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Court Cases

FEC v. Democratic Party of New Mexico

On April 29, 2005, the U.S. District Court for the District of New Mexico issued an Order and Judgment finding that the Democratic Party of New Mexico (DPNM) and Judy Baker, as its treasurer, violated the Federal Election Campaign Act (the Act) by:

- Using a nonfederal account that contained corporate and union funds to make disbursements for public communications in connection with the May 13, 1997, special general election in New Mexico, which was held solely to fill a vacant House of Representatives seat (2 U.S.C. §441b(a) and 11 CFR 102.5);
- Making contributions to, and coordinated expenditures on behalf of, Friends of Eric Serna (the Serna Committee) in excess of the combined statutory limit (2 U.S.C. §§441a(a)(2)(A) and (a)(d)(3)); and
- Failing to report certain coordinated party expenditures made on behalf of the Serna Committee (2 U.S.C. §434(b)).

The court also found that the Serna Committee knowingly accepted direct and in-kind contributions from DPNM in excess of the

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Regulations

Notice of Proposed Rulemaking on Definition of FEA

On April 28, 2005, the Commission approved a Notice of Proposed Rulemaking (NPRM) concerning the definition of “federal election activity” (FEA). The proposed rules would retain the existing definition of “voter registration activity” and modify the existing definitions of “get-out-the-vote activity” (GOTV) and “voter identification.” See 11 CFR 100.24(a). This rulemaking is in response to the district court’s decision in *Shays v. FEC*, in which the court found that the definitions of voter registration activity and GOTV had not been promulgated with adequate notice and opportunity for comment and that certain aspects of the definitions of GOTV and voter identification were inconsistent with Congressional intent. The court remanded these regulations to the Commission for further action consistent with its decision.

Voter Registration Activity

The *Shays* court found that the definition of “voter registration activity” at 11 CFR 100.24(a)(2) was not properly promulgated because the Commission did not adequately indicate in its initial NPRM for the

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Regulations

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rule that the definition would be limited to activities that “assist” the registration of voters. The Commission believes that a definition of “voter registration activity” that included merely “encouraging” people to register to vote would be too broad and, thus, does not propose amending the current definition in this NPRM. However, the Commission does seek comments on whether it should specifically define “assist” to include encouragement coupled with a direction as to how one might register. The Commission additionally asks whether the current definition excludes any activities that should be included in the definition and whether it should include or exclude any specific activities from the definition.

Get-Out-the-Vote Activity

The current definition of GOTV at 11 CFR 100.24(a)(3) specifi-

cally excludes communications by associations or similar groups of state or local candidates and/or officeholders that refer only to state or local candidates. The Commission excluded such communications in order to avoid regulating under federal law the activities of state and local candidates who joined together to find potential voters for their own candidacies. The *Shays* court, however, found that this exception runs contrary to Congress’s clearly expressed intent. The Commission now proposes to remove the exception, and it seeks comments on whether there are other alternatives to address the Commission’s concerns about capturing a broad area of state and local activity.

Additionally, the *Shays* court found that the definition of GOTV, like the definition of voter registration, was not properly promulgated because the Commission did not adequately indicate in its initial NPRM that the definition would be limited to activities that “assist” individuals engaging in the act of voting. The current NPRM does not include any amendments to the “assist” requirement or to the non-exhaustive list of activities that constitute GOTV, including the regulation’s specific reference to activities occurring within 72 hours of an election. However, the Commission seeks comments whether amendments should be made to this non-exhaustive list.

Voter Identification

Currently, the definition of “voter identification” at 11 CFR 100.24(a)(4) does not include voter list acquisition. The Commission concluded at the time the rules were promulgated that political party committees may acquire voter lists for a number of reasons other than for voter identification in connection with an election in which a federal candidate appears on the ballot, such as for off-year party building activities. The definition of “voter identification” also contains an exception for associations of state

and local candidates and officeholders identical to the exception to the definition of GOTV described above. The *Shays* court found that both the exclusion of voter list acquisition and of the activities of groups of state and local candidates/officeholders run contrary to Congress’s expressed intent. Thus, in the NPRM the Commission proposes including the acquisition of a voter list in the definition and removing the exception for state and local candidates/officeholders. The Commission seeks comments on the impact of removing this exception for groups of non-federal candidates and officeholders, and also seeks comments on a series of issues regarding the acquisition of voter lists.

Under the revised rule, acquiring a voter list would be considered FEA if the list’s date of purchase were after the earliest filing deadline for the ballot for a regularly scheduled election or after the date is set for a special election where a federal candidate appears on the ballot. See 11 CFR 100.24(a)(1) and (b)(2). The Commission asks whether this application of the rule would encourage state party committees to purchase voter lists outside of the FEA windows so that they could allocate the costs between federal and nonfederal funds (rather than between federal and Levin funds). The Commission also asks whether the regulation should except from the definition of “voter identification” the acquisition of a voter list when the state or local party committee does not actually use the voter list in connection with any election where a federal candidate appears on the ballot.

Timeframe for FEA

Voter identification, GOTV and generic campaign activity (collectively Type 2 FEA) constitute FEA only when they are conducted “in connection with an election in which a candidate for Federal office appears on the ballot.” 2 U.S.C. §431(20)(A)(ii) and 11 CFR 100.24(a)(1). Commission regula-

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tions further define “in connection with an election in which a candidate for Federal office appears on the ballot” to mean limited time periods before an election.

Currently, Type 2 FEA time periods for special elections are limited to elections held in odd-numbered years. The Commission seeks comments on a proposal to remove this limitation.

In addition, the Commission is considering adopting an exception to the Type 2 FEA time periods that would exclude the period before any special election for federal office that is scheduled to be held on the same date as a previously scheduled state or local election. Such an exception would avoid treating as FEA state party committee voter drives for what were intended to be only state and local elections. The Commission seeks comments on this proposal.

Finally, the Commission proposes creating an exception to Type 2 FEA time periods for municipal elections that take place during a Type 2 FEA period, but not on the same date as a federal election. This exception would allow municipalities that may

have scheduled their elections on a separate date from state and federal elections in order to disentangle state and federal contests from local elections to leave the local elections nonpartisan. The Commission seeks comments on this proposal, and on whether there may be other, more limited, exceptions to address this concern. For example, would it be more appropriate to exempt a 72-hour window for GOTV before a municipal election? Would similar exceptions be appropriate for other types of FEA?

Comments

All comments must be addressed to Ms. Mai T. Dinh, Assistant General Counsel, and submitted in electronic, fax or hard copy form by June 3, 2005. Commenters are strongly encouraged to submit comments electronically to ensure timely receipt and consideration. Hard copy comments should be sent to the Federal Election Commission, 999 E Street NW, Washington, DC, 20463. Faxed comments should be sent to 202/219-3923, with a hard copy follow-up to insure legibility. Electronic mail comments should be sent to FEAdef@fec.gov or submitted through the Federal eRegulations Portal at www.regulations.gov. All comments must be submitted in writing and include the full name and postal service address of the commenter. Comments that do not contain this information will not be considered. The Commission will post comments on its web site at the end of the comment period. If the Commission receives sufficient requests to testify, it may hold a hearing on the proposed rules.

