

# RECORD

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## COURT CASES

### FAUCHER AND MAINE RIGHT TO LIFE COMMITTEE, INC. v. FEC (90-1923)

On October 7, 1991, the U.S. Supreme Court denied the FEC's petition for the Court to review the court of appeals' decision in the Faucher case. In its petition, the FEC had explicitly urged the Court to reconsider its "express advocacy" construction of 2 U.S.C. §441b in FEC v. Massachusetts Citizens for Life (MCFL), a construction that was determinative in the Faucher rulings by the lower courts as well as in FEC v. NOW (see below article).

Section 441b prohibits "any corporation whatever" from making "a contribution or expenditure in connection with any [federal] election...." In MCFL, the Supreme Court said that "an expenditure must constitute 'express advocacy' in order to be subject to the prohibition of §441b." MCFL, 479 U.S. 238, 249 (1986). Both the court of appeals and the district court in the Faucher case relied upon this statement in ruling against the FEC.<sup>1/</sup>

Faucher focused on an FEC regulation that permits a corporation to use its treasury funds to prepare and distribute voter guides to the general public as long as the guide is nonpartisan. See 11 CFR 114.4(b)(5)(i). Citing the Supreme Court's MCFL statement, both courts found that the regulation was invalid because it applied "issue advocacy" rather than "express advocacy" as a factor for determining whether a corporate voter guide constituted a prohibited expenditure.

<sup>1/</sup> Faucher v. FEC, 743 F. Supp. 64 (D. Me. 1990) aff'd, 928 F.2d 468 (1st Cir. 1991). The decisions were summarized in the September 1990 and May 1991 Record issues.

### FEC v. NATIONAL ORGANIZATION FOR WOMEN, INC. (NOW)

Because of the Supreme Court's action in the Faucher case (see above), the Commission filed a motion to dismiss its appeal in FEC v. NOW.<sup>1/</sup> The court of appeals granted the motion on October 11, 1991. Like the lower courts in the Faucher case, the district court in NOW also relied on the Supreme Court's "express advocacy" construction of 2 U.S.C. §441b in MCFL. The NOW court ruled that the prohibition on corporate expenditures did not apply to a series of letters sent as part of a NOW membership drive because the materials did not contain "express advocacy."<sup>2/</sup> The court rejected the FEC's broader interpretation of the 441b prohibition.

(Court Cases continued)

<sup>1/</sup> FEC v. NOW, No. 89-5230 (D.C. Cir.).

<sup>2/</sup> FEC v. NOW, 713 F. Supp. 428 (D.D.C. 1989). The decision was summarized in the July 1989 Record.

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**NEW LITIGATION****White v. U.S.A and FEC**

William D. White asks the court to find that the provision permitting candidates to make unlimited contributions to their own campaigns (see 11 CFR 110.10(a)) is unconstitutional because it confers a privilege on candidates that is denied to other U.S. citizens. He further asks the court to: find that candidates' contributions to their own campaigns are subject to the \$1,000 limit; order candidates who have exceeded the limit to pay a penalty in the amount of their excessive contributions; and issue a preliminary injunction prohibiting federal candidates from making contributions to their campaigns in excess of \$1,000. The court denied the motion for a preliminary injunction on August 26, 1991.

U.S. District Court for the Western District of Pennsylvania, Civil Action No. 91-1201, July 18, 1991.

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## ADVISORY OPINIONS

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**ADVISORY OPINION REQUESTS**

Recent requests for advisory opinions (AORs) are listed below. The full text of each AOR is available for review and comment in the FEC's Public Records Office.

**AOR 1991-32**

Contributor identification and fundraising for selected candidates by consultant company. (Date Made Public: September 26, 1991; Length: 24 pages plus attachments)

**AOR 1991-33**

Allocation of expenses when party committee receives partial state funding to administer primary elections. (Date Made Public: October 4, 1991; Length: 4 pages plus attachments)

**AO 1991-26: Services for 900-Line Fundraising**

Versatel Corporation proposed providing services to candidates and campaigns for billing, collecting, identifying and screening contributions raised through 900-line telephone calls. Versatel's proposed method of charging political committees for its services is permissible assuming that the method conforms to Versatel's ordinary course of business and represents its usual and normal charge. Versatel's proposed services for identifying and screening contributions are acceptable because the company will be able to identify all contributors and will separate contributions of questionable legality.

