional practices are drawn on an individual account or on a nonrepayable drawing account that the individual maintains with his/her corporation; and
3. Contributions received by ACA are forwarded to the Committee to be recorded and deposited according to the provisions of 2 U.S.C. §432(b)(2) and 11 CFR 102.8(b)(1). (Date issued: March 26, 1982; Length: 3 pages)

AO 1982-16: Combined Fundraiser/Author's Party Financed by Publishing Corporation

Bantam Books, a publishing corporation, may not finance a combined fundraiser and author's party for Mark Green, an unsuccessful Congressional candidate from New York whose book is being published by Bantam.

Mr. Green had proposed using proceeds from the party (raised by charging a $25 admission fee) to help retire debts remaining from his 1980 Congressional campaign. By paying for the party, Bantam would have been providing a valuable service (i.e., contribution) to Mr. Green's campaign. Under the Act, corporations are prohibited from making contributions in connection with federal election activity, including campaign debt retirement activity. 2 U.S.C. §441b(a). (Date issued: April 5, 1982; Length: 2 pages)

AO 1982-22: Single Contribution Limit for Campaigns Waged in Two Congressional Districts

Campaigning for election to the House of Representatives, Mr. Steve Bartlett is considered, under the Act, a primary candidate for **one** federal office even though he changed his primary campaign from Texas' Fifth Congressional District to the Third Congressional District during the same election cycle. This means that Mr. Bartlett does not have to establish a new campaign committee but may continue to use the campaign committee originally designated when he was campaigning in the Fifth Congressional District. Furthermore, contributions to both campaigns are subject to a single per candidate, per election limit. 2 U.S.C. §441a(a)(1) and (2); 11 CFR 110.8(d)(11).

Mr. Bartlett withdrew his candidacy for election from the Fifth Congressional District and declared his candidacy for the Third Congressional District as the result of a court-mandated redistricting plan in Texas. Contributions to Mr. Bartlett are subject to one election limit because:

1. Neither the Act nor the Commission's Regulations identify Congressional seats as separate federal offices (2 U.S.C. §431(3); 11 CFR 100.4); and
2. Those portions of the U.S. Constitution and federal law that provide for the election of U.S. Representatives indicate that each Congressional seat within a state does not constitute a separate federal office. Rather, they define the office of U.S. Representative in terms of the **state** the office represents, not the geographical boundaries of a Congressional district. (See also 14th Amendment to the Constitution; 2 U.S.C. §§2a, 2b and 2c; and McPherson v. Blacker, 146 U.S. 1, 26 (1892).) (Date issued: April 5, 1982; Length: 4 pages)

FEDERAL REGISTER NOTICES

The items below identify FEC documents that appeared in the Federal Register on April 8 and April 13, 1982. Copies of the notices are available in the Public Records Office.

Notice	Title
1982-2	11 CFR, Part 110: Honoraria; Removal of Limitation (Date published: April 8, 1982; Citation: 47 Fed. Reg. 15098)
1982-3	Filing Dates for California Special Primary and General Elections (Date published: April 13, 1982; Citation: 47 Fed. Reg. 15898)

THE LAW IN THE COURTS

BREAD POLITICAL ACTION COMMITTEE v. FEC

In an opinion issued on March 8, 1982, in Bread Political Action Committee v. FEC (Supreme Court No. 80-1481) the Supreme Court ruled that plaintiffs, the National Lumber and Building Dealers Assoc. and the National Restaurateurs (two trade associations) and the Bread Political Action Committee, the Restaurateurs Political Action Committee and the Lumber Dealers Political Action Committee (three separate segregated funds), lacked standing to bring suit under 2 U.S.C. §437h, which allows for expedited handling of constitutional challenges to the Act and a right of direct appeal to the Supreme Court. The Court remanded the suit to the appeals court without ruling on the plaintiffs' constitutional challenges to 2 U.S.C. §441b(b)(4)(D), a provision of the election law requiring trade associations to obtain the prior approval of their member corporations to solicit the corporations' stockholders, executive and administrative personnel and their families. The Court's ruling overturned a decision by the appeals court for the Seventh Circuit while upholding an earlier decision by the Northern Illinois district court.*

The Court ruled that plaintiffs lacked standing to bring suit under Section 437h because they did not fall within the three categories of qualified plaintiffs enumerated in the provision: i.e., the national committee of a political party, individuals eligible to vote in Presidential elections and the FEC. The Court held that "the plain language of §437h controls its construction, at least in the absence of 'clear evidence,'...of a 'clearly expressed legislative intention to the contrary....'" The Court concluded that "the appellants, however, fall far short of providing 'clear evidence' of a 'clearly expressed legislative intention' that the unique expedited procedures of §437h be afforded to parties other than those belonging to the three listed categories."

