

RECORD

November 1992 999 E Street NW Washington DC 20463 Volume 18, Number 11

REGULATIONS

RESTRICTIONS ON USE OF CANDIDATE NAMES BECOME EFFECTIVE

As of November 4, 1992, party committees, PACs and other unauthorized committees¹ are prohibited from using candidate names in the titles of special fundraising projects and other communications. Unauthorized committees have long been prohibited from using a candidate's name in their registered committee names. However, beginning November 4—the effective date of revised 11 CFR 102.14(a)—an unauthorized committee is prohibited from using the name of any candidate in "any name under which a committee conducts activities, such as solicitations or other communications, including a special project name or other designation."

The final rule and its explanation and justification were published in the Federal Register on July 16, 1992 (52 FR 31424). See also the September 1992 *Record*, page 3.

COMMENTS SOUGHT ON CHANGES TO REGULATIONS ON "BEST EFFORTS"

The Commission is seeking comments on proposed changes to 11 CFR 104.7(b), which requires a treasurer to exercise "best efforts" to obtain and report complete information on individual contributors. For each contribution from an individual whose contributions aggregate over \$200 in a calendar year, the committee must report the contributor's name, address, occupation and employer as well as the date and amount of the contribution.

The Commission has proposed several changes, highlighted below, to strengthen the rule and to emphasize the importance of disclosing contributor information. Reports filed by some committees show a significant percentage of incomplete contributor entries.

Written comments on the proposed regulations are due by December 18, 1992, and should be addressed to Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW, Washington, DC 20463. The Notice of Proposed Rulemaking was published in the Federal Register on September 24, 1992 (57 FR 44137).

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¹Unauthorized committees are those that have not been authorized by a candidate.

Follow-Up Request for Information

Under the current rule, a treasurer satisfies the "best efforts" requirement if the original solicitation includes a request for the required contributor information and notifies the individual that the committee is required by law to report the information. No further action is necessary.

The proposed rule, while requiring each solicitation to include a request for the information, would additionally require committees to make a separate request for each contribution that lacks complete contributor information. The follow-up effort would have to be a written request or an oral request documented in writing. The proposed regulation would apply to unsolicited contributions, as well as solicited contributions, lacking complete contributor information.

Reporting Contributor Information

The proposed rule would clarify two reporting requirements:

- o Committees must disclose whatever contributor information is available, even if incomplete; and
- o They must file an amended Schedule A if they later obtain missing information on a contribution disclosed in a previous report.

The proposed rule would also add a new requirement: If information was not provided by the contributor but was, in fact, known by the treasurer or the treasurer's agents, that information would have to be reported.

COMMENTS SOUGHT ON DEFINITION OF MEMBER RULEMAKING

The FEC seeks comments on a proposal to add new conditions to the definition of "member" set forth at 11 CFR 100.8(b)(4) (iv) and 114.1(e). Under the proposed rulemaking, a membership association and its members would have to satisfy additional requirements in order for the individual members to be eligible to receive solicitations and communications under 11 CFR 100.8(b)(4) and 11 CFR Part 114. Although some provisions would apply to labor organizations, the proposed changes would primarily affect incorporated membership groups. The revisions reflect the Supreme Court's 1982 opinion on this issue (Federal Election Commission v. National Right to Work Committee) as well as numerous advisory opinions.

The Notice of Proposed Rulemaking was published in the Federal Register on October 8, 1992 (57 FR 46346). Comments are due by November 20, 1992, and should be addressed to Ms. Susan Propper, Assistant General Counsel, 999 E Street, NW, Washington, DC 20463. Those wishing to testify at the December 9 hearing on this rulemaking should so indicate in their comments.

The amendments would first define a membership association as a membership organization, trade association, cooperative, corporation without capital stock or local, national or international labor organization:

- o That specifically provides for members in its articles and bylaws;
- o That expressly solicits persons to become members; and
- o That expressly acknowledges a person's acceptance of membership, such as by sending a membership card or placing the name on a newsletter mailing list. The Commission welcomes comments on what other types of actions an organization could take to acknowledge a person's membership.

