

# RECORD

January 1988

999 E Street NW Washington DC 20463

Volume 14, Number 1

## COMMISSIONERS

### FEC ELECTS NEW OFFICERS

On December 17, 1987, the Federal Election Commission unanimously elected Thomas J. Josefiak as Chairman and Danny L. McDonald as Vice Chairman. They will serve one-year terms commencing January 1, 1988. Mr. Josefiak succeeded Commissioner Scott E. Thomas in the chairmanship. Mr. McDonald succeeded Commissioner Josefiak as Vice Chairman.

Commissioner Josefiak, a Republican, has been serving on the Commission since August 1985. From 1981 until his appointment as Commissioner, Mr. Josefiak served as Special Deputy to the Secretary of the Senate, who, by law, is an ex officio member of the Commission. Prior to his appointment as Special Deputy, Commissioner Josefiak served as legal counsel to the National Republican Congressional Committee. He also served as minority special counsel on federal election law for the Committee on House Administration, U.S. House of Representatives. Prior to that, he was legislative assistant to Congressman Silvio O. Conte (R.-Mass.). A graduate of Fairfield University in Connecticut, Mr. Josefiak earned a Juris Doctor degree from Georgetown University Law Center. His term as Commissioner is scheduled to expire on April 30, 1991.

Commissioner McDonald, a Democrat, has been a member of the Commission since December 17, 1981. Prior to his appointment to the Commission, he served as General Administrator of the Oklahoma Corporation Commission, responsible for the management of 10 regulatory divisions. He was Secretary of the Tulsa County Election Board from 1974 to 1979, and served as Chief Clerk of the Board in 1973. He has also served on the Advisory Panel to the FEC's National Clearinghouse on Election Administration. A native of Sand Springs, Oklahoma, Mr. McDonald graduated from Oklahoma State University and attended the John F. Kennedy School of Government at Harvard University. His term as FEC Commissioner is scheduled to expire on April 30, 1993.

## REPORTS

### ELECTION YEAR REPORTING

The following paragraphs explain the reporting schedule for the various categories of filers during the 1988 election year. Accompanying charts on page 3 list the filing dates for reports required during 1988. Filing dates for primary election reports are listed separately on pages 4 and 5.

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## REPORTS

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### **Congressional Candidates Active in 1988 Elections**

During 1988, principal campaign committees of candidates active in 1988 elections are required to file pre-primary and pre- and post-general election reports, as appropriate. They must also file quarterly reports. (For filing dates of reports, see page 3 below). In addition, any contribution of \$1,000 or more received by the candidate's committee between 20 and 2 days before an election must be reported in writing by the recipient committee within 48 hours after it is received. 11 CFR 104.5(f).

If the candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report, FEC Form 3Z. For details, see page 14 of the Campaign Guide For Congressional Candidates and Committees or 11 CFR 104.3(f).

### **Congressional Candidates Not Active in 1988 Elections**

The principal campaign committees of candidates who will not be active in 1988 elections (i.e., committees authorized by candidates seeking election in future years or committees which were active in previous elections and have outstanding debts) must continue to report semiannually. (For filing dates of reports, see page 3 below.)

Note that campaigns with more than one authorized committee must also file a consolidated report. (See active Congressional Campaigns above.)

### **Presidential Committees**

The principal campaign committees of Presidential candidates are required to report on either a monthly or quarterly basis during 1988. Committees which have received contributions or made expenditures aggregating \$100,000 or more (or which anticipate this level of activity) must file monthly reports during 1988. In November and December 1988 and January 1989, in lieu of monthly reports, these Presidential committees must file a pre- and post-general election report and a year-end report. Committees with financial activity under \$100,000 file quarterly reports, a pre-primary report, pre- and post-general election reports and a year-end report. (For filing dates of reports, see page 3 below.)

The FEC requests that Presidential committees which change their reporting schedule during 1988 notify the agency of their intention in writing.

Note that campaigns with more than one authorized committee must also file a consolidated report. (See Active Congressional Campaigns above.)

### **Parties and PACs**

All party committees and PACs (i.e., separate segregated funds and nonconnected committees) are required to file on either a quarterly or a monthly basis in 1988. (The reporting schedules for quarterly and monthly filers are detailed below.)

### **Quarterly Filers**

Those committees that choose to file quarterly must also file a post-general election report. In addition, quarterly filers that make contributions or expenditures to support specific candidates in 1988 elections must also file appropriate pre-election reports (primary, general or both) if their financial activity has not been previously disclosed. (For filing dates of reports, see below.)