Additional Information

The NPRM was published in the May 4, 2005, *Federal Register* (70 FR 23068) and is available on the FEC web site at http://www.fec.gov/law/law_rulemakings.shtml and from the FEC faxline, 202/501-3413.

Notice of Proposed Rulemaking on State, District and Local Party Committee Payment of Certain Salaries and Wages

On April 28, 2005, the Commission approved a Notice of Proposed Rulemaking proposing changes to its regulations regarding how state, district and local party committees pay the salary of employees who spend 25 percent or less of their compensated time during a month on federal election activity (FEA) and activity in connection with a federal election. Under the current regulation, these committees may use any funds that comply with the requirements of state law to pay these salaries. 11 CFR 300.33(c)(2). However, in *Shays v. FEC* the court ruled that this regulation compromised the Bipartisan Campaign Reform Act of 2002’s purposes of preventing the circumvention of its party committee soft money rules and stemming the flow of nonfederal money into activities that impact federal elections by permitting state, district and local party committees to divide their federal-related workload among multiple employees. *Shays*, 337 F.Supp.2d 28 (D.D.C. 2004) at 114. The court remanded the regulation the Commission for further action consistent with its opinion. The Commission is appealing this ruling, and, in the interim, has initiated this rulemaking.

Allocation of Salary for Employees Spending 25 Percent or Less of their Time on Federal Activities

Implicit in the district court’s decision is that state, district and local party committees must use at least some federal funds to pay for the salaries and wages of employees who spend some of their compensated time (but not more than 25 percent a month) on federal-related

Federal Register

Federal Register notices are available from the FEC’s Public Records Office, on the web site at http://www.fec.gov/law/law_rulemakings.shtml and from the FEC faxline, 202/501-3413.

Notice 2005-12

State, District and Local Party Committee Payment of Certain Salaries and Wages, Notice of Proposed Rulemaking (70 FR 23072, May 4, 2005)

Notice 2005-13

Definition of Federal Election Activity, Notice of Proposed Rulemaking, (70 FR 23068, May 4, 2005)

—Amy Kort

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Regulations

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activities.¹ The NPRM proposes establishing a fixed 25 percent minimum percentage of federal funds that must be used to pay the salaries of these employees. The remaining salary could be paid from funds that comply with state law. A 25 percent minimum federal percentage would be appropriate because it would ensure that federal funds are used to pay for compensated time spent on federal-related activity. In addition, the proposed 25 percent allocation ratio represents the average of the four administrative expenses allocation ratios at 11 CFR 106.7(d)(2), which are based on the composition of the ballot for each two year election cycle. A fixed 25 percent federal ratio for such salaries should roughly approximate the average annual allocated expenses for salaries that would occur over a four year period were these salaries allocated as administrative expenses.

Alternatively, the Commission asks if it would be appropriate to classify these salary payments as administrative expenses and apply the ratios at 11 CFR 106.7(d)(2).

As a third option, the Commission proposes requiring state, district and local party committees to establish an allocation percentage that is directly proportional to the amount of compensated time that these employees spend on federal-related activities in a given month. The log that each state, district and local party committee currently keeps to determine whether an employee spends more than 25 percent of his or her time on federal-related activities could be used to determine

the percentage of an employee's time that must be compensated using federal funds. The Commission seeks comments on all of these approaches.

Fringe Benefits

The Commission also seeks comments on whether the methods for allocating salaries and wages should also be applied to employees' fringe benefits. In AO 2003-11 the Commission concluded that amounts spent on fringe benefits fall into the category of compensated time and that a state party committee could use entirely nonfederal funds to pay for the benefits of employees who spent 25 percent or less of their compensated time per month on federal-related activities. The Commission asks if it should amend its rules to permit, but not require, state, district and local party committees to use the same allocation rules for fringe benefits as are used for salaries and wages, rather than allocating benefits as administrative costs.

Funds Used for Federal Election Activity

A narrow interpretation of the current rules regarding payments for FEA could suggest that federal funds raised at a mixed-federal/non-federal fundraiser could not be used to pay for FEA if the costs of that fundraiser were allocated between federal and nonfederal funds. See 11 CFR 106.7(c)(4). This interpretation would require a state party committee to differentiate its federal funds depending on their intended use—a requirement that the Commission has not adopted.² The Commission seeks comments on whether to revise its rules to clarify that federal funds raised at an event where both nonfederal and federal funds are raised, and the costs of the event are

allocated according to the funds received method, may be use for FEA.

Comments

All comments must be addressed to Ms. Mai T. Dinh, Assistant General Counsel, and submitted in electronic, fax or hard copy form. Comments must be received by the Commission on or before June 3, 2005. Commenters are strongly encouraged to submit comments electronically to ensure timely receipt and consideration. Hard copy comments should be sent to the Federal Election Commission, 999 E Street NW, Washington, DC, 20463. Faxed comments should be sent to 202/219-3923, with a hard copy follow-up to insure legibility. Electronic mail comments should be sent to StatePartyWages@fec.gov or submitted through the Federal eRegulations Portal at www.regulations.gov. All comments must be submitted in writing and include the full name and postal service address of the commenter. Comments that do not contain this information will not be considered. The Commission will post comments on its web site at the end of the comment period. If the Commission receives sufficient requests to testify, it may hold a hearing on the proposed rules.

Additional Information

The NPRM was published in the May 4, 2005, *Federal Register* (70 FR 23072) and is available on the FEC web site at http://www.fec.gov/law/law_rulemakings.shtml and from the FEC faxline, 202/501-3413.

—Amy Kort

¹ *The salaries and wages of state, district and local party committee employees who spend more than 25 percent of their compensated time in a month on federal-related activities must be paid entirely with federal funds. 11 CFR 300.33(c)(2).*

² *In AO 2004-12, the Commission determined that a state party committee could pay for FEA with federal funds raised at such an event.*

Court Cases

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combined limit in connection with the May 13, 1997, special election. 2 U.S.C. §441a(f).

The court permanently enjoined DPNM and Ms. Baker from using funds from a nonfederal account¹ to make disbursements for communications that urge the public to vote in special elections in which only federal candidates are on the ballot and from violating the limits and reporting requirements for coordinated expenditures. The Serna Committee is permanently enjoined from knowingly accepting any excessive contributions in connection with a special federal election. 2 U.S.C. §441a(f). DPNM and Ms. Baker (in her official capacity as treasurer) must pay a \$60,000 civil penalty and must transfer \$86,900 from the DPNM's federal account to its nonfederal account. See the July 2002 *Record*, page 5.

U.S. District Court for the District of New Mexico, 02-0372 MCA/RHS.

—Amy Kort

Jim Sykes v. FEC et al.

