

RECORD

October 1984

1325 K Street NW Washington DC 20463

Volume 10, Number 10

NEW PUBLICATIONS FOR CORPORATIONS AND LABOR ORGANIZATIONS

During September, the Commission published a new brochure for trade associations and updated editions of three other publications for corporations and labor organizations. All four publications reflect recent amendments to FEC Regulations.

- o Trade Associations, an entirely new brochure, details the special procedures a trade association must follow when it solicits contributions to its PAC from member corporations' solicitable personnel.
- o The Campaign Guide for Corporations and Labor Organizations reflects changes in the rules affecting political ads, collecting agents (i.e., organizations which raise funds for corporate or labor PACs), partisan and nonpartisan communications and trade associations.
- o The Corporate/Labor Communications brochure, completely revised, gives examples of various partisan communications and discusses specific types of nonpartisan communications which organizations may direct to the general public.
- o The Corporate/Labor Facilities brochure, slightly revised, explains under what circumstances a corporation or labor organization may allow its facilities to be used by volunteers for federal election activities.

The Commission will mail these materials automatically to all PACs of labor and corporate organizations (including trade associations). Additional copies are available to anyone, free of charge. Contact the Office of Public Communications, FEC, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or, toll free, 800/424-9530.



OCTOBER REPORTING SCHEDULE

Different committees file reports at different times. To find out when your committee is required to file its reports, consult the chart on page 2. Then, to determine the particular requirements for that report, consult the paragraphs on page 3. Note that Congressional candidates active in years other than 1984 must file a semiannual report in January 1985.

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Type of Filer	Report		
	Quarterly (October 15)	Pre-General ^{1/} (October 25)	September Monthly ^{2/} (October 20)
1984 Congressional Candidates Active in Primaries Only	X		
1984 Congressional Candidates Active in the General Election	X	X	
1984 Presidential Candidates/\$100,000+ ^{3/}		X	X
1984 Presidential Candidates/Under \$100,000 Active in Primaries Only	X		
1984 Presidential Candidates/Under \$100,000 Active in the General Election	X	X	
1980 Presidential Candidates ^{4/}	X		
Unauthorized Committees/Monthly ^{5/}		X ^{2/}	X
Unauthorized Committees/Quarterly ^{5/}	X	X ^{6/}	
Connected Organizations/Communications ^{7/}	X	X	

¹ Filers of pre-general election reports will also be required to file a post-general election report in December.

² In lieu of an October monthly report, otherwise due in November, monthly filers must file a pre-general election report. See pre-general election reporting schedule on p. 3.

³ Authorized Presidential committees with activity of \$100,000 or more that are not participating in the general election may continue to file monthly reports, or file pre-and post-general election reports. See AO 1980-63.

⁴ Authorized Presidential committees that are not active in 1984 elections may file on either a monthly or quarterly reporting schedule. See 11 CFR 104.5(b)(2).

⁵ All unauthorized committees (i.e., committees not authorized by candidates) are required to file on either a monthly or quarterly basis in 1984.

⁶ Required only if the unauthorized committee makes contributions or expenditures on behalf of candidates in the general election which have not been previously disclosed.

⁷ Report required if aggregate costs for internal communications which expressly advocate the election or defeat of (a) clearly identified candidate(s) in the 1984 general election have exceeded \$2,000.

October Quarterly Report

Due by October 15, the report should cover all activity from July 1 (or from the closing date of the last report filed in 1984 or from the date of registration, * whichever is later) through September 30.

Pre-General Election Report

The pre-general election report is due October 25 and must cover activity through October 17. If sent by registered or certified mail, the report must be postmarked no later than October 22.

Monthly Report

The September monthly report must be filed by October 20. It should cover all activity from September 1 (or from the closing date of the last report filed in 1984 or from the date of registration, * whichever is later) through September 30.

In lieu of an October monthly report, otherwise due in November, monthly filers must file a pre-general election report, due by October 25. (See schedule above.)

WHERE REPORTS ARE FILED

Committees must file all reports and statements simultaneously with the appropriate federal and state officials. 11 CFR 108.5.