Furthermore, under the new definition of member, in addition to satisfying the

Federal Election Commission, 999 E Street, NW, Washington, DC 20463
800/424-9530 202/219-3420 202/219-3336 (TDD)

Joan D. Aikens, Chairman
Scott E. Thomas, Vice Chairman
Lee Ann Elliott
Danny L. McDonald
John Warren McGarry
Trevor Potter

Walter J. Stewart, Secretary of the Senate,
Ex Officio Commissioner
Donald K. Anderson, Clerk of the House of
Representatives, Ex Officio Commissioner

requirements for membership in the association (current regulation), a person would have to accept the membership invitation affirmatively. Except in the case of labor unions, a member would also have to meet one of the following three qualifications:

- o A significant financial attachment to the organization (not counting dues), such as a substantial investment or ownership stake; or
- o The right to vote directly for all of the association's officers or directors; or
- o The obligation to pay dues on a regular basis coupled with the right to vote either (1) directly for a majority of the officers or directors or (2) for those who select a majority of the officers or directors.

The Commission asks for comments on how this third qualification might apply to associations that have multitiered levels, such as national, state and local. In particular, under what circumstances would a member of a local branch of a national association have sufficient direct involvement with the national level to qualify as a member?

In the case of labor unions, the proposed regulation would continue to consider individual members of a local union as members of any affiliated national or international union and as members of any federation affiliated with the local, national or international union.

PUBLIC APPEARANCES

- | | |
|----------|--|
| 11/6-7 | American Bar Association
Standing Committee on
Election Law
Santa Monica, California
Chairman Joan Aikens
Commissioner Trevor Potter
Commissioner Scott Thomas |
| 11/9 | National Rural Electric
Cooperative Association
Washington, DC
Commissioner Lee Ann Elliott |
| 11/11 | The Law Center, University
of Southern California
Los Angeles, California
Commissioner Trevor Potter |
| 11/12-13 | National Association of
Business PACs
Scottsdale, Arizona
Commissioner Lee Ann Elliott |

PRESIDENTIAL ELECTIONS

PRESIDENTIAL CANDIDATES ON BALLOT

A recent press release lists the Presidential candidates on the November 3 general election ballot in each state. Twenty-three candidates appeared on the ballot in at least one state.

Four candidates were on the ballot in all 50 states plus the District of Columbia: George Bush, Bill Clinton, Ross Perot and Libertarian Party candidate Andre Marrou. Lenora Fulani, who received federal matching funds for her primary campaign, was on the ballot in 40 states; in most states she was identified as the nominee of the New Alliance Party. John Hagelin of the Natural Law Party qualified for the ballot in 29 states. (He recently became eligible to receive federal matching funds to pay primary debts and winding-down expenses.)

Voters in three states—Tennessee, Wisconsin and Iowa—had the most Presidential choices, 14, while eight states offered only four choices.

The ballot listing is based on a survey of state election offices. The addresses of the Presidential campaigns are also included in the press release. To order a free copy, call 800/424-9530 (ask for Public Records) or 202/219-4140.

PUBLIC FUNDING

FEC ASKS LAROCHE CAMPAIGN TO REPAY 1988 MATCHING FUNDS

On September 17, 1992, the Commission made a final determination that the LaRouche Democratic Campaign repay \$151,260 in matching funds to the U.S. Treasury. The Campaign had received over \$825,500 in matching funds for Lyndon LaRouche's 1988 Presidential primary campaign.

The final repayment consisted of the following amounts:

1. \$40,950, the pro rata portion of campaign expenditures made after the candidate's date of ineligibility;
2. \$1,161 in stale-dated committee checks never cashed by the payees; and
3. \$109,149 in matching funds received in excess of the candidate's entitlement.

In a written response and at an October 1990 hearing before the Commission, the

(continued)

Campaign challenged the third repayment determination listed above.