**Background**

Versatel plans to provide its billing services to long distance providers (such as AT&T or MCI) for the collection of contributions resulting from 900-line calls. (Versatel may also contract directly with telephone service bureaus.) This arrangement differs from the typical arrangement under which the long distance provider contracts with a local exchange carrier (LEC) for billing and collection services.

Versatel also plans to identify and screen contributions. (Screening services should otherwise be provided by a telephone service bureau or another company certified by the campaign as offering comparable services. See AO 1991-20.)

**Responsibilities of 900-Line Companies**

In past advisory opinions, when considering the responsibilities of companies providing 900-line services to political committees, the Commission has set forth two principal requirements:

- o The company must provide services at the usual and normal charge in order to avoid corporate contributions to the committee; and
- o The company must take certain measures to identify contributors and prevent

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prohibited and excessive contributions. AOs 1991-2 and 1990-14 (issued to long distance providers) and AOs 1991-20 and 1990-1 (issued to service bureaus).

Subject to certain conditions, Versatel's proposal satisfies these requirements.

#### Usual and Normal Charge

Versatel proposes charging political committees a fee for each invoice (bill) sent to a caller. The per-invoice fee will be on a "volume-sensitive sliding scale": the greater the number of invoices, the less the fee for each invoice. In calculating the fee, Versatel will consider anticipated calls. Versatel plans to charge a flat fee for additional services, such as follow-up letters or telephone calls to obtain contributor information.

This fee schedule is permissible assuming it conforms to Versatel's ordinary course of business and usual and normal charge.<sup>1/</sup>

#### Contributor Identification and Screening

Under its proposal, Versatel will obtain information on contributors through an invoice form that contributors must complete and return with their payments (contributions). The invoices will be mailed with a brochure that explains the law's restrictions on contributions. Versatel will screen contributions for compliance with those restrictions and will separately handle contributions that raise questions of legality. (See below.)

**Obtaining Billing Names/Addresses.** In its billing procedures, Versatel will first obtain a magnetic tape, prepared by the long distance provider, that lists the phone numbers from which 900-line calls were made and the charge per call. Versatel will then match the phone numbers (including unlisted numbers) with names and addresses by using Billing Name and Address services purchased from local phone companies.<sup>2/</sup> Versatel plans to send a three-

part invoice to the person listed for each phone number. (The company will send separate bills if contributions to more than one campaign are made from the same telephone number.)

**Requesting Information from Contributors.** The first part of the invoice will include the amount of the charges, an account number coded to identify the campaign and the telephone number, and instructions to make checks payable to "Versatel Campaign Billing Services," the name Versatel will use for political accounts.

The second part will identify the charges as a political contribution and name the recipient candidate or campaign. It will also include information on each call (amount, date, time, duration).

The third part of the invoice will ask the contributor to provide certain information and will note the importance of completing and returning the form with the contribution check. The form will specifically request the contributor's address (if different from the billing address), the name of his or her employer, and whether he or she is a U.S. citizen or green card holder.

The brochure enclosed with the invoice will explain some of the law's prohibitions and limitations. For example, it will state that "your contribution must come from your personal bank account, and not from corporate or labor union funds." The brochure will also caution against contributions made in the name of another.

**Screening Contributions.** When depositing payments, Versatel will maintain separate records for each committee, recording the amount and donor identification of each contribution. If a contribution is questionable—if it lacks complete identification or raises questions of legality—Versatel will take follow-up measures (e.g., letters or phone calls).

The returned invoices together with the accompanying checks will alert Versatel if someone called on behalf of, or used the phone of, a corporation or labor union or if someone used a phone that was not in the name of an immediate family member (to minimize or prevent contributions made in the name of another). See 2 U.S.C. §§441b(a) and 441f.

Versatel will separate questionable contributions when forwarding net proceeds and contributor records to the long distance provider (which will deliver them to

(continued)

<sup>1</sup>The Commission assumes that the charges for each campaign will cover Versatel's costs plus a reasonable profit.

<sup>2</sup>Service bureaus may provide Versatel with transcriptions of callers' recorded responses to contributor identity questions posed during the phone call, as described in AO 1991-20. However, this information is not essential to Versatel's services.

the service bureau for distribution to the campaigns).

