

# Record

May 1993

Federal Election Commission

Volume 19, Number 5

## Table of Contents

### 1 Advisory Opinions

#### Regulations

- 1 Conflicting Testimony on Proposed "Best Efforts" Rules
- 4 Commission Holds Public Hearing on Ex Parte Communication Rules

#### Court Cases

- 2 FEC v. International Funding Institute

#### Public Funding

- 2 Update on 1992 Matching Fund Program

#### Public Appearances

- 5 FEC Staff to Hold Meetings in Hartford, Indianapolis, Helena and Lincoln

#### 800 Line

- 5 Credit Card Contributions

#### Statistics

- 6 Democrats Narrow Fundraising Gap

#### Compliance

- 7 MURs Released to the Public

### 8 Index

#### Publications

- 8 Free Copies of 1993 Disclosure Directory Available

## Advisory Opinions

### AO 1993-3 Retroactive Reallocation of 1991-92 Activity

Democrats 2000, a nonconnected committee, may retroactively reallocate its fundraising and administrative expenses for the period January 1991 through May 1992, when the committee had difficulty understanding and implementing the allocation rules. The committee said that during that time—before it had an effective allocation system in place—the federal account had overpaid its share of joint administrative and fundraising expenses by \$20,375. The committee may adjust for the overpayment by transferring that amount from the nonfederal account to the federal account but must do so within 30 days from the date of the opinion.

The Commission has permitted retroactive reallocations in three previous opinions, recognizing that the allocation regulations (which became effective at the start of 1991) were a significant departure from past practice and required a "brief period of adjustment," i.e., the 1991-92 election cycle. AO 1992-2. See also AOs 1992-27 and 1991-15. The opinion noted that Democrats 2000

(continued on page 2)

## Regulations

### Commission Hears Conflicting Testimony on Proposed "Best Efforts" Regulations

The Commission heard divergent views on proposed rules that would require committees to make a second request for missing contributor information. At the March 31 hearing, witnesses representing political committees believed that the proposed requirement would strain budgets and do little to enhance disclosure. Public interest groups, by contrast, supported the change but advocated a further measure under which committees, when making a request for missing information, would have to return the contribution or, alternatively, withhold deposit until the contributor responded.

### Proposed Rulemaking

The Federal Election Campaign Act requires committees to use "best efforts" to obtain and report the name, address, occupation and employer of individuals whose contributions exceed \$200 or aggregate over \$200 in a calendar year. 2 U.S.C. §432(i). Under the current regulation (11 CFR 104.7(b)), a committee satisfies this requirement if the original solicitation includes a request for the information and states that the committee is

(continued on page 3)

## Advisory Opinions

(continued from page 1)

submitted its advisory opinion request on December 31, 1992, the last day of the "brief period of adjustment" mentioned in AO 1992-2.

The opinion also noted that the current allocation rules (effective June 1992) provide a 70-day window within which a committee's nonfederal account must transfer funds to its federal account to pay for the nonfederal share of a joint expense. The window begins 10 days before and ends 60 days after the federal account makes the payment. 11 CFR 106.6(e)(2)(ii)(B). The rules also require committees to adjust the allocation ratio for direct fundraising costs within 60 days after the fundraising program or event. 11 CFR 106.6(d)(2). Date Issued: April 2, 1993; Length: 6 pages. ♦

**Federal Election Commission**  
999 E Street, NW  
Washington, DC 20463

800/424-9530  
202/219-3420  
202/219-3336 (TDD)

**Scott E. Thomas**, Chairman  
**Trevor Potter**, Vice Chairman  
**Joan D. Aikens**, Commissioner  
**Lee Ann Elliott**, Commissioner  
**Danny L. McDonald**,  
Commissioner  
**John Warren McGarry**,  
Commissioner  
**Walter J. Stewart**, Secretary  
of the Senate, Ex Officio  
Commissioner  
**Donnald K. Anderson**, Clerk  
of the House of Representatives,  
Ex Officio Commissioner  
**John C. Surina**, Staff Director  
**Lawrence M. Noble**, General  
Counsel