That repayment was based on a requirement that applies to a candidate who, as in Mr. LaRouche's case, continues to campaign after becoming ineligible for matching funds due to insufficient votes. Under those circumstances, the candidate may receive matching funds only to defray debts incurred before the date of ineligibility. FEC audit staff found that individual contributions and matching funds received by the LaRouche Campaign eliminated the Campaign's deficit on July 22, 1988. After that date, the Campaign received three matching fund payments totaling \$109,149, which the Commission said had to be repaid to the Treasury.

The Campaign argued that, after the date of ineligibility, only matching funds—not private contributions—should be applied to the debt if the candidate continues to campaign.

In a Statement of Reasons supporting the final repayment, the Commission explained that, under the present law, all funds raised after the candidate's date of ineligibility—including private contributions—must be applied to the debt.

OCTOBER MATCHING FUND PAYMENTS^{1/}

Candidate	October Payment	Cumulative Total
Republicans		
Patrick Buchanan	\$ 328,254	\$ 4,361,494
George Bush	0	9,677,368
Democrats		
Larry Agran	0	269,692
Jerry Brown	0	4,239,405
Bill Clinton	2,825,181	12,536,135
Tom Harkin	46,144	1,978,905
Bob Kerrey	50,287	2,009,885
Paul Tsongas	0	2,850,573
Douglas Wilder	0	289,027
New Alliance Party		
Lenora Fulani	123,416	1,880,034
Total	\$3,373,283	\$40,092,519

^{1/}Candidates have requested \$1.07 million for the November payment. This includes a \$100,000 threshold submission filed by John Hagelin of the Natural Law Party to qualify for matching funds. On October 15, the Commission approved his eligibility to receive matching funds.

SPECIAL ELECTIONS

SPECIAL ELECTIONS IN NORTH CAROLINA AND NEW YORK

Both North Carolina and New York held special general elections on November 3, the same day as the regular general election. The North Carolina election was held in the 1st Congressional District to fill the vacancy created by the death of Congressman Walter Jones on September 15. The New York election was held to fill the 8th Congressional District seat formerly held by Congressman Ted Weiss, who died September 14.

Because of time constraints, committees were not required to file pre-election reports for the party caucuses held to select nominees for the special general elections. However, the caucuses were considered elections for purposes of the contribution limits. See 11 CFR 100.2(e).

Authorized committees of candidates participating in the special general elections were required to file a pre-general election report; they were also subject to the 48-hour notice requirement for contributions received shortly before the election. See 11 CFR 104.5(f) and the FEC reporting notice sent to special election candidates. These committees are reminded that they must file a post-general election report for activity occurring between October 15 and November 23.

PACs and party committees supporting candidates in the special general elections are subject to the same reporting requirements that apply to them in the regular general election. See the reporting article in the September Record.

NORTH DAKOTA SPECIAL SENATE ELECTION

A special general election will be held in North Dakota on December 4 to fill the seat formerly held by Senator Quentin N. Burdick, who died September 8.

Because of time constraints, committees were not required to file pre-election reports for the party caucuses held to select nominees for the special general election. However, the caucuses were considered elections for purposes of the contribution limits. See 11 CFR 100.2(e).

Reporting requirements for the special general election are explained below.

Candidate Committees: 48-Hour Notices

In addition to filing special election reports (see Table 1), principal campaign committees of candidates on the ballot in the special election must file 48-hour notices on contributions of \$1,000 or more received between November 15 and December 1. See 11 CFR 104.5(f) and the FEC reporting notice sent to candidates in the North Dakota special election.

Party Committees and PACs

A party committee or PAC filing on a quarterly basis must file special election reports if it makes contributions or expenditures in connection with the special election during the coverage dates shown in Table 2. Party committees and PACs filing on a monthly schedule do not have to file special election reports. However, PACs filing under either schedule are subject to the 24-hour reporting requirement explained below.

24-Hour Reports on Independent Expenditures

PACs and other persons planning to make independent expenditures in connection with the North Dakota special election may have

to file 24-hour reports. This requirement will be triggered if the person makes independent expenditures aggregating \$1,000 or more between November 15 and December 2. The report must be filed within 24 hours after the expenditure is made. For more information, see 11 CFR 104.4(b) and (c), 104.5(g) and 109.2(b).