Filing with the Federal Government

1. The principal campaign committees of House candidates and committees supporting or opposing only House candidates file with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515. 11 CFR 104.4(c)(3) and 105.1.

**In the case of an authorized candidate committee, from the date candidate status is established. The committee must report all financial activity incurred by the candidate before he/she authorized the committee. 11 CFR 101.3(a) and 104.3(a) and (b). However, activity which occurred before 1984 must be reported separately.*

2. The principal campaign committees of Senate candidates and committees supporting or opposing only Senate candidates file with the Secretary of the Senate, Senate Public Records, 119 D Street, N.E., Washington, D.C. 20510. 11 CFR 104.4(c)(2) and 105.2.
3. All other committees, including the principal campaign committees of Presidential candidates, file with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. 11 CFR 105.3 and 105.4.

Filing with State Governments

1. The principal campaign committees of Congressional candidates must file a copy of every report and statement with the Secretary of State or the appropriate election official of the state in which the candidate seeks federal office. 11 CFR 108.3.
2. The principal campaign committees of Presidential candidates must file copies of reports and statements with the Secretary of State or the appropriate election official of the state in which the committee makes campaign expenditures. These reports must contain all financial transactions which apply to that state during the reporting period covered. 11 CFR 108.2.
3. Unauthorized committees making contributions or expenditures in connection with House and Senate races file in the state in which the candidate seeks election. The law requires a copy only of that portion of the report applicable to the candidate(s) being supported. Committees supporting Presidential candidates must file in the state(s) in which the Presidential committee and donor committee have their respective headquarters.

HOW TO OBTAIN MORE INFORMATION

During 1984, reporting forms and additional information will be sent to registered committees. Questions and requests for additional forms should be addressed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or toll free 800/424-9530.

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

INFORMATION

STATE OFFICES OFFER COMPUTERIZED ACCESS TO FEC DATA

A growing number of state campaign records offices now have computer terminals with direct access to FEC campaign finance data. These terminals are linked, via a national telecommunications system, to an FEC computer. They offer the press and the public immediate access to three FEC computer indexes, which are updated daily, containing information taken from federal campaign finance reports.

Although state offices have always maintained copies of reports filed by committees active in federal elections in that state, the new computerized data enables researchers to pinpoint the information they need and to avoid spending hours copying information from reports.

For example, the local terminal can provide the researcher with a printout for a committee registered with the FEC and the amounts the committee raised and spent within a given period. Another printout gives information on PACs and party committees, listing such items as a committee's spending for or against specific candidates. If the researcher requested a printout on a specific candidate, the E Index provides information on each campaign, including data on PACs and party committees that supported or opposed the candidate.

In addition to providing computer access to FEC indexes, the state offices maintain paper copies of other Commission indexes and the FEC Reports on Financial Activity, a series of campaign finance studies. For more information, see the April 1984 Record, p.4.

Listed below are state offices which now provide direct computer access to FEC campaign finance information. Note that the information should be obtained by contacting the state offices rather than the FEC.

Office of the Secretary of State
107 South Broadway, Room 4001
Los Angeles, CA 90012
213/620-3104

Office of the Secretary of State
1230 J Street, Room 219
Sacramento, CA 95814
916/322-4880

Office of the Secretary of State
State Social Services Building, Room 211
1575 Sherman Street
Denver, CO 80203
303/866-2021

Office of the Secretary of State
State Capitol, Room 110
Atlanta, GA 30334
404/656-2871

Illinois State Board of Elections
201 North Wells Street, Suite 500
Chicago, IL 60606
312/793-6440

Office of the Secretary of State
1701 McCormack Building
One Ashburton Place
Boston, MA 02108
617/727-2832

Washington Public Disclosure Commission
403 Evergreen Plaza
Olympia, WA 98504
206/753-1111

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
1984-41	Public media ads sponsored by tax-exempt corporation in September 1984; foreign national's funding of the ads. (Date made public: August 16, 1984; Length: 4 pages, plus 5-page supplement)
1984-42	Ceiling(s) on contributions to candidate running simultaneously in special election and regular election for same House seat. (Date made public: August 23, 1984; Length: 2 pages)
1984-43	Corporate officer's appreciation for incumbent featured on T.V. tape financed by incumbent. (Date made public: August 27, 1984; Length: 1 page)