Published by the Information  
Division

**Louise D. Wides**, Director  
**Stephanie Fitzgerald**, Editor  
**Blake Lange**, Graphics Advisor

## Court Cases

### FEC v. International Funding Institute

On March 1, 1993, the U.S. District Court for the District of Columbia ordered defendants to pay an \$18,000 civil penalty for knowing and willful violations of the sale or use restriction. Under 2 U.S.C. §438(a)(4), it is unlawful to sell or use, for solicitation or commercial purposes, information on individual contributors taken from reports filed with the FEC.

Defendants had challenged the constitutionality of the provision, claiming that it violated the First Amendment. In a July 1992 ruling, however, a U.S. court of appeals upheld the constitutionality of §438(a)(4). Later that year, in November, the U.S. Supreme Court refused to review the court of appeal's ruling, leaving that decision intact.<sup>1</sup> The case was then remanded to the district court.

According to the facts of the case, defendant Robert E. Dolan, as an officer of International Funding Institute (IFI), subscribed to an on-line data base containing contributor names and addresses compiled from FEC reports. IFI developed the data into a mailing list, which it marketed through a broker. IFI received some \$9,500 in rental income. Mr. Dolan, as committee treasurer of American Citizens for Political Action, Inc. (also a defendant), rented the list, using it to solicit about 5,000 individuals for contributions to the committee.

Defendants agreed to the district court's order, which imposed the \$18,000 penalty and also permanently enjoined defendants from future violations of the sale or use restriction. ♦

<sup>1</sup> For a summary of the court of appeal's decision, see the September 1992 Record, page 11.

## Public Funding

### Update on the 1992 Matching Fund Program

By the end of March 1993, the Commission had certified almost \$42.9 million in matching funds to the 11 Presidential primary candidates who qualified for the 1992 matching fund program. March 1 was the last day candidates could request matching funds in an original submission. (Only three candidates made submissions on that date.) The Commission certified payments for the last submissions in late March, and the payments were made by the U.S. Treasury in early April. (See table below.)

Candidates may continue to make resubmissions through September 1993, although payments based on resubmissions will probably be small. (Resubmissions contain contributions that were previously rejected because of deficiencies in the original submission.) ♦

### Matching Fund Payments Through April 1993

Candidate	Cumulative Total																										
<b>Republicans</b>																											
Patrick Buchanan	\$ 5,199,987																										
George Bush	10,658,521	<b>Democrats</b>		Larry Agran	269,692	Jerry Brown	4,239,405	Bill Clinton	12,536,135	Tom Harkin	2,103,362	Bob Kerrey	2,195,530	Paul Tsongas	2,995,449	Douglas Wilder	289,027	<b>New Alliance Party</b>		Lenora Fulani	2,013,323	<b>Natural Law Party</b>		John Hagelin	353,160	<b>Total</b>	<b>\$42,853,591</b>
<b>Democrats</b>																											
Larry Agran	269,692																										
Jerry Brown	4,239,405																										
Bill Clinton	12,536,135																										
Tom Harkin	2,103,362																										
Bob Kerrey	2,195,530																										
Paul Tsongas	2,995,449																										
Douglas Wilder	289,027	<b>New Alliance Party</b>		Lenora Fulani	2,013,323	<b>Natural Law Party</b>		John Hagelin	353,160	<b>Total</b>	<b>\$42,853,591</b>																
<b>New Alliance Party</b>																											
Lenora Fulani	2,013,323	<b>Natural Law Party</b>		John Hagelin	353,160	<b>Total</b>	<b>\$42,853,591</b>																				
<b>Natural Law Party</b>																											
John Hagelin	353,160	<b>Total</b>	<b>\$42,853,591</b>																								
<b>Total</b>	<b>\$42,853,591</b>																										

## Regulations

(continued from page 1)

required by law to report the information. (Committees generally include the request and statement on a contributor return card.)

