

Record

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Federal Election Commission

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Commissioners

Congress Hears Testimony on FEC Enforcement Procedures

On October 16, 2003, Commission Chair Ellen Weintraub and Vice-Chairman Bradley Smith testified before the Committee on House Administration, which had invited the Commissioners to speak about the FEC's enforcement procedures. Chair Weintraub and Vice-Chairman Smith briefed the House Members on an enforcement procedures hearing held at the Commission on June 11, 2003, and on steps the Commission has taken to respond to the public comments it received. See the [July 2003 Record](#), page 7. James Bopp, Jr., Donald McGahn, Marc Elias and former FEC Commissioner Karl Sandstrom also testified at the hearings, speaking about their experiences representing respondents in FEC enforcement matters.

In her testimony, Chair Weintraub explained that in response to the "thoughtful, sensible suggestions" received through the hearing process, "the Commission has already made several modifications to its enforcement procedures. Witnesses are now given access to their deposition transcripts. The

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Regulations

Final Rules on Party Committee Phone Banks

On November 6, 2003, the Commission approved final rules addressing phone banks conducted by national, state and local party committees on behalf of federal candidates. 11 CFR 106.8.

In the months leading up to a general election, party committees conduct phone banks to get out the vote or otherwise promote the party and its candidates. The scripted message might ask an individual to vote for a named federal candidate and then make a general promotional reference to the party's other candidates. For example, the caller might say: "Please tell your family and friends to come out and vote for President John Doe and our great Party team." The new rules provide clear guidance on how to attribute the costs of these communications.

New Rules

The new regulations at 11 CFR 106.8 apply to the costs of a phone bank conducted by a national, state, district or local party committee where:

- The communication refers to a clearly identified Presidential,

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Commissioners

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Office of General Counsel is currently drafting recommendations for changing our practices with respect to naming treasurers as respondents. Our staff is developing new language for our confidentiality advisement, to clarify that there are no statutory restrictions on witnesses' cooperation with respondents' counsel. We are developing a new policy on *sua sponte* submissions. The Commission is implementing a variety of internal management controls to speed the disposition of cases. We are also on track to have the public records for closed Matters Under Review, or 'MURs,' available on the FEC web site by the end of the year. It is my personal belief that increased efficiency and increased transparency will go a long way towards alleviating any remaining concerns

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of the regulated community about the agency's enforcement practices."

Vice-Chairman Smith, in his testimony, praised the work of the FEC's Administrative Fine and Alternative Dispute Resolution programs. He cautioned that the FEC "should be especially sensitive to respecting the procedural rights of those called before it" because many respondents in enforcement cases are volunteers who "serve as treasurers, or in some other role, in campaigns because they believe doing so can make a positive difference in our political life" and their activities "represent core First Amendment speech."

Both Commissioners urged Congress to make necessary changes to the statute in order to allow the proposed reforms. For example, they asked Congress to change the language of the Federal Election Campaign Act to replace a "reason to believe" finding with a finding of "reason to open an investigation into allegations" as the trigger for the Commission's opening of an investigation. Vice Chairman Smith explained: "To the average citizen unschooled in the finer points of practice before the FEC, learning that this government agency has found 'reason to believe' that he has violated the Act sounds very much like a conclusion on the merits. The fact that the government later decided to 'take no action' hardly seems an exoneration. These findings are then placed on the public record, and may be reported in local media or elsewhere. The effect of this practice, in my mind, is to unfairly stigmatize many good citizens, candidates and campaign volunteers with violating the Act where no such violation has been proven."♦

—Amy Kort

Regulations

(continued from page 1)

- Congressional, or Senate candidate;
- The communication does not refer to any other clearly identified federal or nonfederal candidate;
 - The communication includes another reference that generically refers to other candidates of the federal candidate's party without clearly identifying them;
 - The communication does not solicit a contribution, donation or any other funds from any person; and
 - The phone bank is *not* exempt from the definitions of "contribution" and "expenditure" under 11 CFR 100.89 and 100.149.¹

For phone bank communications that meet these conditions, 50 percent of the disbursement for the phone bank must be attributed to the federal candidate. Depending on the circumstances, the disbursement may be:

- Considered an in-kind contribution subject to the contribution limits;
- Treated as a coordinated expenditure or an independent expenditure subject to the applicable limits, restrictions and requirements of Commission regulations; and/or
- Reimbursed by the clearly identified federal candidate or his or her authorized committee.

¹ These sections implement the statutory exceptions 2 U.S.C. 431(8)(B)(xi) and 431(9)(B)(ix) for certain voter registration and GOTV activities conducted by party committees. Thus, a State or local party committee's voter registration and GOTV activities, including phone banks operated by volunteers under 11 CFR 100.89(e) or 100.149(e) conducted on behalf of a presidential or vice - presidential nominee, are not affected by new section 106.8, provided that the conditions set forth in 11 CFR 100.89 or 100.149 are satisfied.