AOR Subject

- 1984-44 Ceiling(s) on contributions made by two PACs to the same candidate prior to merger of their corporate sponsors. (Date made public: August 27, 1984; Length: 1 page)
- 1984-45 Service fees charged PAC by company issuing credit cards used to make contributions to PAC. (Date made public: September 5, 1984; Length: 1 page)
- 1984-46 Funds transferred from candidate's 1984 state campaign to his 1982 federal campaign for debt retirement. (Date made public: September 6, 1984; 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 1984-21: Real Estate Agent's Fee Designated to Candidate by Purchaser

Studds for Congress Committee should record and report a contribution from Dotte Crowder Real Estate, a sole proprietorship, as a contribution from Dotte Crowder, the company's owner, even though: a) the contribution was drawn on her firm's checking account and b) one of her clients designated the recipient of the contribution. (To build good will with her clients, Ms. Crowder gives a portion of her commission on a real estate sale to an organization selected by the real estate purchaser.) Since Ms. Crowder's firm is a sole proprietorship--not a corporation--she may use a check drawn on the firm's account.

Under FEC Regulations, a contribution made by check or some other written instrument (e.g., a money order) must be reported as a contribution from the last person who signs the written instrument delivered to the candidate or his/her campaign committee. 11 CFR 104.8(c). No evidence exists to suggest that the contribution should be attributed to the real estate purchaser who designated the contribution. The purchaser's designa-

tion had no effect on the size of the commission paid by the seller to Ms. Crowder. Moreover, the purchaser had no rights or interests in the commission paid to the real estate agent. Rather, the commission belonged exclusively to Ms. Crowder, who devised the contribution designation plan as a public relations gesture. (Date issued: August 10, 1984; Length: 2 pages)

AO 1984-31: Donations Transferred From Corporation's State PAC to its Federal PAC

Subject to the conditions below, the First Bank & Trust Company (the Bank) may transfer funds from an unregistered political committee it established in 1982 for state election activity (the state PAC) to a political committee registered with the FEC, which the Bank established in 1984 for federal election activity (the Federal PAC). The state PAC funds to be transferred to the federal PAC consist of contributions (within the Act's dollar limits) solicited from personnel who were solicitable under the Act (i.e., board directors and Bank officers who were either stockholders or executive and administrative personnel). The Bank may transfer the state PAC funds to its federal PAC, provided it uses one of the following procedures.

State PAC Becomes Political Committee

The state PAC may transfer funds directly to the federal PAC. In this instance, the state PAC would become a political committee (i.e., a separate segregated fund) and would have to register and report in compliance with 2 U.S.C. §431(4) and 11 CFR 100.5. See also AOs 1982-46 and 1983-3.

State PAC Becomes Collecting Agent

Alternatively, the state PAC may become the federal PAC's collecting agent without triggering its status as a political committee under the election law. See 11 CFR 102.6(b) and (c). To act as the federal PAC's collecting agent, the state PAC must obtain written authorizations from the contributors of the funds to be transferred, which state their intent to contribute to the federal PAC. If a contributor does not authorize the transfer of his/her contribution to the federal PAC, the contribution must be refunded or remain in the state PAC's account.

The federal PAC must report each contribution included in the transfer from the state PAC as a contribution from the original contributor, to the extent required by FEC Regulations. See 11 CFR 102.6(b) and (c); 114.5. The federal PAC must also ensure that contributions comply with the limits, prohibitions, solicitation procedures and other re-

continued

quirements of the election law and FEC Regulations. Any future solicitations that the state PAC conducts for the federal PAC must also comply with FEC Regulations governing collecting agents. (Date issued: August 22, 1984; Length: 3 pages)

AO 1984-32: Contribution Check Dated Before But Received After Candidate's Primary Campaign

The United Auto Workers Voluntary Community Action Program (UAW V CAP), the separate segregated fund of the United Auto Workers (UAW), contributed to Mr. Don Pease's primary campaign, the Don Pease for Congress Committee (the campaign), by a check dated April 19, 1984. However, an agent of UAW V CAP did not deliver the check to the Pease campaign until several weeks after the May 8 primary. Mr. Pease's campaign received the contribution on June 2, 1984. Under these circumstances, since the contribution was designated in writing for Mr. Pease's primary campaign, it must be attributed to that campaign, but only to the extent that the campaign had net outstanding debts on the date the contribution was made. In this case, "the date the contribution was made" was the date it left the control of the PAC agent and was received by the Committee -- June 2. 11 CFR 110.1(a)(2)(ii).

