FEDERAL ELECTION COMMISSION

RECORD

April 1990 999 E Street NW Washington DC 20463 Volume 16, Number 4

LEGISLATION

CHANGES IN ELECTION LAWS UNDER ETHICS REFORM ACT OF 1989

The Ethics Reform Act of 1989 (P.L. 101-194) made several changes in laws related to federal elections. The Act's repeal of the "Grandfather Clause" in 2 U.S.C. §439a, which permitted retiring Members of Congress to convert excess campaign funds to personal use, was covered in the February Record. Other changes brought about by the Ethics Reform Act are discussed below.

Personal Financial Disclosure

The Ethics Reform Act amended the Ethics in Government Act, which required, in part, that candidates for federal office file periodic disclosure reports on their personal finances.

Under rules currently in effect, a candidate must file a personal financial disclosure report at one of the offices listed below within 30 days of becoming a "candidate" or by May 15, whichever is later. For purposes of current disclosure requirements, an individual becomes a "candidate" when he or she (1) has taken the actions necessary under state law to qualify for election or (2) has filed a Statement of Candidacy (FEC Form 2) pursuant to 2 U.S.C. §432(e)(1).

Beginning January 1, 1991, all nonincumbent candidates for the House and Senate will file their personal finance reports with the Federal Election Commission. The new law specifies that the disclosure requirements only apply to "candidates" as defined under the Federal Election Campaign Act at 2 U.S.C. §431(2). Incumbent candidates will continue to file with the House Committee on Standards of Official Conduct or the Senate Select Committee on Ethics, as appropriate. For the current election cycle, all candidates will continue to file their personal disclosure reports with the appropriate House or Senate committees. (The Commission has recommended technical amendments to the new law to eliminate the splitting of filing points between incumbents and challengers.)

More information on the Ethics Reform Act of 1989 can be obtained from the following offices:

- **House candidates:** The House Committee on Standards of Official Conduct, HT2, U.S. Capitol, Washington, D.C. 20515. 202/225-7103.
- **Senate candidates:** The Senate Select Committee on Ethics, 220 SHOB, Washington, D.C. 20510. 202/224-2981.

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Elimination of Honoraria for House Members and Government Employees

The Ethics Reform Act of 1989 also prohibits Members of the House of Representatives and officers and employees of the federal government from receiving honoraria, effective January 1, 1991.

Under the new law, instead of receiving honoraria, House Members and federal officers and employees may direct that an honorarium be paid to a charitable organization. In such cases, the honorarium would not be considered to have been "received" by the Member, officer or employee. The charitable organization receiving the payment may not be one from which the Member, officer or employee, or his or her parent, sibling, spouse, child or dependent relative derives any financial benefit. A payment permissible under this "charity" provision is limited to $2,000.

The Federal Election Campaign Act's $2,000 limitation on honoraria received by elected officers and employees of the federal government was amended so as to apply only to honoraria received by Senators and by officers and employees of the Senate. See 2 U.S.C. §441i.

PUBLIC APPEARANCES

April 24	Gannett Foundation Washington, DC Kent Cooper, Asst. Staff Director, Public Disclosure
May 19-25	International Institute of Municipal Clerks Little Rock, AR Janet McKee

COMMISSIONERS

FEC-LED DELEGATION RETURNS TO U.S.S.R.

In March Chairman Lee Ann Elliott led a delegation of American federal and state election officials on a 10-day informational visit to the Soviet Union.

The trip was the third in a series of exchange visits between U.S. and Soviet election officials. An FEC delegation visited the U.S.S.R. in June 1989, and members of the Soviet Central Electoral Commission came to the U.S. in November 1989. The trips have included talks between American and Soviet election officials at all levels of government and have covered such topics as election administration and campaign finance reform.

The latest delegation visited Tallin, the capital of Estonia; Alma-Ata, the capital of Kazakhstan; and Moscow. Estonia and Kazakhstan held the equivalent of state and local elections during the visit. Along with Chairman Elliott, the group included Vice Chairman John Warren McGarry, Commissioner Danny L. McDonald, three FEC staff members, three state election officials and a representative of the International Foundation for Electoral Systems (IFES). IFES financed the group's travel to and from the U.S.S.R. under a grant from the Charles Stewart Mott foundation, while the Soviet government paid for their lodging, meals and travel within the U.S.S.R.