On April 13, 2005, the U.S. Court of Appeals for the District of Columbia Circuit granted the Commission's motion for summary affirmation in this case. The appeals court's unpublished decision affirmed the U.S. District Court for the District of Columbia's September 9, 2004, decision granting the Commission's motion to dismiss the case. The district court found that the plaintiff lacked standing to bring this suit challenging the constitutionality of out-of-state contributions. See the November 2004 *Record*, page 3.

¹ This portion of the Court's Order and Judgment does not apply to DPNM's use of Levin funds. See 11 CFR 300.32(b)(2).

U.S. Court of Appeals for the District of Columbia Circuit, 04-5379.

—Amy Kort

Compliance

MUR 5405: Contributions in the Name of Another and Corporate Contributions

On April 19, 2005, the Commission entered into a conciliation agreement with APEX Healthcare Inc. (APEX) and its President and sole shareholder, James Chao. In the agreement, the Company and Mr. Chao agreed to pay a civil penalty of \$275,000 for violations of the Federal Election Campaign Act (the Act), including corporate contributions and contributions in the name of another.

In 2003, APEX and Mr. Chao used corporate funds to reimburse \$69,500 in contributions that were made in the names of others to Hynes for Senate (the committee for Daniel Hynes' Democratic primary campaign in Illinois) and made a direct \$1,500 in-kind contribution to the committee. APEX and Mr. Chao also used corporate funds to reimburse a total of \$6,000 in contributions that were made in the names of others to three other federal political committees in 2002.

The Act prohibits corporations from making contributions or expenditures from their general treasury funds in connection with any election of any candidate for federal office. The Act also prohibits any officer or director of any corporation from consenting to any expenditure or contribution by the corporation. 2 U.S.C. §441b(a). In addition, it is unlawful for any person to make a contribution in the name of another, or for any person knowingly to permit his or her name to be used to make such a contribution. 2 U.S.C. §441f.

In the conciliation agreement, APEX and Mr. Chao admitted to violating the Act both by reimbursing contributions with corporate funds and by making a corporate in-kind contribution. Additionally, the Commission found reason to believe Mr. Chao's violations were knowing and willful, though Mr. Chao neither admitted nor denied that in the conciliation agreement.

The Commission found no reason to believe that the recipients of the contributions were aware of the actual source of the funds. They have been instructed to disgorge the illegal contributions to the U.S. Treasury. The FEC also admonished Hynes for Senate for failing to report an in-kind contribution it received, as well as the conduits used for the corporate contributions for knowingly allowing their names to be used as donors for the corporate reimbursements.

This conciliation agreement is the first involving knowing and willful violations of the Act that the Commission has approved since the passage of the Bipartisan Campaign Reform Act of 2002 (BCRA). The BCRA imposed a new minimum civil penalty equal to 300 percent, and a new maximum civil penalty equal to 1,000 percent, of the amount in violation in cases where the Commission believes a knowing and willful violation has been committed. Prior to the passage of the BCRA, the civil penalty for knowing and willful violations of the Act was not subject to a statutorily mandated minimum amount, and the maximum civil penalty that could be sought was equal to 200 percent of the amount in violation.

Documents from this matter are available through the [Enforcement Query System](#) (EQS) on the Commission's web site at <http://www.fec.gov> by entering 5405 under the case number.

—Jim Wilson

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Compliance

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MUR 5428: Excessive and Prohibited Contributions, Improper Allocation and Reporting Violations

The Commission recently entered into a conciliation agreement with the Republican Party of Arkansas (the Committee) and Charles Mazander, as the Committee's treasurer, in which the Committee agreed to pay a civil penalty of \$360,000 and to submit to annual independent financial audits at the Committee's expense in each of the next five years. Reports on those audits must be certified by a certified public accountant (CPA) and be submitted to the FEC each year.

This agreement stems from an investigation that was initiated following a Commission audit of the Committee.¹ The Commission found multiple violations of the Federal Election Campaign Act (the Act) during the 1999-2000 election cycle, including the Committee's:

- Acceptance of excessive and prohibited contributions;
- Failure to maintain required records and submit required disclosure information to the Commission; and
- Improper allocation of activity between funds permissible under federal law and those to be used for state or local purposes only.

Excessive and Prohibited Contributions

The Act prohibits political committees from knowingly accepting

¹ As part of MUR 5428, the Commission also reached a conciliation agreement with Potlatch Corporation, which violated the Act by making a corporate contribution. The contribution was later refunded. 2 U.S.C. §441b(a). Potlatch Corporation agreed to pay a \$2,500 civil penalty and to disgorge to the U.S. Treasury an amount equal to the \$5,000 refunded contribution.

contributions in excess of the Act's limitations. 2 U.S.C. §441a(f). During the 1999-2000 election cycle, the Committee received contributions totaling \$28,500 from six individuals that exceeded the contribution limits. The Committee did not refund these contributions or pursue other remedies.

The Act also prohibits a political committee from knowingly accepting or receiving prohibited contributions, including corporate contributions. 2 U.S.C. §441b(a). During this election cycle, the Committee accepted prohibited corporate contributions from two sources totaling \$11,500.

Reporting and Recordkeeping

The Committee and its treasurer also failed to comply with a number of the Act's reporting requirements during this period. For example, based on the audit, the Commission found that the Committee failed to itemize correctly 21 percent of the contributions it received from individuals that exceeded the \$200 itemization threshold, and it failed to report 13 percent of its operating expenditures in excess of \$200. 2 U.S.C. §§434(b)(3)(A) and (b)(5)(3). It also failed to report properly more than \$600,000 in transfers received from Republican national party committees. 2 U.S.C. §434(b)(3)(D).

The Act additionally requires committee treasurers to use their "best efforts" to obtain, maintain and submit the information required for political committees and to keep a complete record of those efforts. 2 U.S.C. §433(i) and 11 CFR 102.9(d). If a treasurer can show that he or she made "best efforts"² to obtain and maintain the required information, then any report or records

² A treasurer will not be considered to have made "best efforts" to obtain receipts, invoices or cancelled checks unless he or she has made at least one written effort per transaction to obtain a duplicate copy of the document. 11 CFR 102.9(d).

will be considered to be in compliance with the Act. The audit found that the Committee failed to keep adequate records for 12 percent of the contributions it received over the \$200 itemization threshold and 15 percent of the disbursements it made during the election cycle. The treasurer could not show "best efforts" were made to obtain or maintain these records.