Commissioner Scott E. Thomas plans to file a dissenting opinion. (Date Issued: October 1, 1991; Length: 7 pages)

#### AO 1991-28: Videotaped Twice-Yearly Solicitation

The Golden Rule Financial Corporation and its PAC may solicit employees under the twice-yearly provisions by mailing a videotaped solicitation along with a letter.

Corporations and their PACs are permitted to solicit employees outside the restricted class<sup>1</sup> twice a year. 2 U.S.C. §441b(b)(4)(B); 11 CFR 114.6(a). Under those provisions, the corporation must mail written solicitations to employees' residences and must establish a custodial arrangement that ensures the anonymity of those contributing less than \$50 and those not contributing at all. 11 CFR 114.6 (c) and (d). Congress enacted these restrictions to preserve employees' anonymity and to protect them from "person-to-person coercion."<sup>2</sup>

Because the proposed videotaped solicitation conforms with Congressional intent, Golden Rule may augment its written solicitation with a videotape, provided that both the letter and the tape contain the required solicitation wording of 11 CFR 114.5(a) and 114.6(c) and provided that Golden Rule complies with the custodial arrangement requirement.

(Date Issued: October 1, 1991; Length: 3 pages)

<sup>1</sup>The restricted class is made up of the corporation's executive and administrative personnel, its stockholders, and the families of both groups. 2 U.S.C. §441b(b)(4)(A)(i); 11 CFR 114.5(g)(1).

<sup>2</sup>Cong. Rec. S4151 (daily ed. March 24, 1976) (statement of Sen. Cannon) reprinted in Legislative History of the Federal Election Campaign Act Amendments of 1976, at 493 (1977).

**800 LINE**

#### TRAVEL

The Commission frequently receives questions about travel on behalf of political committees. In general, travel provided to a political committee results in an in-kind contribution to the committee because the definition of contribution includes anything of value provided by any person for the purpose of influencing a federal election. There are, however, circumstances in which a contribution does not result. The material below explores travel provided to political committees.

Advisory opinions (AOs) cited in this article may be ordered from the Public Records Office. Call 800/424-9530 (ask for Public Records) or 202/219-4140.

#### Exempt Travel and Subsistence

Under 11 CFR 100.7(b)(8), payments made from an individual's personal funds for his or her transportation expenses incurred while traveling on behalf of a candidate or political party committee are not contributions if they do not exceed \$1,000 per candidate, per election, or \$2,000 per year for travel on behalf of a party committee. This exemption applies to unreimbursed payments by paid campaign workers and volunteers. Moreover, section 100.7(b)(8) also exempts unreimbursed payments made from a volunteer's personal funds for subsistence expenses incidental to volunteer activity.

In AO 1988-10, the Commission applied this provision to a local political figure volunteering on behalf of a Presidential candidate. The Commission said that an individual who was campaigning for election as a precinct committeeperson in Oregon and who supported a candidate in the Presidential primary could spend up to \$1,000 in travel expenses on behalf of the Presidential candidate without the payment's being considered a contribution. (Also see AO 1978-20, use of corporate airplane, below.)

#### Reimbursed Travel and Subsistence

Under 11 CFR 116.5(b), transportation and subsistence expenses that are incurred and paid for by an individual traveling on behalf of a candidate or party committee, and that are not covered by the 100.7(b)(8) exemption above, are not considered contributions so long as the committee reimburses the individual within specified time periods:

- o When the individual pays with a credit card, the committee must reimburse the individual within 60 days after the closing date of the billing statement on which the charges first appear.
- o In all other cases, the committee must reimburse the individual within 30 days after the expenses are incurred.

#### Use of Corporate and Union Transportation

Section 114.9(e) of the FEC's regulations discusses campaign use of airplanes and other transportation owned or leased by corporations and labor unions.

**Airplanes.** A candidate or someone traveling on the candidate's behalf may use an airplane owned or leased by a corporation or labor organization that is not an "air carrier" under Federal Aviation Administration rules. The campaign must, however, pay the organization in advance of the trip and at the appropriate rate:

- o If the travel is to a city with regularly scheduled commercial air service, the campaign must reimburse the organization at the first class airfare rate.
- o If the travel is to a city not served by regular commercial service, the campaign must reimburse the organization at the usual charter rate. 11 CFR 114.9(e)(1).<sup>1/</sup>

In AO 1979-52, the Commission found that the requirement to make advance payment for the use of a corporation's airplane applied even when the airplane was owned by a management company that was solely owned by the candidate himself.