### **Monthly Filers**

Committees which file on a monthly schedule must file pre- and post-general election reports in lieu of their November and December monthly reports, and a year-end report, due January 31, 1989.

### **Independent Spenders**

Note that any independent expenditures aggregating \$1,000 or more and made between 20 and 2 days before an election must be reported within 24 hours after the expenditure(s) are made.

### **CHANGE IN FILING FREQUENCY**

PACs and party committees which plan to change their reporting schedule in 1988 (e.g., from semiannually to monthly) must notify the Commission by submitting a letter with the January report. A committee may not change its filing frequency more than once a year. 11 CFR 104.5(c).

### **WHERE REPORTS ARE FILED**

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

### **Filing with the Federal Government**

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

Hart Senate Office Building, Room 232, Washington, D.C. 20510. 11 CFR 104.4(c)(2) and 105.2.

- o All other committees, including the principal campaign committees of Presidential candidates, file with the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463. 11 CFR 105.3 and 105.4

**Filing with State Governments**

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

**FILING DEADLINES\***

**GENERAL ELECTION**

<b>Date of Election</b>	November 8
<b>Pre-Election Report**</b>	
Closing date of books	October 19
Registered/certified mail date	October 24
Filing date*	October 27
<b>Post-Election Report</b>	
Closing date of books	November 28
Registered/certified mail date	December 8
Filing date*	December 8

**MONTHLY REPORTS**

Report	Period Covered	Filing Date*
February	1/1-1/31	February 20
March	2/1 - 2/29	March 20
April	3/1 - 3/31	April 20
May	4/1 - 4/30	May 20
June	5/1 - 5/31	June 20
July	6/1 - 6/30	July 20
August	7/1 - 7/31	August 20
September	8/1 - 8/31	September 20
October	9/1 - 9/30	October 20
Pre-Election	10/1 - 10/19	October 27**
Post-Election	10/20 - 11/28	December 8
Year-End	11/29 - 12/31	January 31, 1989

**QUARTERLY REPORTS\*\*\***

Quarter	Close of Books	Filing Date*
First	March 31	April 15
Second	June 30	July 15
Third	September 30	October 15
Fourth (Year-End)	December 31	January 31, 1989

\*Reports sent by registered or certified mail must be postmarked by the filing date (except in the case of the pre-election report). Reports mailed first class or hand delivered must be received by the filing date.

\*\*If the pre-election report is sent by registered or certified mail, it must be postmarked three days before the filing date. If sent by first class mail or hand delivered, the report must be received by the filing date.

\*\*\*Committees may also have to file pre- and post-election reports. See text above.

## PRIMARY ELECTION REPORTS DUE IN 1988

PRIMARY ELECTION REPORTS CONGRESSIONAL		12-Day Pre-Election Report		
State or Territory	Date of Election	Closing Date of Books	Mailing Date (if sent by registered or certified mail)	Filing Date****
Alabama	June 7	May 18	May 23	May 26
Runoff	June 28	June 8	June 13	June 16
Alaska	August 23	August 3	August 8	August 11
American Samoa**	November 8	October 19	October 24	October 27
Runoff***	November 22	November 2	November 10	November 10
Arizona*	September 13	August 24	August 29	September 1
Arkansas	March 8	February 17	February 22	February 25
Runoff***	March 22	March 2	March 10	March 10
California*	June 7	May 18	May 23	May 26
Colorado	August 9	July 20	July 25	July 28
Connecticut*	September 14	August 25	August 30	September 2
Delaware*	September 10	August 21	August 26	August 29
District of Columbia**	May 3	April 13	April 18	April 21
Florida*	September 6	August 17	August 22	August 25
Runoff	October 4	September 14	September 19	September 22
Georgia	August 9	July 20	July 25	July 28
Runoff	August 30	August 10	August 15	August 18
Guam**	September 3	August 14	August 19	August 22
Hawaii*	September 17	August 28	September 2	September 5
Idaho	May 24	May 4	May 9	May 12
Illinois	March 15	February 24	February 29	March 3
Indiana*	May 3	April 13	April 18	April 21
Iowa	June 7	May 18	May 23	May 26
Kansas	August 2	July 13	July 18	July 21
Kentucky	May 24	May 4	May 9	May 12
Louisiana	October 1	September 11	September 16	September 19
General	November 8	October 19	October 24	October 27
Maine*	June 14	May 25	May 30	June 2
Maryland*	March 8	February 17	February 22	February 25
Massachusetts*	September 20	August 31	September 5	September 8
Michigan*	August 2	July 13	July 18	July 21
Minnesota*	September 13	August 24	August 29	September 1
Mississippi*	March 8	February 17	February 22	February 25
Runoff	March 29	March 9	March 14	March 17
Missouri*	August 2	July 13	July 18	July 21
Montana*	June 7	May 18	May 23	May 26
Nebraska*	May 10	April 20	April 25	April 28