Allocation

Under the Act, committees that make disbursements in connection with both federal and nonfederal elections may use nonfederal funds to pay for a portion of their administrative expenses, direct costs of certain fundraising programs, exempt activities and generic voter drives according to allocation ratios and procedures set out in Commission regulations. See 11 CFR 106.5. For the 1999-2000 election cycle, party committees were required to allocate their administrative expenses according to an allocation ratio based on the ratio of federal to nonfederal candidates on the ballot.³ The Committee, however, incorrectly used a ballot composition ratio of 25 percent federal and 75 percent nonfederal, rather than their proper ratio of 33 percent federal and 67 percent nonfederal, based upon the composition of their ballot in the 2000 elections. Moreover, the Committee failed to account properly for more than \$2 million in media and other expenses during the 2000 campaign. As a result of the improper ratio, the failure to document disbursements and other violations of the allocation rules, the Commission determined in the audit that the Committee underpaid the federal share of its expenses by over \$1.57 million. After the audit was concluded, the Committee

³ Commission regulations have since been amended to provide for set allocation ratios based on the federal offices appearing on the ballot in each year. See 11 CFR 106.5.

produced documentation of some of these disbursements.

Conciliation Agreement and Penalties

In their conciliation agreement, the respondents agreed to pay a \$360,000 civil penalty and to cease and desist from violating these provisions of the Act. In order to prevent compliance problems in the future, the Committee has amended its disclosure reports and refunded excessive and prohibited contributions. It has also hired a CPA and implemented new written financial policies and procedures. As part of the conciliation agreement, the Committee will also:

- Have an independent accounting or compliance firm conduct a yearly audit of the Committee for the next five years and submit the audit findings to the Commission; and
- Send an appropriate Committee representative to an FEC conference for party committees, or another comparable compliance training program, during 2005.

Additional Information

For additional information on this case, please visit the Commission's Public Records Office or consult the [Enforcement Query System](#) on the FEC's web site and enter case number 5428.

—Amy Kort

Advisory Opinions

AO 2005-2

Fundraising by Federal Officeholder for Nonfederal Elections

As a federal officeholder, Senator Jon Corzine may not raise funds outside of the limitations and prohibitions of the Federal Election Campaign Act (the Act), other than for his own campaign for gover-

nor. Any funds the Senator and his agents raise for other state and local candidates or committees must comply with federal law.

Background

Senator Corzine is a U.S. Senator from New Jersey. He was elected in 2000, and he again became a federal candidate under the Act in early May 2001 as a result of his re-election efforts for the 2006 Senate race. However, on December 2, 2004, he announced his intention to run for Governor of New Jersey in the 2005 primary election, with Corzine for Governor, Inc., as his state campaign committee. Having announced his gubernatorial candidacy, Senator Corzine states that he is no longer seeking re-election to federal office.

New Jersey's June 7 primary and November 8 general elections do not involve the nomination or election of any federal candidates. Like "any other gubernatorial candidate," the Senator hopes to elicit support for his campaign by raising funds for other state and local candidates, for state PACs and for the nonfederal accounts of state and local party committees—all within the limits prescribed by New Jersey state law.¹ Senator Corzine states that the extent of cooperation and assistance he receives from state and local candidates and committees may depend upon his ability to offer them support. He therefore contends that the aforementioned fundraising activities are exclusively in connection with his state campaign.

Analysis

Under provisions of the Bipartisan Campaign Reform Act of 2002 (BCRA), a federal candidate or of-

ficeholder may raise and spend funds in connection with a nonfederal election only in amounts and from sources that are consistent with state law and the limits and prohibitions of the Act. 2 U.S.C. §441(i)(e)(1)(B) and 11 CFR 300.62. As an exception, a federal candidate or officeholder may raise nonfederal funds "solely in connection" with his own state campaign, so long as the "solicitation, receipt, or spending" of those funds refers only to himself and/or to his nonfederal opponent. 2 U.S.C. §441i(e)(2).

Based on these restrictions, Senator Corzine and his agents may raise funds for the campaigns of other New Jersey state and local candidates, state PACs and the nonfederal accounts of state and local party committees only in amounts that are within the Act's limits and from sources that are permissible under the limitations and prohibitions of the Act. The limited exception for federal officeholders seeking election to a state office would not apply to solicitations on behalf of those groups.

Fundraising Restrictions

Joint candidates committee. New Jersey law permits two nonfederal candidates to conduct their activities together through a joint committee. Senator Corzine and his agents may raise up to \$4,200 (twice the \$2,100 federal limit) per election from an individual donor for a joint committee in which he is not involved, assuming he raises no other funds for the participating candidates from that individual.

State and local party committees. Commission regulations allow federal candidates and officeholders to speak without restriction at state or local party fundraising events. 11 CFR 300.64(b). As a result of this exemption, Senator Corzine may appear at such an event and solicit donations without regard to the amount

¹ Source restrictions and donation limits of New Jersey law differ significantly from those of federal law. Specifically, New Jersey law permits donations by labor organizations and most types of corporations, and New Jersey donation limits differ from the Act's limits at 2 U.S.C. §441a(a).

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Advisory Opinions

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limitations and source prohibitions of the Act.²

The Act and Commission regulations provide that an individual may contribute no more than \$10,000 per calendar year to a political committee established and maintained by a state committee of a political party. 2 U.S.C. §441a(a)(1)(D); 11 CFR 110.1(c)(5). When soliciting for a party committee's nonfederal account, the Senator should be mindful that Commission regulations establish a rebuttable presumption that a state party committee and the local party committees of that state are affiliated and thus share one limit on contributions they receive. The amount Senator Corzine and his agents may solicit from an individual donor for the nonfederal accounts of a state party committee and affiliated local party committees is subject to a shared limit of \$10,000 per calendar year. The Senator need not consider a prospective donor's previous contributions to a federally registered party committee's federal account when soliciting for its nonfederal account.

If a local party committee can demonstrate that it is not affiliated with the state or other local committees, the Senator may solicit up to \$5,000 per year from an individual without regard to the amounts solicited for the other party commit-

tees. This \$5,000 limit also applies to solicitations of an individual for donations to unregistered local party organizations.

The same principles of aggregation and non-aggregation for donations by individuals apply to donations by federal PACs made at the request of Senator Corzine to the party committees' nonfederal accounts. The donations must comply with 11 CFR 300.62 with respect to the amounts and sources used for the donations. However, the amount he may solicit will depend upon whether the federal PAC is a multicandidate committee. A non-multicandidate federal PAC may contribute \$10,000 per year, in the aggregate, to any committees established and maintained by a state party committee, while the limit on yearly contributions by a multicandidate federal PAC to a state party committee is only \$5,000. 2 U.S.C. §§441a(a)(1)(D) and (2)(C).

Nonfederal activities not involving solicitations. Senator Corzine and his agents may help state and local candidates, state PACs and state and local party committees plan their fundraising and spending activities, so long as he and his agents do not solicit, receive, direct, transfer, spend or disburse funds proscribed by 2 U.S.C. §441i(e)(1)(B). Such planning, electioneering activity and consulting activities, by themselves, do not constitute spending by Corzine for Governor. Similarly, the Senator may recommend individuals for employment to candidates, PACs and parties, even if those individuals' duties would involve soliciting, receiving, directing, transferring, spending or disbursing nonfederal funds, so long as the recommended individuals are not acting as agents for Senator Corzine or his state campaign.