Nor did the Court find merit to plaintiffs' argument that, since Congress had expressly extended the judicial review procedures of §437h to cover all constitutional questions about any provision of the Act, Congress had also intended to broaden the categories of plaintiffs eligible to file suit under §437h.

*Subsequent to ruling that plaintiffs had standing to bring suit, the appeals court upheld the constitutionality of 2 U.S.C. §441b(b)(4)(D) against plaintiffs' challenges, an issue not addressed by the Supreme Court. See summary on p. 6 of the May 1981 Record.

Moreover, the Court refuted plaintiffs' contention that, while Congress had specified three eligible classes of plaintiffs to remove any doubts about their standing to bring suit, it had not intended to exclude other classes of plaintiffs. To the contrary, the Court concluded that Congress "went to the trouble of specifying that only two precisely defined types of artificial entity and one class of natural persons could bring these actions." The Court noted, however, that its ruling did not affect the right of parties involved in FEC enforcement actions to challenge, under 2 U.S.C. §437g, the constitutionality of any provision of the Act and to be afforded expedited review.

DOLBEARE, ET AL. v. FEC

On March 11, 1982, the U.S. District Court for the Southern District of New York issued a ruling granting a preliminary injunction to the plaintiffs in Dolbeare, et al. v. FEC (Civil Action No. 4468-CLB).

Plaintiffs' suit challenged pending FEC investigations of various activities with respect to the Citizens for LaRouche Committee (the LaRouche campaign), Lyndon H. LaRouche's principal campaign committee for the 1980 Presidential primaries. The LaRouche campaign claimed that the statutory provision authorizing the investigations (2 U.S.C. §437g(a)(2)) was unconstitutional as applied to the LaRouche campaign because it placed no limits on the time for completing the investigations. Moreover, the LaRouche campaign alleged that the FEC had undertaken the investigations to harass the campaign. Furthermore, the investigations had had a chilling effect on the free association rights of the campaign's contributors. The LaRouche campaign also claimed that, in conducting its investigations, the FEC had gone beyond the prescribed scope for FEC investigations.

The FEC sought dismissal of the suit on jurisdictional grounds. Primarily, the FEC claimed that the suit was not justiciable because, under 2 U.S.C. §437g(a), an agency has the discretion to decide whether there is "reason to believe" the Act has been violated and whether an alleged violation should be investigated. The FEC also argued that, pursuant to the Supreme Court's decision in Federal Trade Commission v. Standard Oil of California, such initial agency determinations are not final and thus not ripe for judicial review in a federal court. Moreover, the FEC said that §437h provides jurisdiction only for claims of statutory unconstitutionality, not for claims that a statute is unconstitutional as applied. Furthermore, the FEC argued that the LaRouche campaign's claim that the FEC's investigations would have a long-term chilling effect on their political activities did not meet the test for immediate injunctive relief--evidence of "specific present objective harm or a threat of specific future harm..." (Laird v. Tatum, 408 U.S. 1, 13-14 (1971)). The FEC further argued that the

LaRouche campaign had failed to present sufficient evidence to demonstrate a likelihood of succeeding with its case on the merits.

In granting a preliminary injunction, the court found that it did have jurisdiction over the claims raised in the suit and that §437h could be used to challenge the constitutionality of the Act, as applied. The court also held that it did not have to certify the campaign's constitutional questions to the appeals court, pursuant to §437h, but could itself take primary jurisdiction over them. The court reasoned that the campaign would be caused "irreparable harm" as a result of substantial legal fees and the depletion of volunteer staff resources required to defend the campaign against the FEC's ongoing investigations. The court therefore barred the FEC from:

1. Initiating any more investigations into the LaRouche campaign's 1980 Presidential primary activities until the pending enforcement actions were concluded; and
2. Auditing, or issuing depositions to, LaRouche campaign contributors unless the FEC simultaneously notified the LaRouche campaign of such actions.

Moreover, the court ordered the FEC to complete its enforcement actions promptly and to treat the LaRouche campaign as a respondent to all pending investigations involving the campaign's 1980 Presidential primary activities. The court also ordered the FEC to furnish copies of depositions taken with regard to any of the pending investigations, if requested by the LaRouche campaign. The court, however, conditioned its enforcement of the injunction on:

1. Plaintiffs' agreement to waive certain legal claims with respect to time limits for the FEC enforcement actions; and
2. Plaintiffs' full cooperation with the FEC in completing the pending enforcement matters.