Where to File North Dakota Special Election Reports

Principal campaign committees file with the Secretary of the Senate; other committees file with their customary filing office. PACs, however, should note that 24-hour independent expenditure reports (see above) are filed with the Secretary of the Senate since this is a Senate election. Addresses and further information are provided in the Form 3 and Form 3X instructions.

Copies of reports must be simultaneously filed with the Office of the Secretary of State, State Capitol, First Floor, 600 E. Boulevard Avenue, Bismarck, ND 58505-0500. Party committees and PACs need file only that portion of the report applicable to the candidate.

REPORTING DATES FOR THE DECEMBER 4 NORTH DAKOTA SPECIAL ELECTION**Table 1: Authorized Committees of Candidates in the Special Election**

Report	Period Covered ^{1/}	Registered/Certified Mailing Date ^{2/}	Filing Date ^{2/}
Pre-Special	Through November 14	November 19	November 23
Post-Special	November 15 -- December 24	January 4, 1993	January 4, 1993
Year-End	December 25 -- December 31	January 31, 1993	January 31, 1993

Table 2: Party Committees and PACs (Quarterly Filers) Supporting Candidates in the Special Election

Report	Period Covered ^{1/}	Registered/Certified Mailing Date ^{2/}	Filing Date ^{2/}
Pre-Special ^{3/}	Through November 14	November 19	November 23
Post-General	Through November 23	December 3	December 3
Post-Special ^{3/}	November 24 -- December 24	January 4, 1993	January 4, 1993
Year-End	Through December 31	January 31, 1993	January 31, 1993

¹The coverage period begins with the close of books of the last report filed by the committee. If the committee is new and has not filed previous reports, the first report begins with the date of the committee's first activity.

²Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise they must be received by the filing date.

³A pre- or post-special election report is required only if the party committee or PAC makes contributions or expenditures in connection with the special election during the coverage dates for the report.

STATISTICS

PAC ACTIVITY AT 18-MONTH MARK

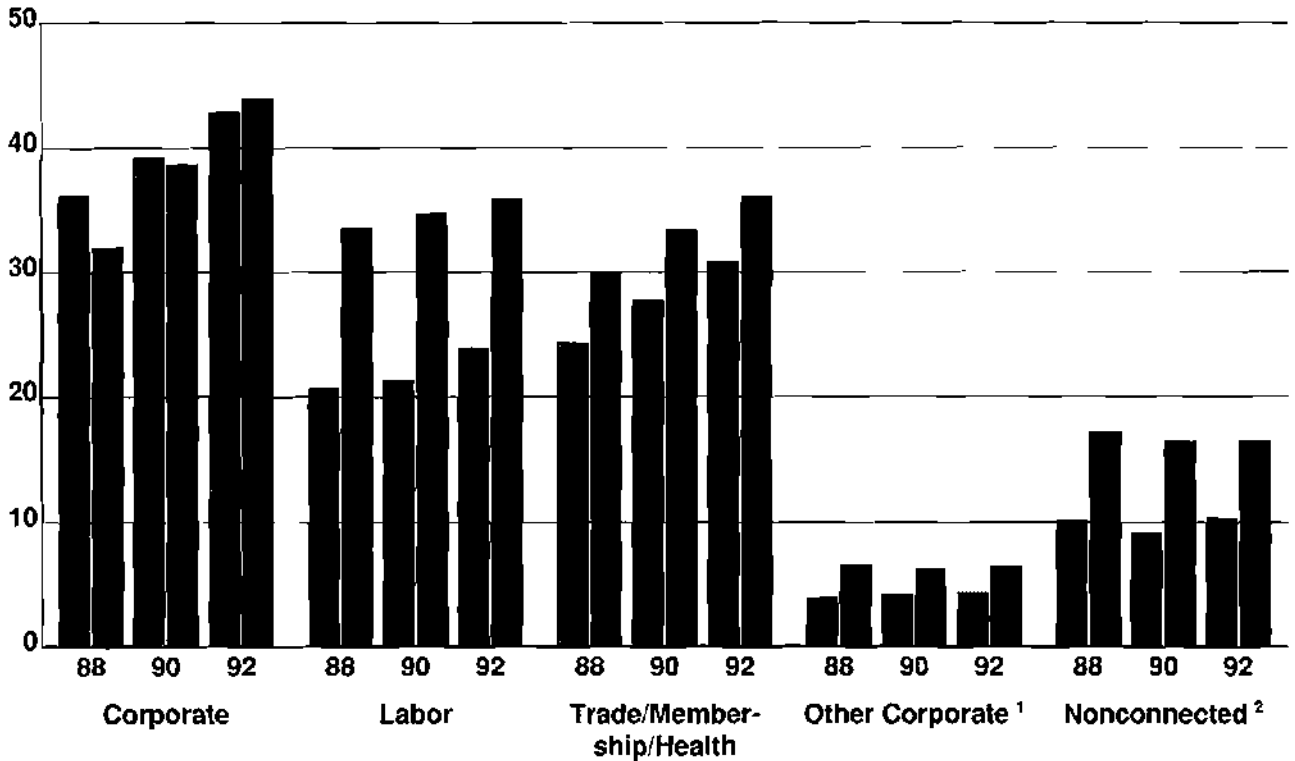
As of June 30, 1992—18 months into the 1991-92 election cycle—PACs had contributed \$112.1 million to federal candidates, a 10 percent increase over PAC giving during the same period in the previous election cycle. Of that total, \$102.9 million was contributed to candidates seeking election in 1992. During the first 18-months of the 1989-90 cycle, PACs gave a total of \$101.6 million to federal candidates, with \$93.8 million going to 1990 candidates.