Agents. When an individual is acting as an "agent" for Corzine for Governor, he is acting on behalf of an entity directly or indirectly established, financed, maintained or controlled by Senator Corzine, (as per

the definition of "agent" at 11 CFR 300.2(b)(3)). Hence the individual's activities are governed by the restrictions on federal officeholders at 2 U.S.C. §§441i(e)(1) and (2).³ It is possible, however, that an individual may be an agent of Corzine for Governor and yet perform other acts that are not on behalf of Corzine for Governor. Whether such individual would be an agent of Senator Corzine would be determined by a number of factors; it is a fact-based determination that will be based on what the Senator and the individual say and do.

Dissenting Opinion

Commissioner David Mason issued a dissenting opinion, filed on April 21, 2005.

Date Issued: April 22, 2005;
Length: 10 pages.

—Meredith Trimble

AO 2005-3

Affiliation of Membership Organizations

The American College of Obstetricians and Gynecologists (ACOG) and the Ob-Gyns for Women's Health (OGWH) are affiliated for purposes of the Federal Election Campaign Act (the Act) and, as a result, ACOG members in the Fellow and Junior Fellow categories may be solicited for contributions to OGWH's separate segregated fund (SSF), Ob-Gyn PAC.

Background

ACOG is an incorporated membership organization which operates as a nonprofit, 501(c)(3) tax-exempt organization consisting of over 46,000 individuals spread across several membership categories. OGWH is also an incorpo-

³ The Commission's regulations defining "agent" are the subject of an ongoing rulemaking. The Commission's current regulations defining "agent" remain in full force and effect pending the outcome of the rulemaking proceeding.

² The Explanation and Justification for this rule describes how the name of the federal candidate or officeholder may appear in pre-event publicity and explains the circumstances where solicitation restrictions would attach, notwithstanding this exception. See [Soft Money Final Rules](#), 67 FR at 49108. Note also that 11 CFR 300.64(b) is the subject of an ongoing rulemaking in response to *Shays v. FEC*, 337 F. Supp. 2d 28 (D.D.C. 2004), appeal filed, No. 04-5352 (D.C. Cir. Sept. 28, 2004). The current regulation remains in full force and effect pending the outcome of this rulemaking proceeding.

rated membership organization. It was established in 2000 by a vote of ACOG's Executive Board and operates as a nonprofit, tax-exempt 501(c)(4) organization.

In January 2001, OGWH created an SSF, Ob-Gyn PAC, and, currently, solicits contributions only from OGWH members. ACOG intends to sell its member list to allow the solicitation of ACOG Fellows and Junior Fellows for contributions to Ob-Gyn PAC.

Affiliation

ACOG and OGWH are both membership organizations under the Act and Commission regulations. In order to determine whether incorporated membership organizations are affiliated, Commission regulations provide for a case-by-case examination of ten circumstantial factors. 11 CFR 100.5(g)(4). See also 114.5(g)(1) and 114.7(g). In this case, such factors as whether one organization had a significant role in the formation of another are decisive in determining affiliation. 11 CFR 100.5(g)(4)(ii)(I). Because ACOG established OGWH, and given the absence of facts that would lead to a contrary conclusion, the two organizations are affiliated.

Consequences of Affiliation

Because OGWH and ACOG are affiliated membership organizations, OGWH or Ob-Gyn PAC may solicit ACOG's noncorporate members and executive and administrative personnel, and their families for contributions to Ob-Gyn PAC.

Commission regulations define "members" of a membership organization as including all persons who:

- Currently satisfy the requirements for membership;
- Affirmatively accept the membership organization's invitation to become a member; and
- Have a significant organizational tie to the membership organization. 11 CFR 114.1(e)(2).

According to ACOG Bylaws, Fellows and Junior Fellows must meet ACOG's membership requirements for those categories, must accept the invitation to become members and must pay annual dues. Therefore, both Fellows and Junior Fellows are members of ACOG under Commission regulations and, as such, may be solicited by OGWH or Ob-Gyn PAC for contributions to Ob-Gyn PAC.

Date Issued: April 22, 2005;
Length: 4 pages

—Elizabeth Kurland

[AO 2005-4](#)

Reporting Restitution Owed to Committee

The Friends of John Boehner Committee (the Committee) must continue to report as a debt the amount of a court-ordered restitution, and must report restitution payments as receipts, even if it redirects or assigns the payments to a charity. If, however, the court order is amended so that the restitution must be paid to the charity rather than to the Committee, then the Committee would no longer need to report the debt or receipt of the restitution payments.

Background

Russell E. Roberts, the former treasurer for the Committee, is required by the court to pay restitution of \$617,562.88 to the Committee in as part of his sentence for embezzling funds from the campaign. Mr. Roberts is currently serving a prison sentence and will pay no more than \$100 per calendar year in restitution. This payment schedule will increase modestly upon his release, but the Committee does not anticipate ever receiving full restitution from Mr. Roberts. The Committee wishes to direct or assign the restitution payments to a charitable foundation, and it does not wish to continue reporting the restitution amount as a debt

and the payments it receives as receipts.

Analysis

Political committees must report all debts owed to them until the debt is extinguished, and they must deposit and report all receipts except for contributions that are returned. 2 U.S.C. 432(h), 434(b)(2) and 434(b)(8). Because Mr. Roberts is required by the court order to pay the entire restitution amount to the Committee, this amount is a debt to the Committee under the Federal Election Campaign Act and must be continuously reported. Although the Committee may donate the restitution payments to charity, it must deposit the payments in the Committee's bank account and disclose in its FEC reports both the receipt from Mr. Roberts and the subsequent disbursement to the charity. See AO 1991-38.

However, if the court were to amend the order so that Mr. Roberts was obligated to make restitution payments to the charity rather than to the Committee, then the Committee would report that the debt was extinguished and would no longer need to report the debt or the receipt of restitution payments.

Date Issued: May 4, 2005;
Length: 5 pages.

—Amy Kort

[Advisory Opinion Requests](#)

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Permissible use of funds raised for federal officeholder's gubernatorial exploratory committee if he decides not to announce candidacy for governor. (U.S. Representative Ray LaHood, April 25, 2005)

AOR 2005-6

Permissibility of donation of funds from principal campaign committee of former Member of Congress to charity (Friends of McInnis Canyons NCA, April 29, 2005)

Budget

Commission Submits FY 2006 Budget Request

On April 12, 2005, the Commission submitted to Congress a budget request of \$54,600,000 for fiscal year (FY) 2006, an increase of only 5.5 percent over the enacted FY2005 appropriation of \$51,741,728.

In the Executive Summary of the Budget Request Justification, the FEC notes that the requested FY2006 budget "...represents a continuation of the FY2005 funding levels, adjusted for inflation and salary and benefits increases. As such it represents essentially a current services request for FY2006 with no additional funds or staff for new programs or initiatives." The requested appropriation is identical to the Administration's budget mark for the FEC. Both seek funding approval for a total of 391 FEC employees in FY2006.