Alternatively, if the Pease campaign had no outstanding debts, it must either: 1) return the contribution to UAW V CAP or 2) have UAW V CAP redesignate the contribution for Mr. Pease's general election campaign. (UAW V CAP may redesignate only that portion of the contribution which, when added to any other contributions the PAC made to Mr. Pease's general election campaign, does not exceed \$5,000.)

Formula for Calculating Primary Debts

To determine whether or not the primary campaign had net outstanding debts on the day it received the UAW V CAP contribution, the campaign should subtract its total primary debts and obligations from its total assets (cash on hand plus receivables available to pay primary debts and obligations), as of the date the contribution was made. (See AO 1975-53.) In calculating the total debts and obligations attributable to the primary campaign, the Pease campaign should include outstanding loans and any expenses incurred, but not paid. To calculate its total assets, the Pease campaign should include:

1. Funds carried over from the 1982 campaign (For purposes of contribution limits, if the 1982 funds include contributions made after the 1982 general election, the contributors must aggregate them with any contributions to Mr. Pease's 1984 primary campaign); and

2. Undesignated contributions made after Mr. Pease's 1982 general election campaign, but before his 1984 primary campaign, including those which the campaign attributed to the 1984 general election on its reports.

Any 1983 or 1984 contributions designated by the donor for Mr. Pease's 1984 general election campaign must, however, be excluded from the 1984 primary campaign's total assets. (Date issued: August 17, 1984; Length: 4 pages)

AO 1984-34: Contributions by Candidate and His Campaign Committee to Same Recipient

Mr. Jim Gilmore, an unsuccessful candidate for a Michigan House seat in 1980, may use his personal funds to make contributions to the primary campaign of Ms. Jacqueline McGregor, a 1984 candidate, even though Mr. Gilmore's 1980 campaign committee used its excess funds to contribute the maximum amount to both Ms. McGregor's primary and general election campaigns (i.e., \$1,000 per election). Under the FEC's current regulations, contributions by a campaign committee do not count as personal contributions from the candidate who authorized the committee. Consequently, Mr. Gilmore's contributions to the McGregor campaign are subject to separate limits and to other relevant requirements of the election law.

The Commission expressed no opinion on relevant tax provisions because they are not within its jurisdiction. The agency noted, however, that the Internal Revenue Code treats funds contributed by one political committee to another as funds "not diverted for the personal use of the candidate or any other person." 26 U.S.C. §527(d). (Date issued: August 17; Length: 2 pages)

AO 1984-36: Solicitations by Corporate Partner of Joint Venture

American Health Capital (AHC), a New York corporation, may not solicit contributions to its separate segregated fund, the American Health Capital PAC (AHC/PAC) from the solicitable personnel (i.e., executive and administrative employees and their families) of:

- VHA Health Ventures, a joint venture partnership in which American Health Capital's wholly-owned subsidiary, AHC Ventures, Inc., owns 40 percent of the equity;
- Voluntary Health Enterprises, Inc., a Delaware corporation in which VHA Health Ventures owns 100 percent of the class A stock; or
- Any businesses by Voluntary Health Enterprises, Inc.

Under FEC Regulations, American Health Capital

may only solicit the solicitable personnel of its affiliated corporations, that is, companies which the corporation owns, directs or controls. See 11 CFR 100.5(g)(2)(ii) and 110.3(a)(1)(iii). The companies American Health Capital proposes to solicit are not sufficiently affiliated with it for solicitation purposes. This determination is based on the relationship between AHC Ventures, Inc. (American Health Capital's wholly-owned subsidiary) and: 1) VHA Health Ventures (the joint partnership) and 2) Voluntary Health Enterprises, Inc. and its controlled businesses. In each case, AHC Ventures lacks sufficient authority or ownership to qualify as an affiliated organization.