Concerned that some committees' reports showed a significant percentage of incomplete contributor information, the Commission proposed to strengthen and clarify the current rule by requiring that committees:

- Request the contributor information in every solicitation.
- Make a separate, follow-up request for missing information with respect to both solicited and unsolicited contributions.
- Report information not supplied by the contributor but known by the treasurer or the treasurer's agents.
- File amended reports when missing information is later obtained. (This simply clarifies a current requirement.)

The Commission sought public comment on the above changes in a Notice of Proposed Rulemaking (57 FR 44137, September 24, 1992) and later announced the public hearing. The Notice and written comments are available in the Public Records Office. (A transcript of the public hearing will also be placed on the public record.)

The Commission received written comments from 14 groups and individuals and heard testimony from six witnesses: Keith A. Davis, vice president of Huckaby and Associates; Michael A. Hess, acting chief counsel of the Republican National Committee; Robert F. Bauer of Perkins Coie; Stuart Reges, national director of the Libertarian Party; Elizabeth Hedlund, project director for the Center of Responsive Politics; and Donna F. Edwards, staff attorney for Public Citizen.

### Testimony by Committees

Witnesses testifying from the standpoint of political committees agreed that contributors most often

left out occupation and employer from their return cards. However, the witnesses contended that requesting this information a second time would be time consuming, costly and, in the end, not worth the effort, since committees who voluntarily made follow-up requests said that response rates were low. This view was held by the Republican National Committee (RNC), the Libertarian Party and Mr. Davis of Huckaby and Associates. Mr. Reges said that the proposed follow-up request would be particularly burdensome for the Libertarian National Committee, with its small staff and limited resources. Some witnesses discussed whether it would be more effective to make follow-up requests by phone rather than by mail, but there was no consensus. There was also discussion on whether committees would be more likely to obtain and disclose occupation and employer information if the FEC were to release statistics on committees' success rates in reporting that information.

In his testimony, Mr. Hess (RNC) argued that the Commission lacked statutory authority to impose the follow-up requirement. Mr. Hess said that, in RNC's reading of the legislative history, a single request for contributor information satisfied "best efforts."

Witnesses generally did not believe that contributors failed to provide the information because of the small type size or poor placement of the printed request for the information. Rather, they said, contributors choose not to comply with the request for a number of reasons, such as to protect their privacy or out of simple indifference. Nevertheless, most witnesses said that they would agree to a regulation specifying a standard wording and display for the information request.

Mr. Bauer (Perkins Coie) encouraged the Commission to adopt such a regulation and to postpone further revisions until the agency had evaluated the effectiveness of the rule. He also suggested that the Commission

conduct a survey to find out why contributors withhold information and whether missing contributor information is more characteristic of one type of committee than of another (e.g., candidate, party or PAC).

Both in testimony and written comments, those representing committees urged the Commission to delete the proposed requirement concerning the disclosure of missing information based on the treasurer's knowledge. Several arguments were put forward. First, a contributor could have purposely withheld the information and would object to its disclosure. Second, treasurers typically cannot review all contributions. And third, treasurers might be held liable for disclosure of inaccurate information. Some witnesses discussed the possibility of using a committee's fundraising or contributor data base in conjunction with the committee's computerized reporting system, since the data base might hold information not disclosed by the contributor in a return card.

Finally, committees and practitioners asked the Commission about the requirement to file amendments to disclose previously missing contributor information. For example, some witnesses asked if they could file all such amendments with their next regularly scheduled report instead of filing separate amendments as contributor responses trickled in.

### Testimony by Public Interest Groups

The Center for Responsive Politics and Public Citizen supported the proposed changes to the "best efforts" rules but recommended stronger measures to ensure disclosure of complete contributor information. Ms. Hedlund and Ms. Edwards both testified that Congress recognized the importance of the public's right to know the occupation and employer of a contributor.