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463
800/424-9530 202/376-3120 202/376-3136(TDD)

Lee Ann Elliott, Chairman
John Warren McGarry, Vice Chairman
Joan Aikens
Thomas J. Josefiak
Danny L. McDonald
Scott E. Thomas

Walter J. Stewart, Secretary of the Senate, Ex Officio
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PUBLIC FUNDING

PRESIDENTIAL FUND COULD FALL SHORT FOR 1992 ELECTIONS

In February the Commission notified Congress, the President and the Secretary of the Treasury that the Presidential Election Campaign Fund will probably be insufficient to cover entitlements for the 1992 Presidential elections.

The Commission's analysis of the status of the Fund is based on the latest available data on the rate of inflation and the level of participation by taxpayers in the income tax checkoff program.

While taxpayer participation has declined in recent years, payments from the Fund have increased because they are indexed to the rate of inflation. Compounding the problem, revenues flowing into the Fund are not indexed; the amount that each taxpayer can check off for the Fund has remained at the 1973 level of $1.00.

In April and November 1989, the Commission warned Congress and the President that the Fund was likely to fall short of expected entitlements for the 1996 elections. With the revised projections, based on a 4.5 percent rate of inflation over the next two years, the Commission predicts a shortage by the 1992 elections.

In her letter revising the Commission's projections, FEC Chairman Lee Ann Elliott urged Congress and the Administration to "work together to amend the law to provide for adequate funding for the 1992 election and to secure reliable funding for future Presidential elections."[1]

1. On March 6, the Commission approved a package of legislative recommendations that included several suggestions for restoring the Fund. The recommendations will be summarized in next month's Record.

ADVISORY OPINIONS

AO 1990-1: Corporation's Sale of 900-Line Fundraising Service to Candidates

Digital Corrections Corporation (DCC) may provide 900-line telephone services to federal candidates and committees for fundraising purposes, provided that the company meets certain conditions ensuring compliance with the limitations and prohibitions on contributions and with the rules governing fundraising activities.

Proposal

DCC plans to provide each client committee with a 900-line telephone number that the committee will advertise through various print and broadcast media. Clients will pay the usual and normal charge for the 900-line service.

The company's service allows the caller to register a response to the recorded message on the 900-line by pressing touch-tone buttons or, on a rotary phone, using a voice response. Each message will state the cost of the call and give the caller the opportunity to hang up without incurring a charge. The price per call will be fixed for each campaign, with a range of $8 to $50. Callers will pay for the call as part of their monthly phone bill. Upon receipt of the bill, each caller will be given one opportunity to elect not to pay the fee.

The recordings will ask callers to provide their names, addresses and social security numbers when pledging contributions. The company will use an Automatic Number Identification system to identify the exact telephone number from which a call is made. Bills will only be sent for calls from verified, residential telephones; all other calls will be disregarded. Thus, there will be no billing for a call where the name and address of the caller do not match the name and address listed for the telephone number.

(continued)

The company plans to collect a deposit from each campaign committee entering into a contract for the service. Each campaign will be "solely liable" for the costs associated with the program.

The telephone companies will collect payments from the customers and deduct their charges before forwarding the contributions to DCC. DCC, in turn, will deduct its charges from the payments and pass the net proceeds along to the candidates.

Services by DCC and Phone Companies

The deposits that client candidates will pay DCC will be sufficient to cover all costs connected with the service, and if a candidate's program is a complete failure, it will be terminated in order to ensure that losses will not exceed the deposit. Therefore, based on the conditions set out and assuming that DCC provides its fundraising services to candidates at the usual and normal charge, the program will not result in a corporate contribution by DCC, which would be prohibited under 2 U.S.C. §441b.

It is assumed that DCC's calculation of its costs will include an amount providing a profit for the company, so that services are provided at the usual and normal charge, rather than at cost. In addition, it is assumed that DCC will pay the telephone companies the usual and normal charges for the access and services that they provide.