In AO 1978-20, the Commission found that an individual member of an incorporated flying club could use the club's airplane for travel on behalf of a campaign. The member had to pay the club in advance in accordance with section 114.9. The Commission also noted that a club member's payment for the use of the aircraft would be within the volunteer exemption for travel expenses related to campaign activities (assuming the amount did not exceed \$1,000 per candidate per election).

**Other Transportation.** If a candidate's campaign uses other means of transportation owned or leased by a corporation or labor

organization, the campaign must reimburse the organization at the usual rental charge within a commercially reasonable time. 11 CFR 114.9(e)(2).

In AO 1986-30, the Commission said that a campaign had to reimburse the corporate owner of a sightseeing boat used for campaign purposes, even though the boat's owner had intended to provide the boat "to promote the availability of the vessel" in the market.

#### Allocation of Campaign and Noncampaign Travel by Candidate (Non-Publicly Funded Campaigns)

Under 11 CFR 106.3, payments for campaign-related travel are reportable as operating expenditures. When a candidate makes a trip involving both campaign and noncampaign stops, only the travel costs related to the campaign are expenditures. If the campaign pays for the entire travel costs, the noncampaign travel expenses are reported as "other disbursements."

If a candidate conducts campaign activity at a given stop, all travel expenses associated with that stop are considered expenditures, unless the campaign activity is merely incidental. For example, a candidate makes an appearance at a civic event. If the candidate's public address refers to his election or solicits campaign contributions, the entire visit would be deemed campaign related. If, on the other hand, the candidate makes a noncampaign appearance, and on the way out he responds to an attendee who asks a question about the campaign, that conversation would not convert the appearance into a campaign-related event.

Expenditures for campaign-related stops are calculated on an actual cost-per-mile basis, starting at the point of origin of the trip, including each campaign-related stop, and ending at the point of origin. 11 CFR 106.3(b)(2) and (3). For example, an incumbent candidate flies from Washington, DC, to San Francisco to attend a fundraiser for her campaign, and then flies to San Diego on official business before returning to Washington. In this case, the candidate's committee would be required to pay for transportation from Washington to San Francisco and for a return trip from San Francisco to Washington. The government could pay the cost of the transportation from San Francisco to San Diego. The same rule would apply if the purpose of the San Diego trip were to attend a corporate event. The corporation could pay for the San Francisco to San Diego trip, as long as the event was not campaign related.

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<sup>1</sup>The Commission recently sought comments on a petition submitted by Common Cause to amend the rules by requiring payment at the charter rate in all cases. See 56 FR 41496, August 21, 1991; see also article in the September 1991 Record.

### Allocation of Individual's Travel

Where an individual, other than a candidate, conducts campaign-related activities on a trip, the portion of the trip attributed to each candidate shall be allocated on a reasonable basis. 11 CFR 106.3(c)(1).

### Use of Government Conveyance

(1) **Travel by Publicly Funded Presidential Candidates.** FEC rules at 11 CFR 9034.7 and 9004.7 govern the allocation and payment of campaign travel expenditures by Presidential candidates who receive public funds. Under these regulations, a candidate's authorized committee must pay the government for any individual who uses government conveyance (or accommodations paid for by the government) for campaign-related travel. 11 CFR 9004.7(b)(4) and (5); 11 CFR 9034.7(b)(4) and (5).

Under the 1979 amendments to the Federal Election Campaign Act, the use of appropriated federal funds for campaign travel does not result in a contribution to influence a federal election because the federal government is specifically exempt from the definition of the term "person" at 2 U.S.C. §431(11). Nevertheless, the legislative history observes that the misuse of appropriated funds is a violation of federal law and subject to enforcement by other government agencies. (Report of Committee on House Administration, Federal Election Campaign Act Amendments of 1979, H. Rep. No. 96-422, 96th Cong., 1st Sess. 6, 7, 11 (1979).)

(2) **Travel by Non-Publicly Funded Candidates.** Under 11 CFR 106.3(e), the reportable expenditure for a candidate who uses government conveyance or accommodations for campaign-related travel is the rate for comparable commercial conveyance or accommodation. If the candidate is authorized by law or required by national security to be accompanied by government staff and equipment, however, the allocable expenditures are the costs of facilities sufficient to accommodate the party, minus the cost of the authorized or required personnel or equipment. If such a trip includes both campaign and noncampaign stops, costs must be calculated in accordance with 106.3(b) and (c).