Citing statistics compiled by the Center, Ms. Hedlund noted the

(continued on page 4)

## Regulations

(continued from page 3)

considerable disparity in the disclosure of contributor information by candidates' campaigns. While some campaigns managed to obtain and report the occupation and employer for a large percentage of their contributions, many other campaigns were much less successful. Both public interest groups believed that the campaigns who had a high percentage of fully identified contributions simply took the law more seriously, and made greater efforts to obtain the information, than the campaigns with low percentages. Ms. Hedlund recommended that the Commission promote "best efforts" in three ways:

- Committees should be required to return a contribution received without full contributor information or, alternatively, to delay deposit of the check until the contributor responds to the committee's written request for the information. Under the alternative, the committee could also deposit the check if the contributor fails to respond within a certain time period, to be set by the Commission.
- The Commission should amend its Presidential primary matching fund rules to require that committees provide full contributor identification for every contribution submitted for matching funds; if information is missing, the contribution should not be matched with federal funds.
- The Commission should adopt an enforcement policy of auditing committees whose incomplete contributor identification exceeds a certain threshold percentage.

Both the Center and Public Citizen believed that the Commission had statutory authority to implement stronger "best efforts" rules. In their view, the legislative history supported such measures. ♦

## Commission Holds Public Hearing on Ex Parte Communications Rules

At an April 1 public hearing, the Commission heard testimony from two witnesses who, while generally supporting the interim rules on ex parte communications,<sup>1</sup> suggested some changes. A third witness, however, said that the rules went too far in restricting communications between private parties and the Commissioners.

The three witnesses testifying at the hearing were Robert F. Bauer of Perkins Coie; Elizabeth Hedlund, project director for the Center for Responsive Politics; and Ernest Gellhorn of Jones, Day, Reavis & Pogue. They also submitted written comments, which are available for review in the Public Records Office. (A transcript of the hearing will also be made available to the public.)

The Commission will publish final rules after considering comments and testimony on the interim rules.

### Interim Rules

The Commission sought comments on the interim ex parte communications regulations, which became effective when published in the Federal Register on December 9, 1992 (57 FR 58133). The rules govern written and oral communications between outside parties and certain covered personnel: the six voting Commissioners and the two ex officio Commissioners (the Clerk of the House and the Secretary of the Senate), the Special Deputies of ex officio Commissioners and individuals serving under the immediate supervision of the Commissioners and Deputies.

The Commission adopted the rules to protect the integrity of the agency's decision-making process and to make sure that ex parte communications,

when authorized, receive full public disclosure.

The interim rules prohibit ex parte communications made in connection with ongoing Commission audits and litigation. They supplement an existing ban on ex parte communications pertaining to enforcement matters (MURs). Ex parte communications on rulemaking proceedings and advisory opinions are permissible, but a written record of the communication must be made public.

### Comments and Testimony

Mr. Bauer (Perkins Coie) said that the Commission needed more—not fewer—communications from outside parties since, in his view, these parties were denied the unlimited access to the Commissioners that was available to the FEC's General Counsel, whom he characterized in his written comments as "an interested party, acting effectively as an adversary to the other party" in audit matters and other proceedings. Mr. Bauer said that, in fairness to outside parties, the Commission should permit ex parte communications in audit matters, with a record of the communication placed in the public file. He also said that the prohibition on ex parte communications concerning litigation should be lifted since, in his view, the Commission had not made a convincing case for the prohibition.

By contrast, Ms. Hedlund (Center for Responsive Politics) supported the prohibitions on ex parte communications concerning audits and litigation but urged the Commission to address violations of the prohibitions. She suggested, for example, that all prohibited communications be made part of the public record and that the Commission permanently or temporarily deny violators the opportunity to appear before the agency in other matters. She also suggested some changes to the provision governing rulemakings and advisory opinions, such as adding language to discourage communications made after the public comment period.