Contributions from Callers

The entire amount paid by the caller--not just the net proceeds--will be a contribution subject to the limits and prohibitions of the election law. 11 CFR 100.7(a)(2).

In addition to screening calls to ensure that only residential phones are used for the program, DCC should also ensure that no payments are collected for calls from phones outside of the U.S., so that no contributions are made by foreign nationals.

DCC as Fundraising Agent

As an agent of the contracting committees, DCC should advise its clients to include disclaimers in their printed and broadcast ads; the disclaimers must state the name of the committee authorizing and paying for the solicitation. 2 U.S.C. §441d(a). The ads should also notify potential callers that they will be contributors under the Act in order to help avert contributions from prohibited sources.

The company must also obtain and forward to the committees the information about contributors required under the recordkeeping and reporting rules. This information includes the name, address, occupation and employer of any person whose contributions to a particular candidate aggregate over $200 in one calendar year, plus the date and the amount of each contribution. DCC must also make arrangements with the participating phone companies to obtain the names of the individuals whose payments are included in the proceeds sent to DCC; that information must be forwarded to the candidate committees so that they can meet their recordkeeping and reporting obligations. This information is also essential to ensure the timely refund of any excessive or prohibited contributions that are not discovered through DCC's screening process. 11 CFR 103.3(b).

DCC must notify contracting committees of the amounts retained by the phone company and by DCC as their service charges. Those funds, subtracted from the contributions collected, are reportable as the committees' operating expenses. 2 U.S.C. §434(b)(5)(A).

None of the funds passed on to the client committees may be commingled with the funds of DCC, which is a corporation. Therefore, for each contracting committee, DCC must establish a separate account (in a depository designated by the committee) and deposit the proceeds for each committee into the appropriate account within 10 days of DCC's receipt.

Commissioner Josefiak issued a concurring opinion. (Date issued: March 1, 1990; Length: 8 pages)

AO 1990-2: Candidate's Use of Excess Campaign Funds to Secure Loan for Party Committee

The Committee to Re-Elect Congressman Chris Smith may use its excess campaign funds to purchase a $20,000 certificate of deposit to serve as collateral for a bank loan to the Monmouth County Republican Committee, an unregistered local party organization. The CD will be released as collateral when the party committee repays the loan. The CD will bear a fair rate of interest payable to the Smith Committee.

The Act permits candidates to transfer excess campaign funds without limit to any national, state or local party committee. 2 U.S.C. §439a. If the Smith Committee has determined that the $20,000 purchase can be made from funds that are no longer needed to defray 1988 campaign expenses, that sum would qualify as excess campaign funds. 11 CFR 113.1(e). (According to its 1988 post-general election report, the Smith Committee had no debts and held $75,434 in cash on hand.) Because the purchase of the CD will enable the county committee to obtain a loan, the purchase should be treated as a "transfer" to the party for purposes of section 439a.

The Smith Committee will have certain reporting obligations connected to the CD purchase. Any interest earned on the CD will have to be reported on Schedule A as "Other Receipts." 11 CFR 104.3(a)(4)(vi). The Committee must also amend its Statement of Organization to show the bank as a depository of campaign funds. 11 CFR 102.2(a)(1)(vi) and (2). The Smith Committee will not have to report the disbursement for the purchase of the CD; the funds remain a Committee asset and are included in "cash on hand." 11 CFR 104.3(a)(1). (Date issued: February 16, 1990; Length: 3 pages)

COMPLIANCE

MURS RELEASED TO PUBLIC

Publicly released MUR summary files, as announced in FEC press releases on February 19 and March 2, 1990, are listed below. Civil penalties resulted from conciliation agreements reached between the respondents and the Commission.

The summary file for each MUR is available from the FEC's Public Records Office.