**PRIMARY ELECTION REPORTS  
CONGRESSIONAL**
**12-Day Pre-Election Report**

<b>State or Territory</b>	<b>Date of Election</b>	<b>Closing Date of Books</b>	<b>Mailing Date (if sent by registered or certified mail)</b>	<b>Filing Date****</b>
Nevada*	September 6	August 17	August 22	August 25
New Hampshire	September 13	August 24	August 29	September 1
New Jersey*	June 7	May 18	May 23	May 26
New Mexico*	June 7	May 18	May 23	May 26
New York*	September 13	August 24	August 29	September 1
North Carolina	May 3	April 13	April 18	April 21
Runoff	May 31	May 11	May 16	May 19
North Dakota*	June 14	May 25	May 30	June 2
Ohio*	May 3	April 13	April 18	April 21
Oklahoma	August 23	August 3	August 8	August 11
Runoff	September 20	August 31	September 5	September 8
Oregon	May 17	April 27	May 2	May 5
Pennsylvania*	April 26	April 6	April 11	April 14
Puerto Rico**	June 12	May 23	May 28	May 31
Rhode Island*	September 14	August 25	August 30	September 2
South Carolina	June 14	May 25	May 30	June 2
Runoff***	June 28	June 8	June 16	June 16
South Dakota	June 7	May 18	May 23	May 26
Runoff***	June 21	June 1	June 9	June 9
Tennessee*	August 4	July 15	July 20	July 23
Texas*	March 8	February 17	February 22	February 25
Runoff	April 12	March 23	March 28	March 31
Utah*	September 13	August 24	August 29	September 1
Vermont*	September 13	August 24	August 29	September 1
Virginia*	June 14	May 25	May 30	June 2
Virgin Islands**	September 13	August 24	August 29	September 1
Washington*	September 20	August 31	September 5	September 8
West Virginia*	May 10	April 20	April 25	April 28
Wisconsin*	September 13	August 24	August 29	September 1
Wyoming*	August 16	July 27	August 1	August 4

\*States holding Senate races in 1988.

\*\*The District of Columbia and the U.S. territories of American Samoa, Guam and the Virgin Islands will each hold an election for Delegate to the U.S. House of Representatives and Puerto Rico will hold an election for Resident Commissioner to the U.S. House of Representatives.

\*\*\*Committees involved in the runoff elections held in Arkansas, American Samoa, South Carolina and South Dakota may use the filing date as the mailing date for their 12-day pre-runoff election report.

\*\*\*\*Even though the mailing date for the report falls on a Sunday or a holiday, the report must be received by the filing date.

## ADVISORY OPINIONS

### ADVISORY OPINION REQUESTS

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

#### AOR Subject

1987-30 Assets of candidate's wife used to pay off loan to candidate. (Date made public: October 14, 1987; Length: 3 pages, plus 21-page supplement)

## REGULATIONS

### ADVANCE NOTICE OF PROPOSED RULEMAKING ON MCFL

The Commission decided, on December 17, 1987, to publish an Advance Notice of Proposed Rulemaking examining what regulatory changes might be appropriate in light of the Supreme Court's opinion in FEC v. Massachusetts Citizens for Life, Inc. (MCFL), 107, S. Ct. 616(1986).

This notice will seek further comment on an issue raised by the National Right to Work Committee (NRWC) in a petition for rulemaking. The issue is whether the Commission should adopt an "express advocacy" standard for determining whether corporate or union activity is permissible under sections 114.3 and 114.4 of the regulations. The Commission will also solicit comments on the possible ramifications of the exemption created by the Court for election-related activities by certain types of corporations, that is, those corporations which are similar to MCFL.

The advance notice will be published in the Federal Register in early January 1988. Copies of the notice may be obtained by calling the Information Division at 202/376-3120 or 800/424-9530.