<sup>1</sup> For a detailed summary of the interim rules (11 CFR Part 201), see the January Record, page 3.

Mr. Gellhorn (Jones, Day Reavis & Pogue) stated in his written comments that the rules "reach[ed] a balanced judgment and seem[ed] likely to be workable and practical." He did, however, suggest limiting the provision on advisory opinions and rulemakings so that it would apply only to ex parte communications received—not received and made (interim rule)—by Commissioners and covered staff. He said that Commissioners were expected to have opinions on policy matters and, therefore, "what they say to others raises no fairness issues." He also suggested some refinements to the rules, such as clarifying time periods during which the prohibitions on ex parte communications are in effect. ♦

### FEC Staff to Hold Meetings in Hartford, Indianapolis, Helena and Lincoln

This summer, FEC public affairs specialists will be holding informal meetings in the above cities to offer help in understanding the requirements of the campaign finance law. Candidates, campaign staff, and staff members of party committees and PACs are welcome to schedule meetings, which will be tailored to the particular needs of the participants.

If you would like to schedule a meeting or want more information, call 800/424-9530 or 202/219-3420 and ask for the specialist assigned to your location. Although visiting dates are not yet set, the specialists are interested in learning what areas of the law you would like to cover.

- **Hartford, Connecticut**  
Ian Stirton
- **Indianapolis, Indiana**  
Greg Scott
- **Helena, Montana**  
Janet Hess and Kevin Salley
- **Lincoln, Nebraska**  
Kathlene Martin

## 800 Line

### Credit Card Contributions

The Commission has permitted committees to accept contributions made by credit card in several advisory opinions, which are the basis of this article.

To order the opinions cited here (AOs 1991-1, 1990-4, 1984-45, 1983-22 and 1978-68), send your name, address and a \$1 check or money order made out to the U.S. Department of Treasury to: Federal Election Commission, Public Records Office (Credit Card Contributions), 999 E Street, NW, Washington, DC 20463. If you have any questions on ordering the AOs, call Public Records (800/424-9530 or 202/219-4140).

### Credit Card Service Charges

Generally, credit card companies—like all other corporations providing services to political committees—must charge their "usual and normal" charge, since charging less would result in a prohibited corporate contribution to the committee. 11 CFR 100.7(a)(1)(iii)(A); AOs 1991-1 and 1978-68. (Any discount offered by the company should reflect the company's usual and normal practice. AO 1991-1.)

However, in the case of a separate segregated fund (SSF),<sup>1</sup> this issue does not arise if the connected organization or a qualified collecting agent<sup>2</sup> pays the credit card service charges as an exempt fundraising expense under 11 CFR 114.1(a)(2)(iii) and 114.1(b). The SSF may initially pay the charges and later be

reimbursed by the connected organization or collecting agent, but the reimbursement must take place no later than 30 days after the SSF's payment. 11 CFR 102.6(c)(2)(ii) and 114.5(b)(3). AOs 1990-4 and 1984-45.

### Contributor Authorizations

Contributors generally sign forms to authorize the charge of a contribution to their credit card accounts. However, in AO 1978-68, the Commission said that credit card contributions could be made by telephone as long as the pertinent contributor and credit card information was recorded on a form.

Contributors *must* sign an authorization form when authorizing contributions to be charged periodically, such as on a monthly or yearly basis. Moreover, in this situation, contributors must be informed of their continuing right to revoke the authorization at any time. AO 1991-1.

### Date of Receipt

With the exception explained below, a credit card contribution is received on the date the committee receives the contributor's authorization to charge his or her credit card account. This date is considered the date of receipt for recordkeeping and reporting purposes because, once in possession of the authorization, the committee may transmit it to the bank for credit to the committee's account. AO 1990-4 (which supersedes AO 1978-68 on this point).