MUR 2288
Respondents: (a) Utah Republican Party (Federal Account/Non-Federal Account) and treasurer; (b) Shimizu for Congress Committee and treasurer (UT); (c) Republican National Committee and treasurer (DC)
Complainant: M.K. Christensen (UT)
Subject: Prohibited expenditures from nonfederal account; excessive contributions and coordinated party expenditures; failure to disclose contributions and expenditures; disclaimer
Disposition: (a) $10,000 civil penalty; (b) $175 civil penalty; (c) No reason to believe

MUR 2548
Respondents: Illinois Democratic Party (Federal Account/Non-Federal Account) and treasurer
Complainant: FEC initiated
Subject: Coordinated party expenditures made with funds from nonfederal account
Disposition: $4,000 civil penalty

MUR 2565
Respondent: (a) Hugo Dunhill Mailing Lists, Inc. (NY); (b) The ListBank, Inc. (IL); (c) Advance Management Systems, Inc. (P&L Direct Mail Marketing Group) (CA); (d) Children's Home and Aid Society of Illinois (IL)
Complainant: E.M. Braden, Chief Counsel, Republican National Committee (DC)
Subject: Improper use of contributor information
Disposition: (a) $1,000 civil penalty; (b) & (c) Reason to believe but took no further action (d) Took no action

(continued)

MUR 2599
Respondents: Dyson for Congress Committee and treasurer (MD)
Complainant: M. Frazer, Chairman, 1st Congressional District Republican Committee (MD)
Subject: Erroneous reporting of financial activity
Disposition: $3,000 civil penalty

MUR 2657
Respondents: New York State Laborers PAC and treasurer
Complainant: FEC initiated
Subject: Acceptance of unidentified funds from labor union; improper deposit of funds; failure to register on time
Disposition: $3,800 civil penalty

MUR 2883
Respondents: Montgomery Ward & Co., Inc., PAC (Ward PAC) and treasurer
Complainant: FEC initiated
Subject: Failure to report on time; failure to notify FEC of change in filing schedule in timely manner
Disposition: $1,600 civil penalty

MUR 2920
Respondents: (a) Rep. B. Cardin (MD); (b) Ben Cardin for Congress and treasurer (MD); (c) Friends of Ben Cardin I and treasurer (MD)
Complainant: R. Pierpont (MD)
Subject: Failure to register and report; failure to report and itemize transfers
Disposition: (a) No reason to believe; (b)&(c) $250 joint civil penalty

MUR 2963
Respondents: National Association for Uniformed Services PAC and treasurer (VA)
Complainant: FEC initiated
Subject: Failure to report on time
Disposition: $150 civil penalty

MUR 2967
Respondents: Ohio Democratic Party Federal Campaign Acount and treasurer
Complainant: FEC initiated
Subject: Failure to report on time
Disposition: $2,000 civil penalty

MUR 2995
Respondents: (a) Friends of Harriet Wieder and treasurer; (b) J. Warmington (CA)
Complainant: S. Grindle (CA)
Subject: Excessive contribution; failure to report
Disposition: (a) Reason to believe but took no further action; (b) No reason to believe

MUR 3006
Respondents: Oregon Republican Party and treasurer
Complainant: FEC initiated
Subject: Failure to report on time
Disposition: $375 civil penalty

MUR 3012
Respondents: Dorsey Political Fund and treasurer
Complainant: FEC initiated
Subject: Failure to report on time
Disposition: $1,500 civil penalty

MUR 2599: Reporting Errors by Congressional Campaign

This MUR, resolved through pre-probable cause conciliation, concerned several disbursements by a Congressman's principal campaign committee that were inaccurately disclosed in the committee's reports. The reports listed 11 disbursements, totaling $7,225, as payments to campaign staff members for salaries, supplies and consulting fees. The actual recipient of the money was an individual serving as the Congressman's campaign manager and administrative assistant.

Background

The enforcement matter arose from a complaint filed by a local party committee, which based its allegations on newspaper accounts suggesting that the campaign manager had received committee funds through checks that were written to and cashed by other staff members. Under the election law and FEC rules, a committee must disclose the name of each payee receiving more than $200 within a calendar year.

Adopting the recommendation of the General Counsel, the Commission found reason to believe that the committee and its treasurer had violated 2 U.S.C. §434(b)(5)(A) and 11 CFR 104.3(b)(4)(i) and 104.9(a) by incorrectly reporting the recipient of certain disbursements.