In the summary of its budget request, the Commission identifies budget and staffing proposals for each of its three core programs:

- Promoting disclosure of campaign finance information—\$15,664,121 and 146.6 full time equivalent staff positions (FTE);
- Obtaining compliance with the Federal Election Campaign Act—\$29,081,292 and 181.1 FTE; and
- Administering public financing of Presidential elections—\$9,854,586 and 63.3 FTE.

The summary also describes several important accomplishments of the FEC:

- Education and outreach efforts that have received praise from political committee officials and members of Congress;
- Continued improvements in the speed and effectiveness of the campaign finance disclosure program; and

- Improvements in enforcement resulting from several recent initiatives.

These enforcement improvements are documented in the FEC's Enforcement Profile, which was also submitted to Congress as part of the budget package. This internal review of FEC enforcement efforts shows the effects of improved prioritization of enforcement cases, better case management tools and techniques and two Congressionally authorized initiatives designed to speed and expand enforcement in more routine matters (administrative fines for late filing of disclosure reports and alternative dispute resolution techniques for some other enforcement cases). Specific improvements found in the analysis include:

- Substantial growth in total civil penalties collected in recent years, reaching more than \$3 million in FY2004;
- Large reductions in the time required to complete most enforcement actions;
- A six-fold increase in the number of actions for reporting violations including more than 1,000 administrative fines assessed for late filing; and
- Increased use of non-financial solutions for some compliance problems, emphasizing training, policy changes by committees and independent audits aimed at reducing future violations.

The FEC's budget summary concludes that "[t]o continue reaping the benefits of automation in our disclosure and compliance programs without adding additional staff, it is imperative that the Commission receive the requested resources in FY2006 to implement the automated review of financial disclosure reports, to continue to enhance the analysis and accessibility of campaign finance disclosure information, and to improve the timeliness and salience of enforcement and to

continue the alternative compliance programs."

Additional Information

Budget materials submitted to Congress are available on the FEC web site at <http://www.fec.gov/pages/budget/budget.shtml>. The FEC's Enforcement Profile is also available on the web site at http://www.fec.gov/pages/budget/fy2006/cbr2006/cbr_app_d.pdf.

—Amy Kort

Alternative Dispute Resolution

ADR Program Update

The Commission recently resolved eight additional cases under the Alternative Dispute Resolution (ADR) program. The respondents, the alleged violations of the Federal Election Campaign Act (the Act) and the final disposition of the cases are listed below.

1. The Commission reached agreement with Friends of Mark Henry and Carol Claypool, its treasurer, regarding the committee's failure to report receipts and disbursements. The respondents acknowledged that a violation of the Act occurred due to the inexperience of a temporary treasurer and agreed to pay a \$4,500 civil penalty. The respondents contended that they filed an amendment once they noticed the omission of some receipts and all disbursements on the 2004 April Quarterly report. They also acknowledged that no explanation of the revised totals of receipts and disbursements was included with the amended report. In order to resolve this matter, they agreed to take all necessary steps to terminate the committee. (ADR 202*)

**This case was internally generated within the Commission.*

2. The Commission reached agreement with Volunteer PAC and Dawn Perkeron, its treasurer, regarding the committee's:

- Failure to report and accurately account for earmarked contributions;
- Excessive nonfederal fund transfers to its federal account for allocated activities; and
- Failure to report accurately contributions to federal candidates.

The respondents acknowledged that a violation of the Act occurred and, on learning of the errors and need for additional information, complied with all of the Audit Division's recommendations. They agreed to pay a \$10,000 civil penalty and, in an effort to avoid similar errors in the future, to send the treasurer and the campaign consultant to an FEC seminar within 15 months of the effective date of this agreement and to develop a compliance manual for committee staff. (ADR 204*)

3. The Commission closed the case involving Citizens for Sarbanes, its treasurer Sebastia Svolos, Stabenow for Senate and its treasurer Angela M. Autera regarding the alleged use of state committee funds in connection with a federal election and alleged violation of the Act's contribution limits and prohibition on corporate contributions. The ADR Office recommended that the case be closed, and the Commission agreed and closed the file. (ADR 222/ MUR 5497)

4. The Commission reached agreement with TRUTHANDHOPE.ORG and its treasurer, Eugene Hedlund, regarding their failure to file 24-hour notices. The respondents acknowledged failing to file six notices of last-minute independent expenditures, as required by Commission regulations, and agreed to pay a \$4,000 civil penalty. In order to avoid similar errors in the future, the respondents agreed to send the committee's treasurer to an FEC seminar on federal election campaign reporting requirements, or

another appropriate FEC-sponsored seminar, within 12 months of the effective date of this agreement. The respondents will also ensure that the committee's staff is kept advised of the Act's reporting requirements for political action committees. (ADR 212*)

5-6. The Commission reached agreement with Case for Congress and James H. Case, its treasurer, regarding violations of the Commission's disclaimer requirements. The respondents acknowledged that some of the campaign material distributed by the committee did not contain disclaimer notices, and they agreed to pay a \$1,500 civil penalty. In order to resolve this matter and avoid similar errors in the future, the respondents agreed to correct, to the best of their ability, existing yard signs and banners that do not contain the appropriate disclaimer notices. They will also amend the committee's web site to advise all supporters to either discard old yard signs or to affix disclaimer stickers to any yard signs in their possession. In addition, the committee will appoint an appropriate representative to attend an FEC seminar on federal election campaign finance reporting requirements within 12 months of the effective date of this agreement and establish and maintain a resource file on the Act to provide guidance to the staff on federal election reporting requirements. (ADR 217/ MUR 5498 and ADR 218/ MUR 5554)

7. The Commission reached agreement with Jim Feldkamp for Congress and Ronald D. Calkins, its treasurer, regarding the committee's failure to file 48-hour reports of last-minute contributions. The respondents acknowledged excluding nine contributions from 48-hour reports filed with the Commission and agreed to pay a \$1,000 civil penalty. Since their receipt of this complaint, the respondents have contracted for the services of an experienced treasurer to ensure that similar reporting errors are not repeated.

In order to resolve this matter and promote compliance, the respondents agreed to send a committee representative to an FEC seminar on federal campaign finance reporting requirements within 12 months of the effective date of this agreement. If the committee decides to conclude its activities and is unable to send a representative to an FEC seminar, they agree to work with Commission staff to file for termination. (ADR 201/MUR 5470)

8. The Commission reached agreement with the Oakland County Democratic Party and Richard Wallace, its treasurer, regarding the committee's failure to disclose and report disbursements accurately. The respondents acknowledged errors in their 2003 Mid-Year and Year-End Reports and agreed to pay a \$1,000 civil penalty. In order to conclude this matter and avoid similar problems in the future, the respondents agreed to prepare and distribute to committee staff a manual detailing the committee's financial reporting responsibilities and the procedures for entering and recording disbursements. They also agreed to modify their internal procedures to provide for daily backup of all financial data recorded by the committee's fundraising activities and to train two volunteers in the procedures for recording the committee's financial fundraising activities. (ADR 205*)

—Amy Kort

Statistics

PAC Financial Activity

Financial activity by political action committees (PACs) increased during 2003-2004 when compared to the prior two-year period. From January 1, 2003, through December 31, 2004, PACs raised \$915.7 million (up 34 percent over 2002) and spent \$842.9 million, up 28 percent over 2001-2002. Cash on hand as of December 31, 2004, for the 4,867 PACs totaled \$241.7 million.