NEW LITIGATION

FEC v. Robert Earl Short

The FEC asks the district court to declare that defendants (Employees of Bob Short Companies Committee, treasurer Larry J. Weisgram, Just a Bunch of Plain DFL Folks Who Want Common Sense Government and Walter E. Riordan) violated the election law by:

1. Failing to report disbursements as in-kind contributions to, rather than as independent expenditures on behalf of, the Short for Senate Committee of Volunteers (2 U.S.C. §434 (1976)); and
2. Making disbursements exceeding the $1,000 per candidate, per election, contribution limit (2 U.S.C. §441a(a)(1)(A)).

Alternatively, if the court finds that the defendants' disbursements were independent expenditures, rather than in-kind contributions, the FEC asks the court to declare that Just a Bunch of Plain DFL Folks Who Want Common Sense Government and Walter E. Riordan violated the Act by failing to promptly report these expenditures, which were made just before the 1978 Minnesota general election (2 U.S.C §§434(b)(9) and (b)(13) (1976) and 11 CFR 109.2(a)(1) and (c)(1977)).

The FEC also asks the court to:

1. Declare Robert Earl Short, Short for Senate Committee of Volunteers and Robert J. Foster violated the Act by failing to report the Short committee's receipt of in-kind contributions from Employees of Bob Short Companies Committee and Just A Bunch of Plain DFL Folks Who Want Common Sense Government (2 U.S.C. §434(1976)).
2. Order the defendant committees to amend their reports to reflect these transactions (if not found to be independent expenditures) as in-kind contributions and expenditures.
3. Enjoin the defendants from any further violations of the election law.

(FEC v. Robert Earl Short, U.S. District Court for the District of Minnesota, Docket No. 3-82 Civ. 192, March 1, 1982)

REGULATIONS

TECHNICAL AMENDMENTS TO HONORARIA LIMIT

On April 1, 1982, the Commission approved technical amendments to its regulations, reflecting Congress' repeal of 2 U.S.C. §441i(a)(2),* a provision of the election law that had placed an overall $25,000 annual limit on honoraria that a federal officeholder or employee could accept for speeches, appearances and articles. The technical amendments deleted 11 CFR 110.12(a)(2), the annual honoraria limit. The amendments also deleted sections 110.12(a)(3) and (4) of the regulations, which had included guidelines for determining the calendar year in which honoraria were considered to have been accepted for purposes of the annual limit.

Since the technical conforming amendments were not a substantive rule representing an FEC policy decision, they were not submitted for Congressional review but became effective upon publication in the Federal Register on April 8, 1982 (47 Fed. Reg. 15098).

*Congress repealed the annual honoraria limit on October 1, 1981, as an amendment to a continuing resolution for federal agency appropriations (Pub. L. 97-51). The President signed the bill the same day.

COMPLIANCE

FEC PUBLISHES THE NAMES OF ILLINOIS NONFILERS

On March 12, 1982, the Commission published the names of two Illinois House campaigns that had failed to file their pre-primary reports, due 12 days before the March 16 Illinois primary. The campaigns' pre-primary reports should have covered campaign finance activity from January 1 (or from the date of candidacy) through February 24, 1982.

On February 8, 1982, the Commission had notified the committees of all candidates participating in the Illinois primary of their potential reporting requirements. Subsequently, the Commission notified those committees failing to file timely reports that their names would be published if they did not respond to the FEC's notice within four business days.

Other political committees (not authorized by candidates) that supported candidates in the Illinois primary were also required to file pre-primary reports, unless they had been reporting on a monthly basis. The 1979 amendments to the election law do not, however, require the Commission to publish the names of these unauthorized committees.

Further Commission action against committees that fail to file reports required during the 1982 election year will be decided on a case-by-case basis. The Act gives the Commission broad authority to initiate enforcement actions against any nonfiler, including civil enforcement and the imposition of civil penalties.

AUDITS

AUDITS RELEASED TO THE PUBLIC

The following is a chronological listing of audits released by the Commission between February 25 and March 22, 1982. Final audit reports are available to the general public in the Public Records Office.

1. South Carolina Republican Party Campaign '80 Fund (Final Audit Report released February 25, 1982)
2. Outdoor Advertising Political Action Committee (Final Audit Report released March 22, 1982)

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