General Counsel's Report

According to affidavits filed by the committee and staff members in response to the complaint, the committee had an ongoing practice of paying consulting fees to persons on the Congressman's staff who worked on the campaign in their spare time. The committee also provided the campaign manager with blank, pre-signed checks to enable him to pay campaign-related expenses and consulting fees. Between 1982 and 1988, the campaign manager wrote out 11 of these checks to various members of the staff and asked them to cash the checks and turn the money over to him. These 11 disbursements were inaccurately reported as having been paid to the staff members rather than to the the campaign manager. With respect to some of the misreported disbursements, the treasurer claimed that the campaign manager failed to inform her that he was the actual payee.

Following publicity in the news media focusing on the payments, but prior to the filing of the complaint, the campaign manager informed the treasurer that he was the actual recipient of some of the consulting fees and other disbursements paid to staff members. The treasurer amended the committee's reports accordingly.[1]

In response to the allegations brought up in the MUR, the respondents claimed that their reporting of the disbursements was in compliance with the Act under the "best efforts" provision of 2 U.S.C. §432(i). The treasurer argued that her misreporting of the disbursements was due to the inadvertent failure of the campaign manager to provide her with correct information. By filing amended reports as soon as that information was provided, the treasurer claimed, the committee had satisfied the "best efforts" standard.

The "best efforts" provision, set forth in section 432(i), states that when a committee reports incomplete information it will be viewed as complying with the Act if the committee demonstrates that it used its best efforts to obtain the information. The General Counsel disputed the committee's claim to have satisfied the "best efforts" standard, however, because the provision applies only to instances where required information must be obtained from a contributor or a payee wholly outside the committee's control. Because the payee was the campaign manager and the candidate's administrative assistant, the committee could not claim "best efforts."

The committee also argued that the allegations raised in the complaint were moot because the reports were amended before the complaint was filed. In the General Counsel's view, however, the committee's correction of the reports was a mitigating factor that did not negate the violations at issue.

Commission Determination

The Commission decided to enter into a conciliation agreement with the respondents prior to finding probable cause. The agreement required the committee to pay a $3,000 civil penalty and to amend its reports to identify the actual recipient of some payments that were still not accurately disclosed in the reports.

1. The campaign manager died shortly after the Commission began its inquiry into the matter.

COURT CASES

FEC v. LIFE AMENDMENT PAC, INC. (C89-1429WD)

On January 24, 1990, the U.S. District Court for the Western District of Washington granted the FEC's motion for a final order and default judgment against Life Amendment PAC, Inc. (Life PAC). The court found that Life PAC and Rick Woodrow, as treasurer, had committed several violations of the election law and regulations. Unless otherwise noted, the following violations were found in connection

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with Life PAC's 1983 and 1984 disclosure reports:

- Failing to maintain adequate records with respect to contributions received from individuals (2 U.S.C. §432(c)(1)-(3));
- Failing to retain the required records for three years (2 U.S.C. §432(d));
- Failing to keep adequate records of 129 disbursements, totaling $72,201 (2 U.S.C. §432(c)(5));
- Failing to maintain the committee's bank records for three years and failing to make those records available for audit, inspection or examination by the Commission (11 CFR 104.14(b));
- Misreporting the total amount of Life PAC's receipts and disbursements (2 U.S.C. §434(b)(2) and (4));
- Failing to properly itemize disbursements for operating expenditures (2 U.S.C. §434(b)(5));
- Failing to properly disclose disbursements made in connection with independent expenditures (2 U.S.C. §434(b)(6));
- Failing to properly and continuously disclose the committee's outstanding debts and obligations (2 U.S.C. §434(b)(8) and 11 CFR 104.11); and
- In the committee's 1987 mid-year report, failing to identify contributors (2 U.S.C. §434(b)(3)(A) and (B)).

For the violations cited above, the court ordered the defendants to pay a $55,000 civil penalty.

The court further declared that the defendants had knowingly and willfully committed the following violations:

- Failing to maintain adequate records with respect to contributions received from individuals in 1985 and 1986 (2 U.S.C. §432(c)(1)-(3));
- Failing to preserve the required records for three years (2 U.S.C. §432(d));
- Failing to keep bank records for 1985 and 1986 for at least three years and failing to make those records available for audit, inspection or examination by the FEC (11 CFR 104.14(b)); and
- Failing to file four monthly reports on time from April through July 1988 (2 U.S.C. §434(a)(4)(B)).