VHA Health Ventures

American Health Capital may not solicit the solicitable personnel of VHA Health Ventures because AHC Ventures, Inc. (its wholly-owned subsidiary) owns only 40 percent of the equity in VHA Health Ventures. Thus, AHC Ventures does not have a controlling ownership interest in the joint venture partnership. Moreover, AHC Ventures lacks the authority to direct the partnership: it appoints only four members to the partnership's nine-member board; and, although AHC Ventures, Inc. is the managing partner in the joint venture, it must obtain the board's consent to take certain major actions and to vote the partnership's stock in Voluntary Health Enterprises, Inc.

Voluntary Health Enterprises, Inc. and Companies

Nor may American Health Capital solicit the solicitable personnel of Voluntary Health Enterprises, Inc. and several companies it controls because AHC Ventures, Inc. does not have controlling ownership interests in VHA Health Ventures, the company that owns the stock in Voluntary Health Enterprises, Inc. Moreover, although AHC Ventures, Inc. votes the stock VHA Health Ventures owns in Voluntary Health Enterprises, Inc. (i.e., 100 percent of the class A stock), the company does so only at the direction of VHA Health Venture's Board of Directors. (Date issued: September 10, 1984; Length: 4 pages)

AO 1984-38: Ceilings on Contributions Made to Candidate Who Shifts Campaign from House to Senate to House

Contributions made to Rep. Jim Oberstar's House campaign, and subsequently transferred by the campaign to Rep. Oberstar's Senate campaign without the donor's written authorization, count against the donor's limits for both the House and Senate campaigns. However, any contribution which a donor redesignated (in writing) for the Senate campaign would count against the donor's limit for the Senate campaign only.

During 1984, while campaigning for reelection to his House seat, Rep. Jim Oberstar decided to test the waters for a potential Senate candidacy in 1984. Subsequently, he stopped campaigning for the House and became a Senate candidate, but later decided to end his Senate campaign and reactivate his House campaign. During this period, he transferred funds from his first House campaign (Oberstar for Congress Volunteer Committee) to both his Senate exploratory committee (the Oberstar for Senate Exploratory Committee) and his Senate campaign (Oberstar Senate '84). In this case, contributions transferred to Mr. Oberstar's Senate exploratory committee are considered contributions to his Senate campaign because Mr. Oberstar did, in fact, become a Senate candidate. (Once an individual becomes a candidate, funds contributed for testing-the-waters purposes become, retroactively, contributions to the campaign. 11 CFR 100.7(b)(1); 100.8(b)(1); 101.3; 102.9; 104.3.)

Under the election law, if an individual campaigns for more than one federal office, separate limits apply to contributions made by a donor to each election to each office. 2 U.S.C. §441a(a)(1) and (2). Moreover, if a candidate campaigns for a second office after ending the first candidacy, he or she may transfer unlimited funds from one campaign to the other, provided the funds transferred do not cause the donor to exceed the donor's contribution limits. See 11 CFR 110.1(f); -110.3(a)(2)(v)(B); 110.8(d).

Under these circumstances, the contribution limits applicable to three multicandidate political committees (PACs X, Y and Z) that had contributed to Mr. Oberstar's first House campaign and wished to make contributions to either his reactivated House campaign or his inactive Senate campaign, would depend on:

- The extent to which each PAC had already exhausted its \$5,000 limit for either Rep. Oberstar's House primary campaign or his Senate primary campaign;
- Whether the PAC had made a written authorization, redesignating its House campaign contribution to the Senate campaign; or
- Whether the House campaign had transferred the funds to Rep. Oberstar's Senate campaign without the PAC's written authorization.

Accordingly, contributions made by PACs X, Y and Z to either the reactivated House campaign or the inactive Senate campaign are subject to the following dollar limits:

- PAC X may not contribute to the reactivated House campaign because the PAC already contributed \$5,000 to the first House campaign. Moreover, if its contribution to the first House campaign was transferred to ei-

continued

ther the Senate exploratory committee or to the Senate campaign, the PAC may not contribute any more funds to help retire Rep. Oberstar's Senate campaign debts.