However, the Commission made an exception to this rule in AO 1991-1, where contributors authorized periodic contributions to be charged once a year. Because several months might intervene between the authorization and the actual charge to the contributor, the Commission said that the date of receipt was the date the committee sent the credit card company (or bank) the authorization to credit the committee's account and to debit the contributor's account. Until that point, the contributor had the right to revoke the authorization

(continued on page 6)

<sup>1</sup> A separate segregated fund (commonly called a corporate or labor PAC) is a political committee established by a "connected organization," which may be either a corporation (profit or nonprofit) or a labor organization. See 11 CFR 100.6 and 11 CFR 114.5.

<sup>2</sup> See 11 CFR 102.6(b)(1).

**800 Line***(continued from page 5)*

and had not relinquished control over the contribution. See 11 CFR 110.1(b)(6).

**Recordkeeping**

The recordkeeping requirements for credit card contributions are the same as those that apply to any other type of contribution:

- For contributions in excess of \$50, the contributor's name and address and the date and amount of the contribution. (The Commission recommends recording this same information for contributions of \$50 or less.)
- For contributions aggregating over \$200 in a calendar year, the above information plus the contributor's occupation and employer. 11 CFR 102.9(a)(1) and (2).

**Reporting**

Again, credit card contributions are reported in the same way as other types of contributions from individuals. Itemization is required when aggregate contributions from one individual exceed \$200 in a calendar year. 11 CFR 104.3(a)(4)(i).

Credit card service charges are reportable operating expenditures and must be itemized once charges exceed \$200 in a calendar year. 11 CFR 104.3(b)(3)(i) and (4)(i). (In the case of a separate segregated fund, no reporting is required if the connected organization or a collecting agent pays the charges.)<sup>3</sup> If the credit card company debits the committee's account for the charges, then the date of the expenditure is the date the committee receives notice of the debit. AO 1978-68. ♦

<sup>3</sup> If, however, the SSF initially pays the charges and is later reimbursed by the connected organization or a collecting agent, the SSF should report the reimbursement as an "other receipt." 11 CFR 104.3(a)(4)(vi); AOs 1984-45 and 1983-22.

**Statistics****Democrats Narrow Fund-raising Gap**

Although, at the end of the 1991-92 election cycle, the Republican national committees had raised almost twice as much as the Democrats, the fundraising gap was much less than in the previous cycle, when Republicans raised four times more than the Democrats. See accompanying table.

The Republican committees raised more contributions from individuals, collecting almost \$170 million (88 percent of total federal receipts). The Democrats, by contrast, raised \$76 million in individual contributions (73 percent of federal receipts). On the other hand, the Democratic committees took in more PAC contributions: \$13 million (12 percent of federal receipts), compared with the \$4 million (2 percent of federal receipts) raised by the Republicans.

In comparing nonfederal activity, Republican national committees raised \$52 million and spent \$50 million, \$15 million more than the Democrats, who raised \$37 million and spent \$35 million in nonfederal funds. The 1991-92 cycle was the first in which the national committees were required to disclose the activity of their nonfederal or "soft money" accounts, which contain money raised outside the limits and prohibitions of federal law. The funds are used to finance state and local election activity and to pay the nonfederal share of activities that influence both federal and nonfederal elections.

National party committee statistics for the 1991-92 election cycle and previous cycles are available in a March 11 press release, which may be ordered at no charge from the Public Records Office (800/424-9530—ask for Public Records—or 202/219-4140). ♦