A September 15 FEC press release provides comprehensive data on 18-month PAC activity during the 1991-92 cycle and comparable statistics for six previous election cycles. The release also ranks the top 50 PACs in terms of receipts, disbursements and cash on hand. The graph below is based on the press release. To order a copy of the release, call 800/424-9530 (ask for Public Records) or dial the office directly at 202/219-4140.

**PAC Contributions to Candidates and Closing Cash on Hand
As of June 30 of Election Year**

■ Contributions to Candidates
■ Cash on Hand

Millions of Dollars



¹ Other Corporate category consists of separate segregated funds whose connected organizations are cooperatives or corporations without capital stock.

² Unlike separate segregated funds, nonconnected PACs do not have connected organizations. See 11 CFR 100.6.

ADVISORY OPINIONS

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.

AO 1992-37

House candidate's continued employment as radio talk show host. (Requested by Randall A. Terry; Date Made Public: September 30, 1992; Length: 13 pages)

ALTERNATE DISPOSITION OF AORS

AOR 1992-22

Individual's for-profit sale of T-shirts bearing candidate slogan. On October 14, 1992, the Office of General Counsel closed this AOR without issuance of an opinion because the requester, Robin Langer, failed to provide sufficient information.

AOR 1992-36

Application of contribution limits when Senate candidate withdraws but then seeks different Senate seat in special election. Senator Kent Conrad withdrew his AOR by letter of October 6, 1992.

ADVISORY OPINION SUMMARIES

AO 1992-30: Qualifying as a National Party Committee

The Natural Law Party of the United States qualifies as the national committee of a political party and may therefore make coordinated party expenditures under 2 U.S.C. §441a(d). The Party is also entitled to the higher contribution limits for national party committees under 2 U.S.C. §441a.1/

Qualifying as a Political Party

The Natural Law Party qualifies as a "political party" because the Party's candidates for federal office are on the ballot in several states. See 2 U.S.C. §431(16).

Qualifying as a National Committee

The Party qualifies as a "national committee" of a political party, defined under §431(14), because it demonstrates sufficient activity at the national level, based on criteria applied in past advisory opinions:

- o Nominating candidates for various federal offices in numerous states. The Party's candidates have achieved ballot access in 22 states, and, furthermore, the Party's ballot extends beyond the Presidential ticket to include House and Senate candidates. See AO 1988-45.
- o Conducting activities such as voter drives on an ongoing basis. The Party has held voter registration drives in various regions of the country.
- o Publicizing party issues. The Party has established a national newsletter.