For these knowing and willful violations, the court ordered the defendants to pay a civil penalty of $70,000, to amend and correct their reports and to pay the Commission's court costs. The defendants were permanently enjoined from future similar violations of the law.

800 LINE

Reprinted from the May 1989 Record

BASIC RECORDKEEPING FOR ALL POLITICAL COMMITTEES

All political committees must keep records of their receipts and disbursements. Under section 432(c) of the Federal Election Campaign Act, recordkeeping is the responsibility of the committee treasurer.

The FEC's recordkeeping regulations cover three areas:

- The information that your committee must record;
- The back-up documentation that your committee must keep; and
- The recordkeeping duties of persons other than the treasurer.

This article answers some common questions about the recordkeeping rules. It does not discuss some particular requirements that apply only to certain committees, so committees should also consult the appropriate Campaign Guide.

Record Maintenance

Our Statement of Organization (FEC Form 1) asks us to identify a "Custodian of Records." What does this mean? Although it is the treasurer of a political committee who is legally responsible for keeping accurate records and for filing disclosure reports, many committees assign bookkeeping duties to another individual. The name, address and committee position of the person who actually maintains the financial records of a political

committee must be identified as the "Custodian of Records" on Form 1. The treasurer or assistant treasurer may serve as custodian. 11 CFR 102.2(a)(1)(iii).

How long must our committee retain records? Committee treasurers must keep back-up records for each report for three years after the report is filed. A photocopy of each report must also be kept. 2 U.S.C. §432(d); 11 CFR 102.9(c) and 104.14(b)(2) and (3).

Receipts

What are the requirements for keeping records of contributions received from individuals? Records must be kept for all contributions received. For each contribution exceeding $50, committee records must note the amount, the date received and the donor's name and address. For contributions of $50 or less, the Commission has recommended that a committee record the same information that the regulations require for larger contributions. AOs 1981-48 and 1980-99. If aggregate contributions from one individual total over $200 in a calendar year, committee records must identify each contribution by listing the amount, the date received, and the donor's name, address, occupation and employer. 2 U.S.C. §§431(13)(A) and 432(c); 11 CFR 102.9(a)(1) and (2).

How do we record the contributions received as part of a mass collection? For small cash contributions (not more than $50 each) collected at a fundraiser,[1] a committee may record the name of the event, date and total amount collected. AOs 1981-48 and 1980-99.

What recordkeeping rules apply to contributions from PACs and parties? All contributions from PACs and party committees--regardless of amount--must be recorded in detail. For each PAC and party receipt, the recipient committee must record the name and address of the committee making the contribution, the date received and the amount. 2 U.S.C. §432(c)(4); 11 CFR 102.9(a)(3).

Sometimes, someone other than the treasurer receives a contribution for the committee and forwards it to the treasurer. Does the person collecting the contribution have any recordkeeping duties? Yes. Any person receiving a contribution on behalf of a committee must forward the contribution to the treasurer with the required information identifying the contributor, amount and date received. Contributions to an authorized candidate committee must be forwarded to the treasurer within 10 days. Contributions to PACs and party committees that are greater than $50 must also be forwarded within 10 days. Contributions to PACs and party committees that are $50 or less must be forwarded within 30 days. 2 U.S.C. §432(b); 11 CFR 102.8.

Other rules may also apply if, for example, the contribution was earmarked or was received by a collecting agent. Consult the Campaign Guide.

What is meant by the "date received"? The date received is the date that the person who first received a contribution took possession of it. 11 CFR 102.(8)(a).

What if a committee cannot obtain the necessary information from a contributor? The treasurer must be able to prove that he or she made "best efforts" to obtain the information. The treasurer should keep a written record (either a letter or a written memorandum of a telephone call) showing a clear request for the necessary information. The treasurer must also inform the contributor that the reporting of such information is required by law. 2 U.S.C. §432(i); 11 CFR 104.7.