(3) **Use of State-Owned Aircraft.** In AO 1984-48, the Commission found that, for the use of state-owned aircraft in travel related to a federal election campaign, the campaign had to reimburse the first class airfare for campaign staff traveling to a

location served by commercial airlines. Otherwise, the campaign had to reimburse the cost at the usual and normal charter rate. The AO discusses specific methods for calculating the reimbursements.

### Travel Between Candidate's District and Washington, DC

Costs incurred by an incumbent candidate for the House or Senate for travel between Washington, DC, and the state or district in which the individual is a candidate are subject to reporting only if the costs are paid by the candidate's campaign committee or by another political committee. 11 CFR 106.3(d).

### Travel by Spouse and Family

The travel expenses of a candidate's spouse and family are reportable expenditures only if the spouse or family members conduct campaign-related activities. 11 CFR 106.3(c)(2).

### House and Senate Rules

Readers should be aware that both the House and Senate have their own rules governing travel by Members. For more information, consult the following offices:

- o House Standards of Official Conduct Committee, 202/225-7103
- o Senate Select Committee on Ethics, 202/224-2981.

## SPECIAL ELECTIONS

### PENNSYLVANIA SPECIAL HOUSE ELECTION

This article and the accompanying table provide reporting information for the special Pennsylvania general election scheduled for November 5, 1991, to fill the 2nd Congressional District seat. The seat was formerly held by Congressman William H. Gray, III, who resigned from Congress in September 1991. (Pennsylvania will also hold a special Senate election on November 5; reporting dates are the same for both elections.)

Please note that pre-convention reports were not required. Convention activity should have been disclosed in the pre-general election report, which was due October 24. (The election date was announced too late for publication of the reporting dates in the October Record. However, the FEC mailed reporting information to candidates on the ballot.)

If you have any reporting questions after reading this article, call the FEC (800/424-9530 or 202/219-3420).

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### REPORTING DATES FOR NOVEMBER 5 PENNSYLVANIA GENERAL ELECTION

#### Pre- and Post-Election Reports

NOTE: Authorized committees of general election candidates must file both the pre- and post-election reports. PACs and party committees should consult page 8 for special election filing requirements.

Report	Closing Date <sup>1</sup>	Reg./Cert. Mailing Date <sup>2</sup>	Filing Date
Pre-General <sup>3</sup>	October 16	October 21	October 24
Post-General	November 25	December 5	December 5
Year-End	December 31	January 31, 1992	January 31, 1992

#### 48-Hour Notices and 24-Hour Reports (see explanation on page 8)

**48-Hour Notices Filed by Authorized Committees:** Requirement applies from October 17 through November 2.

**24-Hour Reports Filed by PACs, Including Monthly Filers:** Requirement applies from October 17 through November 3.

<sup>1</sup>This date indicates the end of the reporting period. A reporting period always begins on the day following the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all 1991 activity that occurred before the committee registered and, if applicable, before the individual became a candidate. Candidates participating in the general election should refer to the FEC reporting notice on the Pennsylvania special.

<sup>2</sup>Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

<sup>3</sup>The date of the general election was announced too late for the Record to publish the reporting dates in the October issue.

## Authorized Committees

**Pre-Election and Post-Election Reports.** Committees authorized by candidates running in the special general election must file both pre- and post-election reports (see table).

**48-Hour Notices on Contributions.** Authorized committees must also file special notices on contributions of \$1,000 or more that are received between October 17 and November 2.

Please note that this special notice requirement applies to all types of contributions, including:

- o In-kind contributions;
- o Loans (other than bank loans);
- o Guarantees and endorsements of bank loans; and
- o Contributions, personal loans and endorsements of bank loans made by the candidate.

The notice must reach the Clerk of the House and the Pennsylvania filing office within 48 hours after the committee's receipt of the contribution. (The Pennsylvania address is given under "State Filing," below.)

Committees may fax 48-hour notices to the Clerk of the House (fax number: 202/225-7781). Other reports and statements may not, however, be faxed because they require the treasurer's signature. AO 1988-32.

For information on the content of the notice, see 11 CFR 104.5(f).