PAC contributions to federal candidates during 2003-2004 totaled \$310.5 million, up 10 percent from 2001-2002. Most of the money—\$292.1 million—was given to candidates seeking election in 2004. The remaining \$18.4 million went to candidates running for office in future years, or to debt retirement for candidates in past cycles.

Incumbents continued to receive most of the PAC contributions as

they have in previous elections. The chart below, at left, shows the distribution of contributions among incumbents, challengers and open seat races.

House candidates received \$231.4 million from PACs, up nine percent from the previous cycle, while Senate candidates received \$76.1 million, also nine percent above 2002 levels. Republican Congressional candidates received \$176 million, an increase of 21 percent from the previous cycle, while Democrats received \$134.3 million, down two percent from the previous cycle.

In addition to the \$310 million in contributions, PACs made \$57.3 million in independent expenditures for and against candidates. Of this, \$48.6 million was spent in support of various candidates and \$8.7 million was spent against them.

Some PACs (mostly nonconnected committees) also maintain nonfederal accounts and must therefore use a combination of federal and

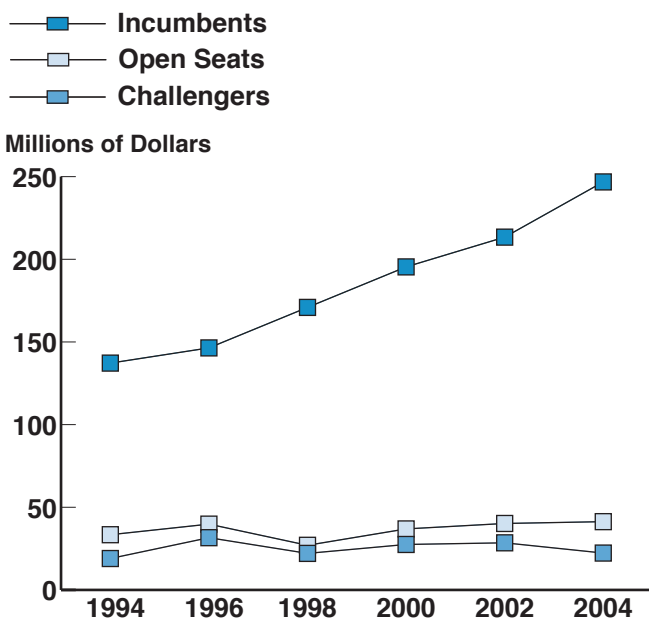
nonfederal funds to pay for activities that relate to both federal and state or local elections (e.g. overhead expenses, etc.). In addition to the federal receipts and disbursements discussed above, PACs reported spending a total of \$144.5 million in nonfederal funds for these shared expenses. The chart below, at right, shows PAC nonfederal spending in each two-year cycle since 1992.

Additional information on PAC financial activity is available in a press release dated April 13, 2005. That release includes detailed tables showing, among other things, the top 10 committees reporting nonfederal spending, the distribution of PACs by total amount spent and rankings of the “Top 50” PACs in various categories, such as money raised and spent.

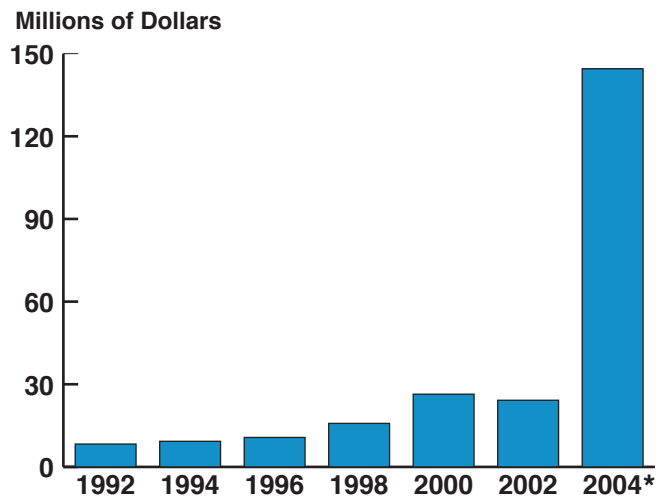
The release is available on the FEC web site at <http://www.fec.gov/press/press2005/2005news.shtml>.

—Amy Kort

PAC Contributions to Federal Candidates, 1994-2004 Election Cycle



PAC Nonfederal Spending, 1992-2004 Election Cycle



*Note that a single committee, Americans Coming Together (ACT), was responsible for \$117 million of PAC nonfederal spending in 2004. Absent ACT's spending, gains in PAC nonfederal spending for 2004 would have been modest.

Administrative Fines

Committees Fined for Nonfiled and Late Reports

The Commission recently publicized its final action on 34 new Administrative Fine cases, bringing the total number of cases released to the public to 1,072, with \$1,457,270 in fines collected by the FEC.

Civil money penalties for late reports are determined by the number of days the report was late, the amount of financial activity involved and any prior penalties for violations under the administrative fines regulations. Penalties for nonfiled reports—and for reports filed so late as to be considered nonfiled—are also determined by the financial activity for the reporting period and any prior violations. Election sensitive reports, which include reports and notices filed prior to an election (i.e., 12-day pre-election, October quarterly and October monthly reports), receive higher penalties. Penalties for 48-hour notices that are filed late or not at all are determined by the amount of the contribution(s) not timely reported and any prior violations.

The committee and the treasurer are assessed civil money penalties when the Commission makes its final determination. Unpaid civil penalties are referred to the Department of the Treasury for collection.

The committees listed in the charts below at left, along with their treasurers, were assessed civil money penalties under the administrative fines regulations.

Closed Administrative Fine case files are available through the FEC Press Office and Public Records Office at 800/424-9530.