- PAC Y, which contributed \$2,500 to Rep. Oberstar's first House campaign, may contribute an additional \$2,500 to his reactivated House campaign.
- PAC Z, which contributed \$500 to the first House campaign and \$2,000 to the Senate campaign, may contribute an additional \$4,500 to the reactivated House campaign. (Date issued: August 22, 1984; Length: 5 pages)

FEC CERTIFIES GENERAL ELECTION FUNDS TO REPUBLICAN TICKET

On August 27, 1984, the Commission approved payment of \$40,400,000 in federal funds for the general election campaign of Republican Presidential nominee Ronald Reagan and his Vice Presidential running mate George Bush. A \$40,400,000 grant was previously certified to the Democratic Presidential ticket on July 26, 1984.

President Reagan and Vice President Bush had requested funding in an August 22 letter to the Commission. In that letter, the candidates agreed to abide by the overall spending limit, to use only public funds for the campaign and to comply with other legal requirements.

By law, the Presidential nominee of each major party is entitled to full public financing of the general election campaign (\$20 million plus a cost-of-living adjustment). Major party candidates accepting public financing for their general election campaigns are subject to a spending limit of \$40,400,000 (the amount of the grant). In addition, the use of the nominees' personal funds is limited to \$50,000. Private funds, subject to contribution limits and prohibitions, may be raised and spent only for legal and accounting costs incurred to ensure compliance with the Act.

As of August 27, the Commission had also certified \$16,160,000 to the two major political parties for their nominating conventions. For current figures on primary matching fund certifications made to eligible candidates, see column 1.

PRESIDENTIAL ELECTIONS

PRIMARY MATCHING PAYMENT CERTIFICATIONS

On September 20, 1984, the Commission certified additional primary matching fund payments for four Presidential primary candidates, bringing total funds certified to 11 Presidential primary candidates to \$33,017,997.82.

The summary chart below provides cumulative information on certifications of primary matching funds made between January 1 and September 20, 1984.

Primary Matching Fund Certification Activity

Name of Candidate	Number of Requests*	Total Funds Certified
Askew, Reubin (D)	10	\$ 930,278.11
Cranston, Alan (D)	16	1,882,149.86
Glenn, John (D)	14	3,079,913.09
Hart, Gary (D)	18	4,567,154.18
Hollings, Ernest (D)	9	821,599.85
Jackson, Jesse (D)	13	2,534,876.07
Johnson, Sonia (CP**)	3	186,372.52
LaRouche, Lyndon (D)	6	488,396.96
McGovern, George (D)	9	595,036.79
Mondale, Walter (D)	21	7,832,220.39
Reagan, Ronald (R)	7	10,100,000.00

*Includes requests made after the candidate's initial request for matching fund eligibility.

**Ms. Johnson is seeking the Presidential nominations of the Citizens Party, the California Peace and Freedom Party and various third parties.

COURT CASES

NEW LITIGATION

FEC v. Liberal Party Federal Campaign Committee

Failing to resolve a complaint through the informal conciliation process mandated by the law (2 U.S.C. §437g(a)(4)(A)(i)), the FEC petitions the court to:

- Find that the Liberal Party Federal Campaign Committee (the Liberal Party Committee) violated 2 U.S.C. §441a(a)(1)(A) by making excessive contributions to the 1980 National Unity Campaign for John B. Anderson, Mr. Anderson's principal campaign committee for his 1980 Presidential general election campaign;

- Order the Liberal Party Committee to amend its reports to reflect in-kind contributions of \$14,149 to the Anderson campaign;
- Order the Liberal Party Committee to pay a \$5,000 civil penalty or an amount equal to 100 percent of any contributions or expenditures resulting from its violations; and
- Enjoin the Liberal Party Committee (or any of its agents or successors) from further violations of the election law.

U.S. District Court for the Southern District of New York, Docket No. 84 CIV. 5552, August 6, 1984.