**National Party<sup>1</sup> Federal Activity Through End of Election Year**  
 (Millions of Dollars)

	1983-84	1985-86	1987-88	1989-90	1991-92
<b>Receipts</b>					
Democrats	\$ 65.9	\$ 43.0	\$ 81.1	\$ 41.1	\$104.1
Republicans	\$245.9	\$208.0	\$191.5	\$167.0	\$192.1
<b>Disbursements</b>					
Democrats	\$ 65.5	\$ 43.5	\$ 75.8	\$ 45.2	\$103.2
Republicans	\$249.9	\$208.2	\$187.0	\$172.4	\$187.2
<b>Cash on Hand</b>					
Democrats	\$ 0.8	\$ 0.3	\$ 5.5	\$ 1.4	\$ 3.0
Republicans	\$ 3.0	\$ 1.7	\$ 6.2	\$ 0.9	\$ 3.6
<b>Debts</b>					
Democrats	\$ 2.3	\$ 4.2	\$ 3.3	\$ 4.3	\$ 4.4
Republicans	\$ 0.4	\$ 8.5	\$ 0.8	\$ 6.1	\$ 14.3

<sup>1</sup> Each major political party has three national-level committees: the national committee and the House and Senate campaign committees.

## Compliance

### MURs Released to the Public

Listed below are FEC enforcement cases (Matters Under Review or MURs) recently released for public review. The list is based on the FEC press releases of March 8 and 15, 1993. 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 1965

**Respondents:** Elliot S. Maggin for Congress, Andi Johnson, treasurer (NH)

**Complainant:** FEC initiated

**Subject:** Failure to file reports on time

**Disposition:** U.S. District Court report and recommendation: \$5,000 civil penalty against committee; \$5,000 civil penalty against treasurer

#### MUR 2363

**Respondents:** The Holmes Committee, Yvonne M. Unseld, treasurer (KY)

**Complainant:** FEC initiated

**Subject:** Failure to file reports on time

**Disposition:** U.S. District Court default judgment: \$30,000 civil penalty

#### MUR 2568/2265

**Respondents:** Californians for a Strong America, Albert J. Cook, treasurer

**Complainant:** FEC initiated

**Subject:** Failure to file reports on time

**Disposition:** \$15,000 civil penalty

#### MURs 2799/2648/2613/2533/2525/2386

**Respondents** (all in WA): (a) Life Amendment Political Action Committee, Inc., Rick Woodrow, treasurer; (b) Citizens Organized to

Replace Kennedy (C.O.R.K.), Rick Woodrow, treasurer

**Complainant:** FEC initiated

**Subject:** Failure to cooperate with FEC review, misreporting information; failure to maintain and preserve records; failure to report debts continuously; failure to file reports on time

**Disposition:** U.S. District Court final order and default judgment: \$125,000 civil penalty

#### MUR 2882

**Respondents** (all in MN): (a) People & Politics, Inc.; (b) Ecolab, Inc., Jon R. Gruneth, vice president; (c) Ian Maitland for Congress, Randall J. Kroll, treasurer; et al. (d)-(n)

**Complainant:** Ian Maitland (sua sponte)

**Subject:** Corporate contributions

**Disposition:** (a) U.S. District Court stipulated dismissal order; (b) rejected General Counsel's recommendation and took no action; (c)-(n) reason to believe but took no further action

#### MUR 3268

**Respondents:** (all in RI): Congressman St. Germain Re-election Committee, Fernand St. Germain, treasurer; (b) Michael Lolicata; (c) Steven Salvatore; (d) Joseph Rodio; (e) Rodio & Ursillo, Ltd.

**Complainant:** Linda Jacobs

**Subject:** Excessive contributions; contributions in the names of others

**Disposition:** (a)-(d) Reason to believe but took no further action; (e) no reason to believe

#### MUR 3517

**Respondents:** Teamsters Local 959 Alaska Labor Independent Voter Education, Mark S. Johnson, treasurer

**Complainant:** FEC initiated

**Subject:** Prohibited union contribution

**Disposition:** \$5,000 civil penalty

#### MUR 3531

**Respondents:** Senator Chafee Committee, John S. Renza, Jr., treasurer (DE)

**Complainant:** FEC initiated

**Subject:** Excessive contributions

**Disposition:** \$2,500 civil penalty

#### MUR 3580

**Respondents:** Friends of Esther Lee Yao, Janet Baker, treasurer (TX)

**Complainant:** FEC initiated

**Subject:** Failure to file 48-hour notice

**Disposition:** \$3,000 civil penalty

#### MUR 3603

**Respondents** (all in NY): (a) William P. Polito; (b) Bill Polito for Congress Committee, Preston Vaden, treasurer; et al. (c-e)