The remaining 50 percent of the cost is not attributable to any federal or nonfederal candidate.

Examples

The following examples illustrate the scope and operation of the new rules.

1. *A week before the general election, a local party committee operates a phone bank using volunteers, and the message is: "You can show your support for the Green Party Presidential nominee by going to the polls next Tuesday and by contributing to the local party committee so that it can help others get to the polls too."*

The costs of this phone bank would not fall within the scope of the new rules at 11 CFR 106.8 for three reasons. First, by using volunteers to run a phone bank and by complying with other requirements in 11 CFR 100.89(e) and 100.149, the local party committee does not make a contribution or expenditure under Commission regulations. Second, the communication only contains a reference to the clearly identified federal candidate and does not refer generically to other candidates. Finally, the message includes a solicitation.

2. *A state party committee pays staff to operate a phone bank and the message is: "When you vote for Representative Jane Smith on Tuesday, remember to vote for the other Republican candidates." The cost of operating this phone bank is \$20,000. The party committee has already made an independent expenditure on behalf of Representative Smith but has not made any contributions to her authorized committees.*

The costs of this phone bank fall within the scope of the new rules because the communication:

- Refers to a clearly identified federal candidate;
- Refers generically to other Republican candidates;

- Does not refer to any other clearly identified federal or nonfederal candidate;
- Does not solicit funds; and
- Is conveyed by paid workers, not volunteers, and thus is not exempt from the definitions of "contribution" and "expenditure."

The party must attribute \$10,000 to Representative Smith. Because the party has already made an independent expenditure on behalf of Representative Smith, it cannot treat this \$10,000 as a coordinated party expenditure. See 2 U.S.C. §441a(2)(4)(A)(i) and 11 CFR 109.35(b)(1). Rather, it may treat the entire amount as an independent expenditure provided it has not coordinated with Representative Smith or her authorized committee or agents. If the state party or its agents coordinate this phone bank with Representative Smith or her agents, then it may treat \$5,000 as an in-kind contribution to her authorized committee and must seek reimbursement from her authorized committee for the other \$5,000.² The remaining 50 percent of the cost (\$10,000) is not attributable to any candidate, but the entire \$20,000 must be paid with federal funds.³

3. *A national party committee operates a phone bank and the message is: "Show your support for Senator John Doe and the great Democratic team by voting for them." The cost of operating the phone bank is \$34,000. The national party committee's coordinated party expenditure limit under 2 U.S.C. §441a(d) is \$20,000, and it has*

² A state party committee may contribute \$5,000 per candidate, per election. See 2 U.S.C. §441a(a)(2)(A).

³ The Commission has determined that Federal funds must be used to pay for all disbursements for telephone banks that fall within the scope of new section 106.8, even the portion that is not attributed to any particular candidate.

already spent \$5,000 in coordinated party expenditures on behalf of Senator Doe. The national party committee is a multicandidate committee and has made a \$1,000 contribution to his campaign.

The costs of this phone bank fall within the scope of the new rules because the communication:

- Refers to a clearly identified federal candidate;
- Refers generically to other Republican candidates;
- Does not refer to any other clearly identified federal or nonfederal candidate;
- Does not solicit funds; and
- Does not qualify for the exemption for phone banks conducted on behalf of a presidential or vice-presidential nominee at 11 CFR 100.89 and 100.149.

Because the party committee has already made a coordinated party expenditure on behalf of Senator Doe after the nomination, it cannot make a subsequent independent expenditure on his behalf. The national party committee does not have to attribute \$17,000 to any candidate, but must still use all federal funds to pay for that \$17,000. The remaining \$17,000 must be attributed to Senator Doe and must also be paid with federal funds. The national party committee may treat \$15,000 of the attributed amount, which is equal to its remaining coordinated party spending authority, as a coordinated party expenditure. The remaining \$2,000 may be treated as an in-kind contribution because, when aggregated with the earlier \$1,000, it does not exceed the national party committee's contribution limit under 11 CFR 110.2.

Additional Information

The new rules will take effect December 15, 2003. The complete text of the final rules was published

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Regulations

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in the November, 14, 2003, *Federal Register* (68 FR 64517) and is available on the FEC web site at <http://www.fec.gov/register.htm>. ♦

—Amy Kort

Final Rules on Multicandidate Committee Status, Certain Contribution Limits and Biennial Contribution Limits

On November 6, 2003, the Commission approved revisions to its current rules governing:

- Multicandidate political committee status;
- Contributions to national party committees;

Federal Register

Federal Register notices are available from the FEC's Public Records Office, on the FEC web site at <http://www.fec.gov/register.htm> and from the FEC faxline, 202/501-3413.