Citizens for Percy '84 v. FEC

Citizens for Percy '84, Senator Charles H. Percy's principal campaign committee for his 1984 reelection campaign, asks the court to order the FEC to act on an administrative complaint which the Percy campaign had filed with the FEC on April 26, 1984. See 2 U.S.C. §437g(a)(10). In the complaint, the Percy campaign claimed that media expenditures made by Michael Goland on behalf of Rep. Thomas Corcoran, Senator Percy's opponent in the Illinois Senate primary, were coordinated with the Corcoran campaign. The Percy campaign alleged that, since the expenditures were not independent, Mr. Goland had violated the election law by making excessive in-kind contributions to the Corcoran campaign. See 2 U.S.C. §441a(a)(i)(A). Moreover, the Corcoran campaign had violated the law by accepting the contributions. See 2 U.S.C. §441a(f).

The Percy campaign therefore petitions the court to:

- Declare that the FEC's failure to act on the administrative complaint within 120 days was contrary to law (see 2 U.S.C. §437g(a)(8)(A)); and
- Issue an order directing the FEC to act on the complaint within 30 days.

U.S. District Court for the District of Columbia, Docket No. 84-2653, August 29, 1984.

George T. McDonald v. FEC

Mr. McDonald, a 1984 candidate for a House seat representing New York's 15th Congressional district, seeks action against the FEC for dismissing an administrative complaint he had filed on May 9, 1984. In the complaint, Mr. McDonald claimed that Andrew Stein, a state official opposing him for the House seat, had used funds from his 1981 campaign committee for state office (Stein '81) to finance his 1984 Congressional campaign (Stein for Congress '84). Specifically, Mr. McDonald alleged that Mr. Stein had illegally used

state campaign funds (consisting of corporate contributions and unrepaid loans) to make media expenditures for his Congressional candidacy.

On May 4, 1984, the respondent had submitted a request to the FEC for an investigation into specific expenditures made by the 1981 state campaign on behalf of Mr. Stein. The FEC then merged the respondent's request (i.e., a pre-MUR) with Mr. McDonald's administrative complaint.

Mr. McDonald asks the court to declare that:

- The FEC's dismissal of his administrative complaint was contrary to law;
- The FEC's merger of his administrative complaint with the respondent's request limited the scope of the FEC's investigation, resulting in an arbitrary dismissal of Mr. McDonald's complaint; and
- The FEC must comply with these declarations within 30 days.

U.S. District Court for the District of Columbia.

Rose v. FEC

Congressman Charles E. Rose petitions the district court to issue an order requiring the FEC to take action on his administrative complaint. (Mr. Rose had originally filed the complaint with the FEC in October 1982.) On February 22, 1984, the court dismissed his first petition (ordering the FEC to take action) because the FEC had filed subpoena enforcement actions with the district court for the Eastern District of North Carolina as part of its investigation into his complaint. (For summaries of this suit, see p. 9 of the August 1983 Record and p. 10 of the April 1984 Record.)

Claiming that the FEC has taken no subsequent action on his complaint, Mr. Rose has filed a second petition with the D.C. district court. Pursuant to 2 U.S.C. §437g(a)(8), he asks the court to:

- Declare that the FEC's continued failure to act on his administrative complaint is contrary to law;
- Issue an expedited order directing the FEC to act on his complaint within 30 days; and
- Retain jurisdiction over his petition in the event the FEC fails to take action on his complaint.

U.S. District Court for the District of Columbia, Civil Action No. 84-2278, July 24, 1984.

FEC PUBLISHES NONFILERS

Between July and September 1984, as required by the election law, the Commission published the names of Presidential and Congressional campaigns that had failed to file required reports of their campaign finance activity.

Presidential Nonfilers

On July 6, 1984, the Commission published the names of four Presidential campaigns that had failed to file their May monthly report, due June 20. On August 3, the FEC republished the names of two of the campaigns. They had also failed to file a June monthly report, due July 20. None of the campaigns had qualified for federal matching funds.