Also indicative of national committee activity, the Party has established a national office, and three of its state affiliates have qualified as political committees under the Federal Election Campaign Act.

Qualifying as a State Committee

The Party's agreement with its state affiliates requires them to conduct activities commensurate with the day-to-day operation of the Party on a state level (i.e., nominating candidates and assisting them in gaining ballot access; holding voter registration drives and conventions; and soliciting contributions). To the extent that a state affiliate's relationship with the Party is based on this agreement, as evidenced by the affiliate's obtaining ballot access for Presidential and other federal candidates, the affiliate qualifies as a "state committee" under §431(15). Seven of the Party's federally registered affiliates meet this condition and therefore qualify as state committees.

Date Issued: September 21, 1992;
Length: 6 pages.

AO 1992-31: Vice Presidential Candidate on Independent Ticket

Vice Presidential candidate James Bevel is running on an independent ticket with Presidential candidate Lyndon LaRouche. Unlike Vice Presidential candidates nominated by a political party, Mr. Bevel is required to designate a principal campaign committee but may not, as proposed, designate the same committee as his running mate. However, the two committees are

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¹The Commission did not address any public funding issues as they were not presented in the advisory opinion request.

affiliated and, consequently, share the same contribution limits.

Vice Presidential candidates nominated by a political party do not have to designate a principal campaign committee and are not subject to reporting requirements. Mr. Bevel, however, as an independent candidate, is not entitled to those exceptions. See 2 U.S.C. §§432(e)(1) and 434(a)(10). Furthermore, because a principal campaign committee may not support more than one candidate, he must designate his own principal campaign committee—not Mr. LaRouche's. 2 U.S.C. §432(e)(3).

With respect to the contribution limits, the Federal Election Campaign Act provides that contributions to a Vice Presidential candidate are also considered contributions to the Presidential candidate nominated by the same political party. 2 U.S.C. §441a(a)(7)(C). Although, in this case, neither candidate was nominated by a party, the two candidates are nevertheless running as a unified ticket on the ballot. Furthermore, for purposes of the contribution limits, FEC regulations treat independent candidates the same as candidates who first seek nomination and then qualify as party-nominated candidates in the general election. 11 CFR 100.2(c)(4); see AOs 1975-53 and 1975-44. Therefore, the principal campaign committees of Mr. LaRouche and Mr. Bevel are considered affiliated committees, and contributions to one candidate are also considered contributions to the other. 11 CFR 110.3(a)(1)(i). Their principal campaign committees must identify each other as affiliates on their Statements of Organization. 11 CFR 102.2(a)(1)(ii) and (b)(1)(i).

The two committees may conduct joint campaign activity as long as receipts and disbursements are reported by the committee receiving or disbursing the funds. See 11 CFR 110.8(d)(3). Alternatively, because the committees are affiliated, the Bevel committee may choose to conduct all activity through the LaRouche committee, in which case the Bevel committee's reports would simply consist of zero entries on the cover page.

Date Issued: September 25, 1992;
Length: 5 pages.

AO 1992-32: Donation of Excess Campaign Funds to Public Housing Council

A proposed \$6,500 donation to a public housing residents' council by the Michael A. Andrews for Congress Committee will not be considered a conversion of excess

campaign funds to personal use provided that Congressman Andrews does not hold or derive a personal financial interest in the council. Using excess funds for personal use is prohibited. The law provides for a number of expressly lawful uses for excess campaign funds—such as donations to charities that qualify under 26 U.S.C. §170(c)—but also permits their use "for any other lawful purpose" except personal use.

2 U.S.C. §439a. Even when an entity does not qualify as a §170(c) charity, as is the case here, a donation may be permissible as a use of excess campaign funds for a "lawful purpose." See AOs 1986-39 and 1992-14. (The advisory opinion noted, however, the committee's intent to make its donation contingent on the public housing council's "working towards legal non-profit status," among other factors.) The Committee should report the donation as an "other disbursement." Date Made Public: September 24, 1992; Length: 3 pages.