## PACs and Party Committees

**Semiannual Filers.** A PAC or party committee that reports on a semiannual basis during 1991 may have to file additional reports for the Pennsylvania specialelection. The requirement to file a pre-election or post-election report is triggered if the committee makes a contribution or expenditure on behalf of a special election candidate during the applicable reporting period. 11 CFR 104.5(h). A reporting period begins the day after the close of books for the last report filed and continues through the close of books for the special election report (see table).

**Example:** A PAC's most recent report was the semiannual report that covered activity through June 30, 1991 (the close-of-books date). Subsequently, the committee made a contribution to a Pennsylvania candidate's general election campaign on October 14. The committee was therefore required to file a pre-election report, which covered activity between July 1 and

October 16. If the committee makes another contribution between October 17 and November 25, it must also file a post-election report. Any contributions made between November 25 and December 31 must be disclosed in the committee's year-end report.

**Monthly Filers.** PACs and party committees that file monthly during 1991 do not have to file pre- and post-special election reports, but PACs may have to file 24-hour reports (see below).

**24-Hour Reports on Independent Expenditures.** Any PAC (including a monthly filer) that makes independent expenditures in connection with the special election may have to file a 24-hour report. This reporting requirement is triggered if the committee makes independent expenditures aggregating \$1,000 or more between October 17 and November 3.

The report must be filed within 24 hours after the expenditure is made. Although most PACs normally file with the FEC, 24-hour notices disclosing independent expenditures on behalf of House candidates are filed with the Clerk of the House. A copy must also be filed with the state filing office (address given below). For more information on this reporting requirement, see 11 CFR 104.4(b) and (c) and 104.5(g).

## State Filing

In addition to filing with the Clerk of the House or the FEC, committees filing Pennsylvania special general election reports must also file copies of reports with the Pennsylvania Bureau of Commissions, Elections and Legislation, 305 North Office Building, Harrisburg, PA 17120-0029.

Authorized committees of candidates must file the entire report; other committees must file only the portion of the report that is applicable to the candidate (for example, the Form 3X Summary Page and any schedules that disclose contributions or expenditures on behalf of the candidate). 2 U.S.C. §439(a); 11 CFR 108.3.

## Coordinated Party Spending Limits

The coordinated party spending limit for the Pennsylvania House seat is \$26,500. This amount may be spent by the party's national committee on behalf of the party's nominee in the special general election. State party committees in Pennsylvania may also spend up to \$26,500 on behalf of the party's nominee. 11 CFR 110.7(b).



## COMPLIANCE

### MURS RELEASED TO THE PUBLIC

Listed below are MURS (FEC enforcement cases) recently released for public review. The list is based on the FEC press releases of September 4, 10, 23 and 30, 1991. Files on closed MURS are available for review in the Public Records Office.

Unless otherwise noted, civil penalties resulted from conciliation agreements reached between the respondents and the Commission.

#### Pre-MUR 239

**Respondents:** (a) Santa Fe National Bank (CA); (b) James Hawkins (CA)  
**Complainant:** Comptroller of the Currency, Los Angeles Field Office  
**Subject:** Contribution by national bank  
**Disposition:** Declined to open a MUR

#### MUR 2071

**Respondents:** (all located in SC) (a) Congressman Robin M. Tallon, Jr.; (b) Tallon for Congress Committee, Lamar J. Rabon, treasurer; (c) G.B. Stokes; (d) Joe W. Pearce, Jr.; (e) Ed Saleeby; (f) LeMasters, Inc.; (g) Gary H. Slavens; (h) Vicki Slavens; (i) Robin's of Florence, Inc.; (j) Jane Harris; (k) Jerry Harris; (l) Lynn A. Hartnett; (m) Roland Minshew; (n) Robert (Bobby) Welch; (o) Mark Lawson; et al. (p)-(r)  
**Complainant:** Referral by Election Crimes Branch, U.S. Department of Justice (DC)  
**Subject:** Contributions in name of another; excessive cash contributions; failure to forward contribution to treasurer; commingling of funds; corporate contributions  
**Disposition:** (a)-(f) No probable cause to believe; (g) \$250 civil penalty; (h) \$250 civil penalty; (i) \$1,250 civil penalty; (j) \$125 civil penalty; (k) \$125 civil penalty; (l) \$250 civil penalty; (m) \$250 civil penalty; (n) \$500 civil penalty; (o) U.S. district court default judgment: \$5,000 civil penalty (\$3,500 settlement); (p)-(r) no reason to believe