## PUBLIC FUNDING

### SIMON AND ROBERTSON ELIGIBLE FOR PRIMARY MATCHING FUNDS

During November and December 1987 Senator Paul Simon, a Democratic Presidential candidate, and the Reverend M. G. "Pat" Robertson, a Republican candidate, became the tenth and eleventh candidates, respectively, to qualify for federal matching funds for the 1988 Presidential primary elections.

Under the Presidential Primary Matching Payment Account (26 U.S.C. §9031 *et seq.*), Presidential candidates may begin seeking eligibility for primary matching funds after January 1, 1987. However, the U.S. Treasury may not make actual payments until after January 1, 1988. The maximum amount of matching funds an eligible candidate may receive during 1988 is equal to half the overall spending limit established by law for each publicly funded Presidential primary candidate (\$10 million, plus a cost-of-living adjustment). The limit may be as high as \$22 million in 1988,\* in which case Presidential primary candidates could qualify for approximately \$11 million in primary matching funds.

The Commission's determination followed a thorough review by the Audit Division of the threshold submission made by Senator Simon on October 28, 1987, and by Reverend Robertson on October 29, 1987. To establish eligibility for matching funds, a Presidential primary candidate must raise in excess of \$5,000 from individuals in each of at least 20 different states. Although individual contributors may give up to \$1,000 to the candidate, only \$250 from each contributor may be matched with public funds. The candidate must document those contributions and must agree to comply with the election law and Commission Regulations.

*\*With an additional \$5 million allowed for fundraising costs, the total spending limit for 1988 could reach \$27 million.*

The Record is published by the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463. Commissioners are: Thomas J. Josefiak, Chairman; Danny L. McDonald, Vice Chairman; Joan Aikens; Lee Ann Elliott; John Warren McGarry; Scott E. Thomas; Walter J. Stewart, Secretary of the Senate, Ex Officio; Donald K. Anderson, Clerk of the House of Representatives, Ex Officio. For more information, call 202/376-3120 or toll-free 800/424-9530. (TDD For Hearing Impaired 202/376-3136)

## COURT CASES

### RALPH J. GALLIANO v. U.S. POSTAL SERVICE

On , at the request of the U.S. Court of Appeals for the District of Columbia Circuit, the FEC filed a friend of the court (*amicus curiae*) brief in Ralph J. Galliano v. U.S. Postal Service (Civil Action No. 86-5684). In light of First Amendment concerns raised by the suit, the appeals court asked the FEC to address the question of whether specific provisions of the Federal Election Campaign Act (FECA) would displace the application of 39 U.S.C. §3005 to the political solicitations named in the suit. (Section 3005 of the postal statute prohibits any "scheme...for obtaining money or property through the mail by means of false representations.")

#### Background

During 1983 and 1984, the Congressional Majority Committee (CMC), a multicandidate political committee, mailed out letters soliciting contributions to CMC's independent expenditure project, "Americans for Phil Gramm in '84." The disclaimer notice in the first mailings failed to state that the solicitation was not authorized by any candidate. However, in subsequent solicitation mailings, CMC did include this disclaimer.

In filing a complaint with the FEC against CMC, Representative Gramm alleged that CMC had violated the election law by:

- o Using Representative Gramm's name in the title of its independent expenditure project (2 U.S.C. §432(e)(4)); and
- o Failing to clearly state in its solicitations that CMC had not been authorized by Representative Gramm (2 U.S.C. §441d(a)(3)).

The Commission found probable cause to believe that CMC had violated section 441d(a)(3) of the election law by failing to include a disclaimer notice in its first solicitation mailings. The Commission was, however, evenly divided on the issue of whether CMC had violated section 432(e)(4) of the election law by including Representative Gramm's name in the title of its independent expenditure project. In July 1985, the Commission entered into a conciliation agreement with CMC and closed the filed on the case.

After filing a complaint with the FEC, Representative Gramm took two other steps. He filed a suit with the District Court for the Eastern District of Virginia and a complaint with the U.S. Postal Service. In the suit he filed with the Virginia district court,\* Representative

Gramm claimed that CMC's use of Mr. Gramm's name in the title of the independent expenditure project had violated a Virginia law against unauthorized use of a person's name. Nevertheless, the district court denied Representative Gramm's request for injunctive relief, stating that "the Federal Election [Campaign] Act arguably provides the exclusive remedy for plaintiff's allegation...."

In the complaint he filed with the U.S. Postal Service, Representative Gramm asserted that CMC's solicitations contained false representations and thus violated 39 U.S.C. §3005.