Congressional Nonfilers

Between July and September, the FEC published the names of 12 Congressional campaigns that had failed to file reports, as follows:

- Two Senate campaigns (one in Tennessee and one in Alaska) that had failed to meet the pre-primary report filing deadline for Congressional primaries held in those states.
- A Connecticut House campaign that had failed to file the pre-convention report required for the Connecticut Republican convention.*
- Seven House campaigns that had failed to file pre-primary reports for Congressional primaries held in Alaska, Massachusetts, Michigan, Missouri and New Hampshire.
- Two Congressional campaigns (one in Alaska and one in New York) that had failed to file their July quarterly reports.

*In Connecticut, candidates are nominated by party conventions, unless a candidate who receives at least 20 percent of the convention's endorsement challenges the convention winner to a primary.

FEDERAL REGISTER NOTICES

The items below identify FEC documents that appeared in the Federal Register on July 31 through August 23, 1984. Copies of these notices are available in the Public Records Office.

Notice Title

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|---------|---|
| 1984-11 | 11 CFR Parts 4 and 5: Public Records and the Freedom of Information Act; Access to Public Disclosure Division Documents; Amendment to Fee Provisions; Final Rule Transmitted to Congress (49 <u>Fed. Reg.</u> 30458, July 31, 1984) |
| 1984-12 | 11 CFR Parts 100 and 101: Payments Received for Testing-the-Waters Activities; Notice of Proposed Rulemaking (49 <u>Fed. Reg.</u> 30509, July 31, 1984) |
| 1984-13 | 11 CFR Part 9008: Federal Financing of Presidential Nominating Conventions; Final Rule; Technical Amendments (49 <u>Fed. Reg.</u> 30461, July 31, 1984) |
| 1984-14 | 11 CFR Parts 9007 and 9038: Repayments by Publicly Financed Presidential Candidates; Final Rule; Transmittal to Congress (49 <u>Fed. Reg.</u> 33225, August 22, 1984) |
| 1984-15 | 11 CFR Part 6: Enforcement of Nondiscrimination on the Basis of Handicap in FEC Programs; Final Rule; Transmittal to Congress (49 <u>Fed. Reg.</u> 33206, August 22, 1984) |
| 1984-16 | Filing Dates for Kentucky Special Election (49 <u>Fed. Reg.</u> 33491; August 23, 1984) |



VOTING STANDARDS ADVISORS HOLD FIRST MEETING

On September 20 and 21, 1984, the FEC's Voting Systems Standards Advisory Committee held its first meeting in Washington. On September 5, the Commission's contractor for the study appointed 30 state and local election officials to the Committee. The Committee will advise the FEC and its contractor on a project to develop voluntary standards for voting systems. The standards will help election officials and state legislators administer elections efficiently and cost effectively.

During the two-day meeting, the Advisory Committee's sessions were open to the public. Attendees also viewed a display of voting equipment and related services representing current voting systems technology.

UPDATED PUBLICATIONS FOR STATE AND LOCAL ELECTION OFFICIALS

Between July and September, 1984, the Commission published updated editions of two publications for state and local election officials. The updated Election Directory 84 includes the name, address and telephone number of over 400 key federal, state and local election officials. Information in the Directory is current through September 1, 1984.

Campaign Finance Law 84 is an updated, comprehensive summary of state campaign finance laws. In addition to summarizing individual state laws, the publication includes comparative charts on: campaign finance reporting requirements; contribution and solicitation limits; and states with special tax and public financing provisions.

Election Directory 84 (order no. 052-006000-31-7) is available to the public through the Government Printing Office at \$2.25 per copy. Campaign Finance Law 84 (order no. 052-006-00030-9) is available at \$9.50 per copy. Write the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, making reference to the publication and its order number.

CHANGE OF ADDRESS

Political Committees

Registered political committees are automatically sent the Record. Any change of address by a registered committee must, by law, be made in writing as an amendment to FEC Form 1 (Statement of Organization) and filed with the Clerk of the House, the Secretary of the Senate, or the FEC, as appropriate.

Other Subscribers

Record subscribers (who are not political committees), when calling or mailing in a change of address, are asked to provide the following information:

1. Name of person to whom the Record is sent.
2. Old address.
3. New address.
4. Subscription number. The subscription number is located in the upper left hand corner of the mailing label. It consists of three letters and five numbers. Without this number, there is no guarantee that your subscription can be located on the computer.

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