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1. The entire amount paid to attend a fundraiser or other political event is a contribution. 11 CFR 100.7(a)(2).

Disbursements

Must our committee also keep records identifying disbursements? Yes. The treasurer must record all disbursements, regardless of amount, by noting the date made, the amount paid, the purpose, and the name and address of the payee. If the disbursement is made on behalf of a clearly identified candidate, the records must also identify the candidate and the office he or she is seeking. 11 CFR 102.9(b)(1).

How detailed does the notation of the purpose have to be? It should identify exactly why the disbursement was made. For example, "expenses" would not suffice, while "postage" would. 11 CFR 102.9(b)(1)(iv) and 104.3(b)(3)(i).

Do we need to keep back-up documentation? Yes, usually. The treasurer must keep a receipt, invoice or canceled check for each disbursement exceeding $200. 11 CFR 102.9(b)(2).

Must our committee make all disbursements by check? Generally, yes. All disbursements, except those made from petty cash, must be made by check or a similar draft drawn on the committee's own bank account. 11 CFR 102.10 and 103.3(a).

When can we use our petty cash fund to make disbursements? When payments to one person do not exceed $100 per transaction. 2 U.S.C. §432(h)(2); 11 CFR 102.11.

Are there special recordkeeping requirements for petty cash payments? The treasurer must record the names and addresses of the persons to whom disbursements from the fund are made, along with the date, the amount and the purpose. If a disbursement is made for a candidate, the treasurer should also note the name of the candidate, as well as the office sought. 11 CFR 102.11.

Our committee uses a credit union. May we use carbon copies of share drafts or checks as back-up documentation? Yes, as long as the treasurer retains the monthly account statement showing payment by the credit union of the share draft or check. 11 CFR 102.9(b)(2)(iii).

How should we document advances to staff for travel and subsistence? For advances of $500 or less, the committee should keep documentation of the expense account (such as an expense voucher) and the canceled check to the staff member receiving the advance. If the staff member was advanced more than $500, the name and address of the payee (i.e., the vendor) should be noted, along with the amount advanced, date and purpose. A receipt, invoice or canceled check must also be kept. 11 CFR 102.9(b)(1) and (2)(i).

If our committee uses a credit card for making disbursements, what documentation should we keep? The committee should keep either its monthly billing statement or a receipt for each transaction, along with the canceled check used to pay the bill. 11 CFR 102.9(b)(2)(ii).

What if our treasurer cannot locate the required documentation for a disbursement? As in the case of missing contributor information, the treasurer should be able to show "best efforts" by providing, for each payment, at least one written effort to obtain a copy of a receipt, invoice or canceled check. 11 CFR 102.9(d).

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STATISTICS

NATIONAL PARTY ACTIVITY, 1989

An FEC analysis of 1989 year-end reports filed by the national party committees showed that the Republicans continued to lead the Democrats in fundraising and cash on hand as they entered the 1990 election year.

Reports filed by the Republican National Committee (RNC), the National Republican Senatorial Committee (NRSC) and the National Republican Congressional Committee (NRCC) showed increases in receipts and disbursements over the levels of 1987 (the previous nonelection year) although none of the three Republican committees regained its high 1985 level of activity. NRSC's receipts in 1989 jumped $10.5 million over the 1987 level, increasing not only in contributions from individuals but also in PAC contributions, which more than tripled. NRCC ended 1989 with debts of $794,654--a sharp increase from $34,922 in debts in 1987 and $0 in 1985. Total cash on hand for the three Republican committees was $14,474,004.

The Democratic National Committee (DNC) saw its receipts drop slightly in 1989 in comparison with previous nonelection years, but ended the year with $5,430,525 in cash on hand, primarily because of cash left over at the end of the 1988 election cycle. The Democratic Senatorial Campaign Committee (DSCC) continued its progress in fundraising, while the Democratic Congressional Campaign Committee (DCCC), like the NRCC, finished the year in debt, owing $1.6 million--almost twice the amount owed by DCCC at the end of 1987.

The chart on the following page compares nonelection year receipts of the three major party national committees over the past three nonelection years. More information on 1989 party activity can be obtained from a statistical press release available from the FEC's Public Records Office.