#### MUR 2774/2773/2755

**Respondents:** (a) Ronald Crutcher (OH); (b) Delbera Crutcher (OH); (c) Dayton Lubrication, Inc. and Bill Johnson (MD); (d) Crutcher for Congress (OH); (e) Financial Counseling, Inc. and Arvin M. Vaughan (OH)  
**Complainants:** Referral by Election Crimes Branch, U.S. Department of Justice (DC) (2773); Richard J. Vara (OH) (2773); Alex P. Ugolini, Jr. (OH) (2774); Donna Van Pelt (OH) (2755)  
**Subject:** Failure to disclose bank accounts on Statement of Organization; corporate contributions; personal use of campaign funds; commingling of campaign funds  
**Disposition:** (a)-(c) No probable cause to believe; (d) probable cause to believe but took no further action (disclosure of bank accounts) and no probable cause to believe (other allegations); (e) no reason to believe

#### MUR 3029

**Respondents:** (a) Springfield Region Laborers' Political League, John M. Evans, treasurer (IL); (b) North Central Illinois Laborers' District Council Political Action Committee, John M. Evans, treasurer  
**Complainant:** FEC initiated  
**Subject:** Impermissible transfers and improper solicitations  
**Disposition:** (a) \$1,200 civil penalty; (b) \$1,000 civil penalty

#### MUR 3038

**Respondents:** (a) Bentsen for Vice President-1988, Preston M. Geren, III, treasurer (TX); (b) Media Southwest (TX)  
**Complainant:** FEC initiated  
**Subject:** Corporate contribution  
**Disposition:** (a) and (b) Reason to believe but took no further action

#### MUR 3114

**Respondents:** (a) Previdi for Congress, Paul Hiromura, treasurer (NY); (b) Robert Previdi (NY)  
**Complainant:** Richard Bates, Executive Director, Democratic

Congressional Campaign Committee (DC)  
**Subject:** Failure to disclose complete contributor information  
**Disposition:** (a) No probable cause to believe; (b) no reason to believe

#### MUR 3170/3169/3168

**Respondents:** (a) North Carolina Republican Party, R. Jack Hawke, Chairman; (b) North Carolina Republican Executive Committee, Carl G. Ward, treasurer  
**Complainants:** National Abortion Rights Action League (NARAL) Foundation (DC) (3168); NARAL Political Action Committee (DC) (3169); NARAL—North Carolina Political Action Committee (3170)  
**Subject:** Confidentiality of MUR complaint.  
**Disposition:** (a) and (b) No reason to believe

#### MUR 3197

**Respondents:** Victor Romero for Congress, William E. Cox, treasurer (CA)  
**Complainant:** Clarence R. Klein  
**Subject:** Disclaimer  
**Disposition:** \$250 civil penalty

#### MUR 3214/3100

**Respondents:** Louisiana Host Committee 1988, Inc., Louis Costa, treasurer (LA)  
**Complainant:** FEC initiated  
**Subject:** Failure to file reports on time; report certain receipts, in-kind contributions and exempt accounting services; keep proper documentation  
**Disposition:** \$4,000 civil penalty

#### MUR 3220

**Respondents:** Progressive Political Action Committee, Victor Kamber as treasurer and individually (DC)  
**Complainant:** FEC initiated  
**Subject:** Excessive contribution  
**Disposition:** Reason to believe but took no further action

#### MUR 3240

**Respondents:** (a) Equitable Financial Services Political Action Committee, George A. (continued)

Williams, treasurer (NY);  
 (b) Donaldson, Lufkin &  
 Jenrette, Inc.—Better Govern-  
 ment Fund, Anthony F. Daddino,  
 treasurer (NY)  
**Complainant:** FEC initiated  
**Subject:** Excessive contribu-  
 tions by affiliated committees;  
 failure to amend Statement of  
 Organization  
**Disposition:** (a) \$1,500 civil  
 penalty; (b) \$750 civil penalty

**MUR 3246**

**Respondents:** Charles Taylor  
 for Congress Committee, James  
 M. Baley, Jr., treasurer (NC)  
**Complainant:** FEC initiated  
**Subject:** Failure to file 48-  
 hour notices  
**Disposition:** \$1,200 civil  
 penalty