The Postal Service found, among other things, that the Committee's solicitation mailings "implicitly made the false representation that Americans for Phil Gramm in '84 was authorized to collect funds for Gramm's campaign, and that the funds would be spent by Gramm's campaign." The Postal Service further concluded that the disclaimer notice required by the election law (§441d(a)(3)) did not adequately inform the recipients that the solicitation was not authorized by Representative Gramm.

#### Current Case

The current case before the U.S. Court of Appeals for the District of Columbia Circuit arose when Mr. Galliano appealed the Postal Service's decision. In filing a friend of the court brief in the suit, the FEC noted that Congress had enacted two provisions of the election law "to ensure the public is informed of the true source of political solicitations and whether they are authorized by a candidate...." Section 432(e)(4) requires committees authorized by candidates to adopt a name which includes the candidate's name; it requires unauthorized committees to adopt a name which does not contain the name of any candidate. Secondly, section 441d(a)(3) requires that fundraising solicitations by unauthorized committees state clearly the committee's name and "that the communication is not authorized by any candidate or candidate's committee."

Further, the FEC argued, since Congress had granted the agency exclusive jurisdiction over provisions of the law, "matters covered by the Act must be brought before the Commission in the first instance even if another statute might otherwise arguably be applicable."

The FEC went on to note that "the courts have long recognized that tension between a statute of general application and a statute which specifically addresses a particular subject must be resolved in favor of the specific statute." The Commission therefore argued that, while section 3005 may be applied generally to protect the public from "fraudulent political fundraising schemes..." this provision cannot be applied "in a manner that overrides the exclusive jurisdiction

*continued*

\**Friends of Phil Gramm v. Americans for Phil Gramm in 84*, 587 F. Supp. 767 (E.D. Va. 1986)

of the Commission to deal with those matters Congress has specifically resolved in the FECA." Thus, the Commission concluded that "the Postal Service's decision should be reversed only to the extent it interferes with the exclusive jurisdiction of the Commission and specific provisions of the FECA."

#### **ANTOSH v. FEC**

On July 1, 1987, the U.S. District Court for the District of Columbia denied Mr. Edward Antosh's petition for award of costs and attorney's fees incurred by Mr. Antosh in a suit the court had ruled on in his favor. (Antosh v. FEC; Civil Action No. 84-3048)

#### **District Court's Ruling on Original Complaint**

In an administrative complaint filed with the FEC in May 1984, Mr. Antosh had alleged that the Tom Lantos for Congress Committee, the principal campaign committee for Mr. Lantos' 1982 California House campaign, and the campaign's treasurer had violated section 441a(f) of the election law by accepting excessive contributions from the separate segregated funds of two affiliated unions. On October 1, 1984, after the FEC dismissed the complaint, Mr. Antosh filed a suit with the district court in which he asked the court to find that the FEC's dismissal was contrary to law.

On December 21, 1984, the district court granted Mr. Antosh's motion for summary judgment in the suit.\* The court found that the FEC's dismissal of the complaint "had ignored persuasive evidence in the administrative record about the size of the union contributions...." The court therefore remanded the case to the FEC for further action in light of its decision.

#### **District Court's Ruling on Attorney's Fees and Costs**

The Equal Access to Justice Act states that only those courts which have jurisdiction over the underlying civil action may consider whether to award attorney's fees and costs to a prevailing party. Upon reexamination of its ruling in 1984, the district court concluded that, in fact, Mr. Antosh did not have standing to bring his original suit. Consequently, the court could not grant plaintiff's petition for award of costs and attorney's fees.

Under Article III of the Constitution, in order to have standing to sue, an aggrieved party must "show that he personally suffered some actual or threatened injury as a result of the putatively illegal conduct of the respondent..." (i.e., the Lantos campaign). Since Mr. Antosh was an Oklahoma resident, the court concluded that he

would not be injured by a California candidate's acceptance of excessive contributions. "Plaintiff's interest in the California election is no different from the interest of any citizen who wishes to ensure that candidates abide by the rules that govern elections," the court said. The court noted that this conclusion was the same as that reached by the court in July 1986 in a "virtually identical" suit brought by Mr. Antosh against the FEC. (Antosh v. FEC; Civil Action No. 86-179)

#### **NEW LITIGATION**

##### **FEC v. Augustine For Congress**

The Commission asks the district court to declare that Augustine for Congress (the Committee), the principal campaign committee for Israel M. Augustine's 1984 Congressional campaign, and Leon Fulton, the Committee's treasurer, violated the election law by:

- o Failing either to maintain adequate records of campaign contributions or to preserve records for the required three years (2 U.S.C. §§432(c)(2), (3) and (4) and 432(d));
- o Failing to identify the source of 26 itemizable contributions (2 U.S.C. §434(b)(3)(A));
- o Failing to provide adequate year-to-date totals for such itemizable contributions (11 CFR 104.3(b)(4));
- o Failing to maintain adequate records for certain campaign disbursements (2 U.S.C. §432(c)(5));
- o Failing to itemize 26 campaign disbursements (2 U.S.C. §434(b)(5)(A));
- o Failing to file the Committee's 1985 mid-year report and its 1985 and 1986 year-end reports (2 U.S.C. §§434(a)(2)(A)(iii) and 434(a)(2)(B)(i) and (ii)); and
- o Understating certain financial transactions disclosed on Committee reports (2 U.S.C. §§434(b)(1),(2)and(4)).

The Commission also asks the court to declare that the Committee violated sections 432(c)(5)and(h)(1) of the election law by failing to:

- o Deposit receipts (amounting to \$5,000) in the Committee's campaign account;
- o Use checks drawn on the account for disbursements made from these funds; and
- o Document these disbursements.

- The Commission further asks the court to:
- o Assess, as a civil penalty, the greater of either \$5,000 or the amount involved in the defendants' violations;
  - o Permanently enjoin defendants from future violations of the election law; and
  - o Order defendants to file all the Committee's over-due reports within 15 days.

U.S. District Court for the Eastern District of Louisiana, Civil Action No. 87-4544, September 25, 1987.

\*For a summary of the district court's opinion, see page 4 of the February 1985 Record.



### FEC v. Citizens to Elect Jerald Wilson for Congress

The Commission asks the district court to declare that Citizens to Elect Jerald Wilson for Congress (the Committee), the principal campaign committee for Mr. Wilson's 1986 Congressional campaign, and Mr. Wilson, acting as the Committee's treasurer, violated the election law by:

- o Failing to file the Committee's 1986 pre-general election report, in violation of 2 U.S.C. §434(a)(2)(A)(i); and
- o Failing to file three 1986 quarterly reports in violation of 2 U.S.C. §434(a)(2)(A)(iii).

The Commission further asks the court to:

- o Assess, for each violation, a civil penalty of the greater of either \$5,000 or the amount involved in the violation;
- o Order defendants to file all the Committee's over-due reports within 15 days; and
- o Permanently enjoin defendants from further similar violations of the election law.

U.S. District Court for the Northern District of Illinois, Civil Action No. 87C8855, October 18, 1987.

## CLEARINGHOUSE

### FEC CLEARINGHOUSE PANELS MEET IN WASHINGTON

On December 9 and 10, 1987, two panels of the FEC's National Clearinghouse on Election Administration met in Washington: the Clearinghouse's Advisory Panel and its Advisory Committee on Voting Systems Standards.

During their two-day meeting, the panels' members discussed several topics:

- o Impact of the Immigration Reform and Control Act on election reporting requirements.
- o Election management guidelines for system contracting, ballot software testing and computer security.
- o Polling place accessibility.
- o Recent case law pertaining to federal and state elections.
- o Significant federal election legislation.
- o An implementation plan for voting system standards.
- o Draft standards for direct electronic voting systems.
- o Report on New York State and New York City testing and procurement of new voting equipment.
- o Computer security in the election environment.
- o Strategies for implementation of a computerized election management system.
- o The 1990 census.
- o Issues relating to absentee voting and ballot access.

## FEDERAL REGISTER

### FEDERAL REGISTER NOTICES

Copies of notices are available in the Public Records Office.

#### Notice Title

- 1987-12 Public Records and Freedom of Information Act; Final Rules (52 Fed. Reg. 39210; October 21, 1987)
- 1987-13 Filing Dates for Tennessee Special Elections (52 Fed. Reg. 38814; October 19, 1987)
- 1987-14 Contributions and Expenditures by Delegates to National Nominating Conventions; Effective Date for Final Rules (52 Fed. Reg. 44594; November 20, 1987)

### PUBLIC APPEARANCES

- 1/5 AFL-CIO Lawyers  
Coordinating Committee  
Washington, D.C.  
Lawrence Noble, General Counsel
- 1/13-16 Edison Electric Institute  
Marco Island, Florida  
Commissioner John W. McGarry
- 1/14-15 Practising Law Institute  
Washington, D.C.  
Commissioner Joan D. Aikens  
Lawrence Noble, General Counsel  
N. Bradley Litchfield  
Assistant General Counsel
- 2/4 Public Affairs Council  
Washington, D.C.  
Commissioner Lee Ann Elliott