—Amy Kort

Committees Fined and Penalties Assessed

1. American Public Power Association Public Ownership of Electric Resources PAC	\$600
2. Brewery Soft Drink Beer Distr Optical Dental Misc Workers Warehousemen Help Local 830 PAC	\$640
3. Campbell for Colorado	\$0 ¹
4. Colburn for Congress	\$740
5. Colonial Bancgroup Inc Federal PAC (Colonial Fed PAC)	\$2,100
6. Congressional Black Caucus PAC (CBC-PAC)	\$8,000
7. Connie Stokes for Congress	\$3,200
8. Cowan for US Senate	\$250 ²
9. Enzi for U.S. Senate	\$600 ³
10. Friends of John Conyers	\$1,350
11. Friends of Weiner	\$3,000
12. Gillette Company PAC	\$270
13. Joe Slovynec for Congress Campaign Committee	\$1,800 ^{4,5}
14. Khanna for Congress	\$2,700
15. Leticia Hinojosa for Congress	\$250 ²
16. Lincoln Park Democratic Club	\$750 ³
17. Local 13000 CWA AFL-CIO	\$4,550
18. Meeks for Congress	\$4,500
19. Mike Miles for Senate Committee	\$3,500
20. Obama for Illinois Inc.	\$11,062
21. Office and Professional Employees International Union—Voice of the Electorate	\$2,550
22. Ohio Coal PAC	\$160 ⁴
23. RCG PAC October Quarterly 2004	\$1,125
24. RCG PAC July Quarterly 2004	\$1,275
25. San Antonio Police Officers Association PAC	\$450 ²
26. Sharpton 2004 April Monthly 2004	\$1,600 ⁴
27. Sharpton 2004 May Monthly 2004	\$175 ⁴
28. Sovereign Bancorp Inc PAC	\$260
29. Stephanie Summers O'Neal for U.S. Congress April Quarterly 2004	\$3,500 ⁴
30. Stephanie Summers O'Neal for U.S. Congress July Quarterly 2004	\$4,375 ⁴
31. Strickland for US Senate	\$725 ³
32. United Brotherhood of Carpenters/Joiners of Amer New England Reg Carpenters Legis Emp Cmte	\$5,000
33. Verizon Communication Inc Good Govt Club	\$3,425
34. Virgil Yanta for Congress	\$2,700 ⁴

¹ This civil penalty was reduced after the committee provided documentation to show the report was timely filed.

² This civil penalty was reduced due to the level of activity on the report.

³ This civil penalty was reduced after the penalty was recalculated because of a change in the numbers of days late.

⁴ This civil penalty has not been collected.

⁵ See *J. Slovynec v. FEC 03 CV 877*.

Ohio Special Election

The Special General Election to fill the U.S. House seat vacated by Representative Rob Portman will be held on August 2, 2005. The parties will nominate candidates for that election in Special Primary Elections on June 14, 2005. Committees involved in these elections must follow the reporting schedule below, unless they file on a monthly schedule.¹ PACs and party committees that file monthly should continue to file according to their regular filing schedule. Note that 48-hour notices are required of authorized committees that receive contributions of \$1,000 or more between May 26 and June 11, for the Special Primary, and between July 14 and July 30 for the Special General. Political committees and other persons must file 24-hour notices of independent expenditures that aggregate at or above \$1,000 between May 26 and June 12, for the Primary, and July 14 and July 31 for the General. This requirement is in addition to that of filing 48 hour notices of independent expenditures that aggregate \$10,000 or more at other times during a calendar year. The 30-day electioneering communications (EC) period in connection with the Primary runs from May 15 through June 14, and the 60-day EC period for the General runs from June 3 through August 2.²

Committees Involved Only in the Special Primary File:

	Close of Books	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-Primary	May 25	May 30 ³	June 2
July Quarterly	June 30	July 15	July 15

Committees Involved in Both the Special Primary and the Special General File:

	Close of Books	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-Primary	May 25	May 30 ³	June 2
July Quarterly		Waived	
Pre-General	July 13	July 18	July 21
Post General	August 22	September 1	September 1
October Quarterly	September 30	October 15	October 15 ⁴

¹ Reports filed electronically must be submitted by midnight on the filing date. A committee required to file electronically that instead files on paper reporting forms will be considered a nonfiler. Reports filed on paper and sent by registered or certified mail must be postmarked by the mailing date. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with an online tracking system. Reports sent by other means must be received by the Commission's close of business on the filing date.

² Individuals and other groups not registered with the FEC who make electioneering communications costing more than \$10,000 in the aggregate in the calendar year must disclose this activity to the Commission within 24 hours of the distribution of the communication. See 11 CFR 100.29 and 104.20. For more information, see the December 2003 Record, page 5.

³ Notice that the registered, certified and overnight mailing date falls on a federal holiday. The report should be postmarked on or before that date.

⁴ Filing deadlines are not extended when they fall on weekends.

Outreach

FEC to Hold State Outreach Workshops in July and August

As part of the FEC's State Outreach Program, Public Affairs Specialists conduct informal meetings in different cities across the country to brief PACs, party committees and candidate committees on areas of the law specific to their needs. This summer, FEC staff will hold workshops in the following cities:

- Savannah, GA, July 26-27;
- Denver, CO, August 10-11; and
- Portland, OR, August 23-24.

Registration for these programs is free. Visit the FEC web site at www.fec.gov/info/outreach.shtml#state for additional information, including workshop schedules for each program. For additional information about this outreach program, or to register for one of the sessions, call the FEC's Information Division at 1-800/424-9530 (or locally, 202/694-1100) or send an email to Conferences@fec.gov with your contact information (name, organization, phone number, fax number and email address). Please identify the particular city in which you wish to attend a session.

—Amy Kort

Reporting Roundtables

On July 13, 2005, the Commission will host two roundtable sessions on reporting, including disclosure requirements under the Bipartisan Campaign Reform Act of 2002 (BCRA) and recent FEC regulations. See the chart on the next page for details. Both sessions will be followed by a half-hour reception at which each attendee will have an opportunity to meet the campaign finance analyst who reviews his or her committee's reports. Representatives from the FEC's Electronic Filing

Office will also be available to meet with attendees.

Attendance is limited to 30 people per session, and registration is accepted on a first-come, first-served basis. Please call the FEC before registering or sending money to ensure that openings remain. The registration form is available on the FEC web site at <http://www.fec.gov/info/outreach.shtml#roundtables> and from Faxline, the FEC's automated fax system (202/501-3413, request document 590). For more information, call the Information Division at 800/424-9530, or locally at 202/694-1100.

—Amy Kort

Publications

FEC Annual Report 2004 Available Online

The Commission's *Annual Report 2004* is now available online at <http://www.fec.gov/pages/anreport.shtml>. Printed copies of the report will also be available in June. To order a free copy, contact the Information Division at 800/424-9530, or locally at 202/694-1100.

—Amy Kort

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July 13 9:30-11 a.m. Reception 11-11:30 a.m.	Reporting for PACs and Party Committees, plus "Meet Your Analyst" reception	Individuals responsible for filing FEC reports for PACs and Party Committees (Up to 30 may Attend)
July 13 1:30-3 p.m. Reception 3-3:30 p.m.	Reporting for Candidates and Their Committees, plus "Meet Your Analyst" reception	Individuals responsible for filing FEC reports for Candidate Committees (Up to 30 may Attend)

Upcoming 2005 Conferences

Conference for Campaigns, Parties and Corporate/Labor/Trade PACs

September 14-15, 2005
Hyatt Regency Islandia
San Diego, CA

Conference for Campaigns, Parties and Corporate/Labor/Trade PACs

October 25-26, 2005
Crowne Plaza Hotel
San Antonio Riverwalk
San Antonio, TX

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