AO 1992-35: Contribution Limits for Independent Candidate/

Jon Khachaturian, an independent Senate candidate in the October 3 Louisiana primary, may not accept contributions from individuals in excess of the \$1,000 limit provided for at 2 U.S.C. §441a(a)(1)(A). Mr. Khachaturian had requested an exemption from the \$1,000 limit because he is an independent candidate. He believed that the \$1,000 limit, as applied to his independent candidacy, could be considered to impair his First Amendment rights because it precluded him from raising sufficient contributions from willing donors to mount an effective campaign. He further stated that the limit placed him at a disadvantage in comparison to political party candidates, who had greater access to larger contributions from multicandidate PACs and who were eligible for coordinated party expenditures.

Lacking the power to rule on the constitutionality of legislation, the Commission could not waive the limit as Mr. Khachaturian suggested even if the agency were persuaded by his position. Moreover, the Supreme Court upheld the \$1,000 contribution limit in *Buckley v. Valeo*.

Date Issued: September 25, 1992;
Length: 3 pages.

¹See also summary of *Khachaturian v. FEC*, page 9.

COURT CASES

FEC v. LIFE AMENDMENT POLITICAL ACTION COMMITTEE, INC. (C88-860Z and C89-1429Z)

On September 11, 1992, the U.S. District Court for the Western District of Washington at Seattle held defendants in the above cases in civil contempt of court for failing to comply with the court's earlier judgments against them.

In a June 1990 judgment in the first case, Civil Action No. C88-860Z, the court had ordered Life Amendment PAC, Inc., and its treasurer to pay a \$30,000 penalty for reporting violations. Finding that a second defendant committee, Citizens Organized to Replace Kennedy, and its treasurer had also violated the reporting provisions, the court had imposed a \$5,000 penalty and had ordered them to file missing debt schedules. Defendants were jointly ordered to pay the FEC's costs.

With respect to Civil Action No. C89-1429Z (originally C89-1429WD), the court had issued a June 1989 order imposing \$125,000 in civil penalties against Life Amendment PAC, Inc., and its treasurer for numerous recordkeeping and reporting violations, some of which were knowing and willful. The court had also ordered defendants to file amended reports and to pay the FEC's costs in the action.¹

Under the September 1992 contempt orders, defendants in each suit must pay an additional penalty of \$100 per month until they comply with the earlier order. The defendants were also ordered to pay the FEC up to a maximum of \$1,000 as reimbursement for the agency's costs.

NEW EDITION OF COURT CASE ABSTRACTS

The FEC recently published the tenth edition of Selected Court Case Abstracts, summaries of court cases on the federal campaign finance law. Most of the summaries originally appeared in the Record. The new edition includes Record summaries through the December 1991 issue. As in previous editions, legal citations and name and subject indexes provide research aids.

To order a free copy, call 800/424-9530 or 202/219-3420.

NEW LITIGATION

Khachaturian v. FEC^{1/}

Jon Khachaturian, an independent candidate for the U.S. Senate in Louisiana's October 3 primary election, asks the court to declare that the \$1,000 limit on contributions from individuals (2 U.S.C. §441a(a)(1)(A)) is unconstitutional as applied to his candidacy because it prevented him from raising sufficient funds to compete effectively against the major-party incumbent candidate. Mr. Khachaturian claims that, as a result of the limit, he was unable to accept over \$200,000 in contributions.

He further asks the court to: issue a preliminary injunction prohibiting the FEC from enforcing the \$1,000 limit against him; order Louisiana's Secretary of State to place his name on the general election ballot, even if he loses the primary; and certify the constitutional issue to the U.S. Court of Appeals for the Fifth Circuit.^{2/}

U.S. District Court for the Eastern District of Louisiana, Civil Action No. 92-3232, Section K, Mag. Div. 6, September 29, 1992.

FEC v. Committee of 100 Democrats, et al.

The FEC filed suit against Committee of 100 Democrats, Throw the Rascals Out (the principal campaign committee of 1990 House candidate Dominick A. Fusco) and Mr. Fusco as treasurer of both committees. The FEC asks the court to find that defendants violated the terms of the conciliation agreements they entered into with the agency in order to resolve violations of the campaign finance law.