**STATISTICS**

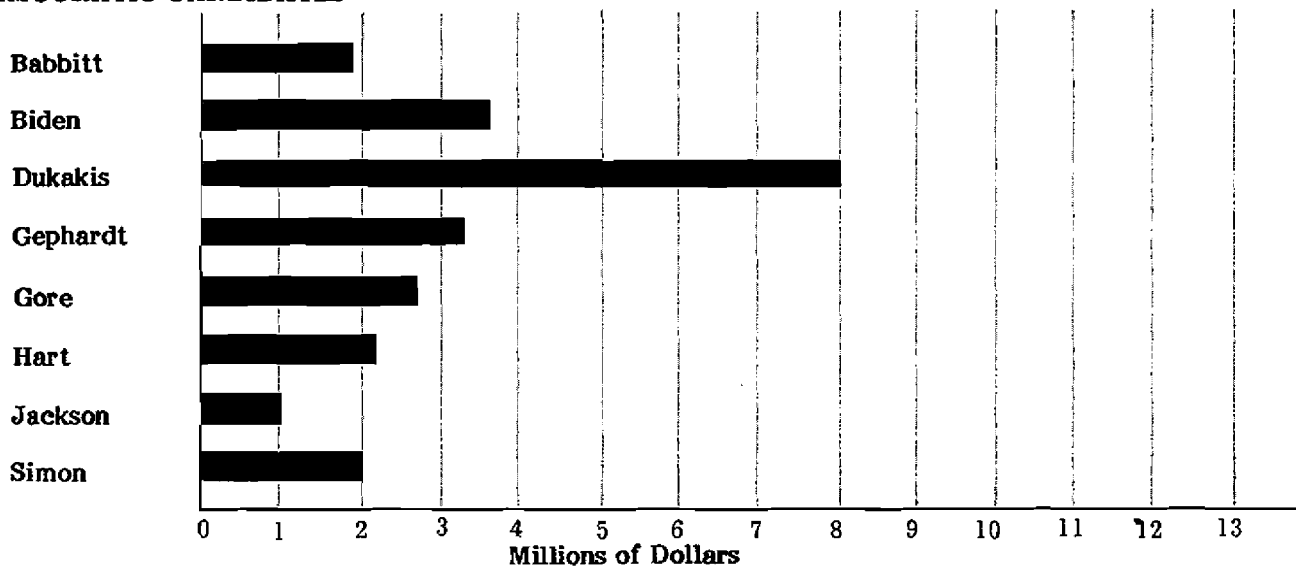
**CORRECTIONS TO CHARTS ON ACTIVITY OF PRESIDENTIAL PRIMARY CANDIDATES**

The December 1987 Record contained two errors on charts depicting the campaign finance activity of certain Presidential primary candidates active in the 1987-88 Presidential election cycle. (See pages 9-11 of the December 1987 Record.)