Notice 2003-19

Multicandidate Committees and Biennial Contribution Limits, Final Rules (68 FR 64512, November 14, 2003)

Notice 2003-20

Party Committee Phone Banks, Final Rules (68 FR 64517, November 14, 2003)

Notice 2003-21

Mailing Lists of Political Committees, Notice of Disposition, Termination of Rulemaking (68 FR 64571, November 14, 2003)

- Contributions to candidates running for more than one federal office; and
- Biennial contribution limits for individuals.

Multicandidate Committee Status

As defined by the Federal Election Campaign Act (the Act) and Commission regulations, a "multicandidate committee" is a political committee that has been registered with the Commission for at least six months, has received contributions from more than 50 persons and, except for a state party committee, has made contributions to five or more federal candidates. 2 U.S.C. §441a(a)(4) and 11 CFR 100.5(e)(3).

Under the revised regulations, a political committee automatically becomes a multicandidate committee when it meets these three criteria, and must certify its status within 10 days of having met the criteria by filing FEC Form 1M. 11 CFR 102.2(a)(3). Previously, a committee had to certify its status before making a contribution under the multicandidate contribution limits, but not within a specific timeframe. Additionally, since the new rule specifies a 10-day certification deadline and not a contribution-sensitive deadline, a political committee's failure to certify its multicandidate status will result in a violation of the requirements at 2 U.S.C. §433(c). However, such a failure to certify multicandidate status will not result in an excessive contribution so long as the amount is within the contribution limits prescribed for multicandidate committees.

Application of Biennial Limitation for Individuals

The BCRA replaced the annual contribution limit for individuals with new biennial contribution limits. The BCRA also removed language from the Act that provided that contributions to a candidate

counted against the individual's annual limit for the year of the election for which the contribution was made. However, the Commission retained this language in its regulation at 11 CFR 110.5(c).

Under the new rules, the Commission divides 11 CFR 110.5(c) into two parts. In part (c)(1), all contributions made on or after January 1, 2004, to a candidate or authorized committee shall be considered to be made during the two-year period in which the contribution is made, regardless of when the election is held. In part (c)(2), all contributions made before January 1, 2004, to a candidate or authorized committee shall be considered to be made during the calendar year in which the election is held, for the purposes of aggregating contributions to candidates under the biennial limit. The Commission has adopted this second part so as to ensure that there is no question of any retroactive application of part (c)(1) to contributions made before the effective date of these regulations. This ensures that there will be no confusion for contributors as to which two-year period their candidate contributions should aggregate against.

Technical Corrections

The Commission also corrected its regulations at 11 CFR 110.1(c)(3) and (f) to reflect the increased contribution limits enacted as part of the BCRA. The revised rules clarify that all persons other than multicandidate committees may give up to \$25,000 per year to national party committees and up to \$2,000 per election to each of the principal campaign committees of a candidate simultaneously seeking more than one federal office.

Additional Information

The new rules will take effect December 15, 2003. The full text of these final rules and their explanation and justification are available

on the FEC's web site at <http://www.fec.gov/register.htm>. The final rules were published in the November 14, 2003, *Federal Register* (68 FR 64512). ♦

—Jim Wilson

Mailing List Rulemaking Closed

On November 6, 2003, the Commission approved a Notice of Disposition terminating its rulemaking addressing political committees' mailing lists. The Commission issued a Notice of Proposed Rulemaking (NPRM) on September 4, 2003, which, among other things, proposed new rules setting forth the conditions under which the proceeds from the sale, rental or exchange of a political committee's mailing list would not be a contribution to that political committee. The Commission held a public hearing to receive testimony on the proposed rules on October 1. See the [October 2003 Record](#), page 5, and the [November 2003 Record](#), page 4.

One factor in the Commission's decision to close the rulemaking was written and oral testimony received in response to the NPRM indicating that the regulated community did not perceive a need for further rules governing political committee mailing lists. In general, a number of commenters believe that Commission advisory opinions have provided clear enough guidance on the conditions under which the proceeds from the sale or rental of mailing lists are not considered contributions to the political committee. See AO 2002-14. The commenters expressed broad opposition to the proposed rules and questioned the need for such rules at this time.

In addition, several commenters asserted that a significant number of factors must be considered in determining the usual and normal charge for a mailing list transaction

and whether the transaction is commercially reasonable. As these commenters stated, the appropriate factors to consider may vary considerably depending on the circumstances. In the absence of a factual record adequate to conclude that a particular test can address all circumstances to which the proposed rules would apply, the Commission has decided not to proceed with final rules at this time and to terminate this rulemaking.