**MUR 3257**

**Respondents:** Jolene Unsoeld  
 1990 Campaign, Hal Wolfe Sr.,  
 treasurer (WA)  
**Complainant:** FEC initiated  
**Subject:** Failure to file 48-  
 hour notices  
**Disposition:** \$1,750 civil  
 penalty

**MUR 3264**

**Respondents:** Committee to  
 Elect Marc Morial for Congress,  
 Toni Hackett Antrum, treasurer  
 (LA)

**Complainant:** FEC initiated  
**Subject:** Failure to file 48-  
 hour notices  
**Disposition:** \$2,800 civil  
 penalty

**MUR 3281**

**Respondents:** Brotherhood of  
 Locomotive Engineers Legisla-  
 tive League, Larry D. McFather,  
 treasurer (OH)  
**Complainant:** FEC initiated  
**Subject:** Failure to file  
 report on time  
**Disposition:** \$775 civil penal-  
 ty

**MUR 3287**

**Respondents:** First City  
 Bancorporation of Texas Inc.  
 Political Action Committee,  
 Mark W. Peterson, treasurer  
 (TX)  
**Complainant:** FEC initiated  
**Subject:** Failure to file  
 report on time  
**Disposition:** \$750 civil penal-  
 ty

**MUR 3297**

**Respondents:** Marine Engineers  
 Beneficial Association Retirees  
 Group Fund (AKA MEEA Retirees  
 Group Fund), Rauol A. Amador,  
 treasurer (DC)  
**Complainant:** FEC initiated  
**Subject:** Failure to file  
 report on time

**Disposition:** \$500 civil penal-  
 ty

**MUR 3318**

**Respondents:** (a) Bush-Quayle  
 '88, J. Stanley Huckaby, treas-  
 urer (VA); (b) Randy Travis  
 (TN); et al. (c)-(f)  
**Complainant:** Linda Accurso  
 (NY)  
**Subject:** Corporate contribu-  
 tion; disclaimer  
**Disposition:** (a)-(f) No reason  
 to believe

**MUR 3334**

**Respondents:** The William Lyon  
 Company Federal Political  
 Action Committee, Paul  
 Pfeiffer, treasurer (CA)  
**Complainant:** FEC initiated  
**Subject:** Failure to file  
 report on time  
**Disposition:** \$350 civil penal-  
 ty

**MUR 3335**

**Respondents:** Wine and Spirits  
 Wholesalers of America Politi-  
 cal Action Committee, Douglas  
 W. Metz, treasurer (DC)  
**Complainant:** FEC initiated  
**Subject:** Failure to file  
 report on time  
**Disposition:** \$900 civil penal-  
 ty

**CHANGE OF ADDRESS****Political Committees**

Treasurers of registered political committees automatically receive the Record. A change of address by a political committee (or any change to information disclosed on the Statement of Organization) must, by law, be made in writing on FEC Form 1 or by letter. The treasurer must sign the amendment and file it with the Secretary of the Senate, the Clerk of the House or the FEC (as appropriate) and with the appropriate state office.

**Other Subscribers**

Record subscribers who are not registered political committees should include the following information when requesting a change of address:

- o Subscription number (located on the upper left hand corner of the mailing label);
- o Name of the subscriber;
- o Old address; and
- o New address.

Subscribers (other than political committees) may correct their addresses by phone as well as by mail.

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### CHICAGO CONFERENCE

On November 14 and 15, the FEC will hold a regional conference in Chicago to assist candidates, political party organizations and PACs with their preparations for the 1992 elections.

### Workshops

In addition to workshops on the federal campaign laws, the conference will include a workshop on state campaign finance laws presented by the Illinois State Board of Elections.

A representative of the Internal Revenue Service will be available to answer election-related tax questions.

### Registration Information

Call the FEC to order a conference registration form and schedule of workshops (800/424-9530 or 202/219-3420). The \$130 registration fee covers the cost of the conference, materials and meals for both days (continental breakfast, lunch). A \$10 late fee must be added to registrations postmarked after October 30.

### Hotel

The conference will be held at the Swissotel Chicago, 323 East Wacker Drive, Chicago, Illinois 60601-9722. Call 312/565-0565 for room reservations. To receive the group rate of \$110 per night, notify the hotel that you will be attending the FEC conference.

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FEDERAL ELECTION COMMISSION  
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Washington, DC 20463

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