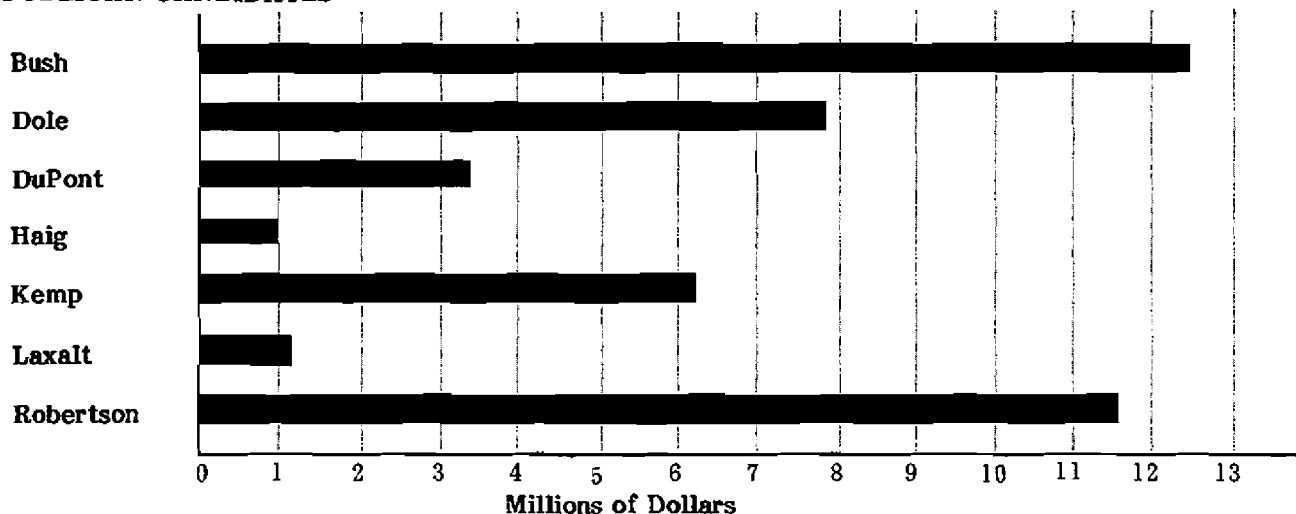
- o **Chart I: Receipts of Presidential Primary Candidates through 9/30/87:** The bar depicting total campaign receipts of Democratic candidate Senator Paul Simon was inadvertently omitted. The correct version of Chart I appears below in its entirety.
- o **Chart II: State-by-state Spending of Presidential Primary Candidates through 9/30/87:** Due to a printer's error, the maps depicting campaign spending by Democratic candidates Governor Michael Dukakis and Senator Albert Gore were switched. The correct spending patterns of the two candidates appear in the abridged version of Chart II below. (Chart II appears in its entirety on pages 10-11 of the December 1987 Record.)

**CHART I  
RECEIPTS OF  
PRESIDENTIAL PRIMARY CANDIDATES  
THROUGH 9/30/87**

**DEMOCRATIC CANDIDATES**



**REPUBLICAN CANDIDATES**

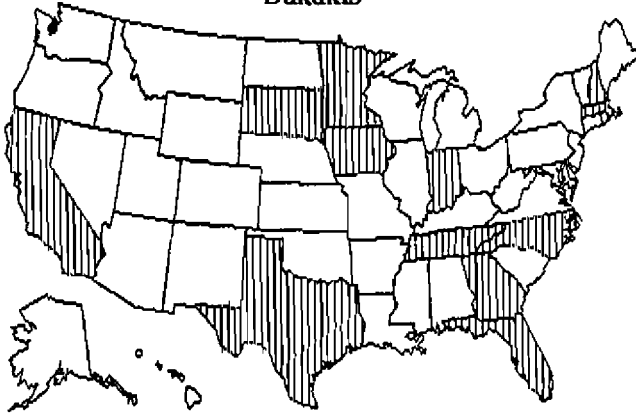


**CHART II  
STATE-BY-STATE SPENDING  
OF PRESIDENTIAL PRIMARY CANDIDATES  
THROUGH 9/30/87**

||||| Spending of \$5,000 or More

**DEMOCRATIC CANDIDATES**

**Dukakis**



**Gore**



**CHANGE OF ADDRESS**

**Political Committees**

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

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# PUBLICATIONS

## A CAMPAIGN GUIDE FOR EVERY COMMITTEE

To help political committees understand the requirements of the federal election law, the Commission has written and published a series of Campaign Guides, each one designed for a distinct type of committee. Written in clear English, these Guides explain the basic provisions of the election law, such as contribution limitations and prohibitions, fundraising, and registration and reporting requirements. Citations to regulations are included. Every Guide also provides examples of filled-out reporting forms to illustrate how committees should complete their reports. In addition, each Guide contains appendices targeted to its specific audience. These appendices deal with narrower topics such as independent expenditures, earmarked contributions, partnerships, and trade association solicitations.

Anyone involved in running a political committee or filing reports will find the Guide an important resource for complying with the law. Committee chairmen and treasurers should use the specific Guide designed for their committee. The four Guides -- all available free of charge -- are:

- o Campaign Guide for Congressional Candidates and Committees;
- o Campaign Guide for Corporations and Labor Organizations;
- o Campaign Guide for Political Party Committees; and
- o Campaign Guide For Nonconnected Committees.\*

*\*A nonconnected committee is a political committee not connected to a corporation, a labor organization, a political party or a candidate.*

Committee staff and volunteers, attorneys, consultants or anyone else interested in obtaining a copy should call the FEC's Information Services Division (at 800/424-9530 or 202/376-3120) or fill out the form below. The completed form should be mailed to the Information Services Division, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463.

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