The FEC specifically claims that Throw the Rascals Out and treasurer Fusco failed to pay the civil penalty stipulated in their agreement and that the Committee for 100 Democrats and treasurer Fusco failed to file a Statement of Organization and campaign finance reports, as required under their agreement.

(continued)

¹ See also summary of AO 1992-35, page 8.

² On September 30, the court certified the constitutional question to the U.S. Court of Appeals for the Fifth Circuit for en banc consideration but denied Mr. Khachaturian's motions for a preliminary injunction and an expedited hearing.

The agency further asks the court:

- o To order defendants to comply with their respective conciliation agreements;
- o To assess interest charges on the civil penalty owed by Throw the Rascals Out until it is paid; and
- o To assess an additional \$5,000 penalty for the violation of each conciliation agreement.

U.S. District Court for the District of Columbia, Civil Action No. 92-2245(GAG), October 5, 1992.

FEC v. Miller

The FEC asks the court to find that Stefan Miller violated the terms of the conciliation agreement he entered into with the agency by failing to pay the stipulated civil penalty. The FEC also asks the court to order Mr. Miller to pay the penalty; to assess interest on the unpaid portion; and to assess an additional \$5,000 penalty.

U.S. District Court for the District of Columbia, Civil Action No. 92-2244(SS), October 5, 1992.

COMPLIANCE

FEC PUBLISHES NONFILER

The Commission recently cited the committee of Ralph Hall (Louisiana House candidate, 4th Congressional District) for failing to file its pre-primary report. The names of authorized committees that fail to file reports are published pursuant to 2 U.S.C. §438(a)(7). Enforcement actions against nonfilers are pursued on a case-by-case basis.

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 18 and 28 and October 13, 1992. 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.

MUR 2937

Respondents: (a) Humphrey for Senate Campaign Committee, Samuel D. Heins, treasurer (MN); (b) Oxford Energy Company PAC, Patrick O'Brian, treasurer (NY)
Complainant: FEC initiated

Subject: Excessive contributions

Disposition: (a) \$4,000 civil penalty;
(b) \$500 civil penalty

MUR 3458

Respondents: The Wilson Committee, Amy S. Trites, treasurer (TX)

Complainant: FEC initiated

Subject: Failure to file 48-hour notices

Disposition: \$1,850 civil penalty

MUR 3487

Respondents: (a) David Duke for President, James McPherson, treasurer (LA); (b) David Duke for Governor, James McPherson, treasurer (LA)

Complainant: Referral from Louisiana Commission on Ethics for Public Employees

Subject: Foreign national contributions

Disposition: (a) and (b) Reason to believe but took no further action

MUR 3503

Respondents: (a) Perot Petition Committee, Michael Poss, treasurer (TX); (b) Carmack Watkins (TX)

Complainant: Mrs. Ted Klock (TX)

Subject: Independent expenditures; disclaimer; reporting

Disposition: (a) No reason to believe; (b) reason to believe but took no further action

MUR 3543

Respondents: (a) Friends of Bob Graham Committee, Robin Gibson, treasurer (FL); (b) Carlos Cardoen (FL)

Complainant: Van B. Poole, Republican Party of Florida

Subject: Foreign national contributions

Disposition: (a) and (b) No reason to believe

MUR 3557

Respondents: (a) USA Today (VA); (b) NBC News (NY)

Complainant: Stephen C. Meyers (MA)

Subject: Commercial use of contributor information

Disposition: (a) and (b) No reason to believe

FEDERAL REGISTER

Copies of Federal Register notices are available from the Public Records Office.

1992-15

11 CFR Part 104: Recordkeeping and Reporting by Political Committees: Best Efforts; Notice of Proposed Rulemaking (57 FR 44137, September 24, 1992)

1992-16

11 CFR Parts 109, 110 and 114: Independent Expenditures; Corporate and Labor Organization Expenditures; Change in MCFL Public Hearing Time (from 10:00 am to 9:30 am, 10/14 and 15) (57 FR 45009, September 30, 1992)

1992-17

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