**Complainant:** Homer Whitmore (NY)

**Subject:** Corporate contributions

**Disposition:** No reason to believe

#### MUR 3705

**Respondents:** Jimmy Hayes for Congress, Kathryn M. Killeen, treasurer (GA)

**Complainant:** Carl Tritschler (LA)

**Subject:** Disclaimer

**Disposition:** No reason to believe

#### MUR 3722

**Respondents:** Phoenix Firefighters Local 493 Fire PAC Committee, Michael Gibson, treasurer (AZ)

**Complainant:** FEC initiated

**Subject:** Failure to file report on time

**Disposition:** \$850 civil penalty

#### MUR 3738

**Respondents** (all in PA): (a) Friends of Mark Singel Committee, Joseph Varga, treasurer; (b) Jacqueline Singel

**Complainant:** FEC initiated

**Subject:** Loan

**Disposition:** Reason to believe but took no further action ♦

## Free Copies of 1993 Disclosure Directory Available

During April, the Commission released the 1993 edition of the *Combined Federal/State Disclosure Directory*, which lists the state and federal offices responsible for public disclosure of reports and for dispensing information about:

- Campaign finance
- Personal finances of candidates and officials
- Public financing
- Spending on state initiatives and referenda
- Lobbying
- Candidates on the ballot
- Election results
- Accessibility to polling places
- Election-related enforcement actions
- Corporate registrations

The directory lists office addresses, phone numbers and fax numbers and also identifies staff members knowledgeable in the subject areas.

Limited copies are available free of charge. Call 800/424-9530 (ask for Public Records) or call the office directly: 202/219-4140.

## Index

The first number in each citation refers to the "number" (month) of the 1993 *Record* issue in which the article appeared. The second number, following the colon, indicates the page number in that issue.

### Advisory Opinions

- 1992-38: Loan from Presidential campaign's legal and compliance fund to public funding account, 1:6  
 1992-40: Commissions earned by state party committees, 2:5  
 1992-41: Solicitation of members, 3:3  
 1992-42: Bank deposit lost in mail, 3:3  
 1992-43: Preemption of state law's fundraising restrictions, 3:4  
 1993-1: Campaign's rental of storage unit from candidate, 4:8  
 1993-2: Application of party spending limits to Texas special runoff, 4:9  
 1993-3: Retroactive reallocation of 1991-92 activity, 5:1

### Court Cases

- FEC v. \_\_\_\_\_  
 - America's PAC, 4:10

- International Funding Institute, 1:2; 5:2  
 - People & Politics, Inc., 3:3  
 \_\_\_\_\_ v. FEC  
 - Common Cause (92-0249 (JHG)), 4:10  
 - Common Cause (92-2538), 1:8  
 - LaRouche, Lyndon H. (92-1555), 1:8  
 - National Rifle Association (92-5078), 4:10  
 U.S. Senator John Seymour Committee v. Dianne Feinstein, 1:8

### Reporting

- Last-minute contributions: 48-hour reporting, 4:7  
 Reporting problems, letter to new candidates, 4:8  
 Schedule for 1993, 1:3  
 Special elections in California, Mississippi, Ohio, Texas and Wisconsin, 3:1; 4:7

### 800 Line Articles

- Credit card contributions, 5:5  
 Party committee allocation: carrying debts from previous election cycle, 2:7  
 \$25,000 annual limit, 4:2

FEDERAL ELECTION COMMISSION  
 999 E Street, NW  
 Washington, DC 20463

Official Business



Printed on recycled paper

Bulk Rate Mail  
 Postage and Fees Paid  
 Federal Election Commission  
 Permit Number G-31