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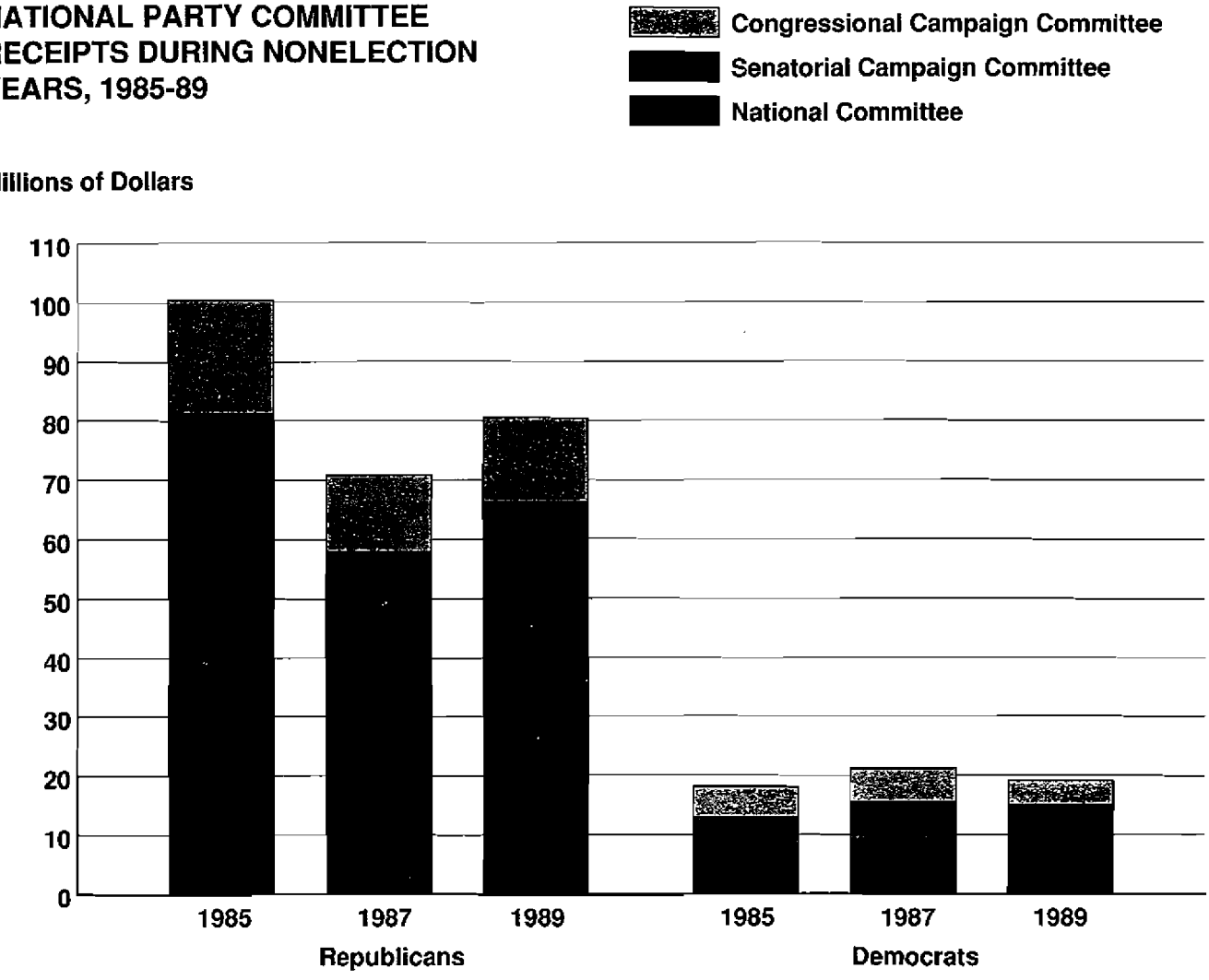
NATIONAL PARTY COMMITTEE RECEIPTS DURING NONELECTION YEARS, 1985-89



FEDERAL ELECTION COMMISSION
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Official Business

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