The Notice of Disposition was published in the November 14, 2003, *Federal Register* (68 FR 64571) and is available on the FEC's web site at <http://www.fec.gov/register.htm>. ♦

—Amy Kort

Reports

Commission Publishes Electioneering Communications Dates

As required by the Bipartisan Campaign Reform Act of 2002 (BCRA), the Federal Election Commission (FEC) promulgated new electioneering communications rules governing television and radio communications that refer to a clearly identified federal candidate and are distributed to the relevant electorate within 60-days prior to the general election or 30-days prior to a primary, nominating convention, or caucus. 11 CFR 100.29. The statute and regulations require, among other things, that electioneering communications costing more than \$10,000 in the aggregate be disclosed to the FEC within 24 hours of the public distribution of the communication. 11 CFR 104.20.

With the election year nearly upon us, the 30-day disclosure periods for primary elections will soon begin. To ensure that persons engaging in electioneering commu-

BCRA on the FEC's Web Site

The Commission has added a section to its web site (www.fec.gov) devoted to the Bipartisan Campaign Reform Act of 2002 (BCRA).

The page provides links to:

- The Federal Election Campaign Act, as amended by the BCRA;
- Summaries of major BCRA-related changes to the federal campaign finance law;
- Summaries of current litigation involving challenges to the new law;
- *Federal Register* notices announcing new and revised Commission regulations that implement the BCRA;
- BCRA-related advisory opinions; and
- Information on educational outreach offered by the Commission, including upcoming Roundtable sessions and the Commission's 2004 conference schedule.

The section also allows individuals to view the Commission's calendar for rulemakings, including dates for the Notices of Proposed Rulemaking, public hearings, final rules and effective dates for regulations concerning:

- Soft money;
- Electioneering Communications;
- Contribution Limitations and Prohibitions;
- Coordinated and Independent Expenditures;
- The Millionaires' Amendment;
- Consolidated Reporting rules; and
- Other provisions of the BCRA.

The BCRA section of the web site will be continuously updated. Visit www.fec.gov and click on the BCRA icon.

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Reports

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nications have adequate notice of their filing obligations and the applicable reporting periods, the Commission has calculated the proposed electioneering communication periods for every regularly scheduled 2004 federal election for which dates have been announced and has made that information available on its web site. See http://www.fec.gov/pages/charts_ec_dates_pres.htm for Presidential Primary dates and http://www.fec.gov/pages/charts_ec_dates_cong.htm for Congressional Primary dates.

Entities required to disclose electioneering communications should consult the FEC's Form 9 (www.fec.gov/pdf/forms/fecfrm9.pdf) and the BCRA reporting rules (www.fec.gov/pages/bcra/rulemakings/consolidated_reporting.htm).

Note also that the electioneering communications rules are part of a court challenge to the BCRA, which is currently being reviewed by the Supreme Court. The Court's opinion could have consequences for the requirements and disclosure of electioneering communications.

Definition and Application

Definition. An electioneering communication is any broadcast,

Federal Election Commission Seeks Press Officer

The FEC is seeking a highly qualified and experienced individual to serve as the agency's Press Officer to plan, develop and implement the overall communications plan for the Commission's media relations and Freedom of Information Act (FOIA) programs. Visit our web site at www.fec.gov/jobs.htm for details. The closing date for this position is January 9, 2004.

cable or satellite communication which fulfills **each** of the following conditions:

- The communication refers to a clearly identified candidate;
 - The communication is publicly distributed;
 - The communication is distributed during a certain time period before an election; and
 - In the case of Congressional candidates only, the communication is targeted to the relevant electorate.
- 11CFR 100.29(a).

Please note that public communications made by federally-registered political committees with federal dollars are not subject to the electioneering communication provisions. Committees registered with the FEC report such communications as expenditures. 11 CFR 100.29(c)(3)

Application. The following entities may, under certain conditions, make electioneering communications:

- Qualified Nonprofit Corporations;
- "527" organizations; and
- Individuals, partnerships and PACs

Corporations and labor organizations are prohibited from making or financing electioneering communications to those outside of their restricted class. 11 CFR 114.2(b)(2)(iii).¹

For more on electioneering communications, see the FEC's BCRA Supplement at www.fec.gov/pdf/guidesup03.pdf, and the final rules at www.fec.gov/pages/bcra/rulemakings/electioneering_communications.htm. ♦

—Jim Wilson

¹ Generally, the restricted class comprises the executive and administrative personnel and their families. It also includes a corporation's stockholders and their families, or a labor or membership organization's members and their families. See 11 CFR 114.1(c) and (e).

Compliance

Nonfiler

The Charlie Comisionado 2004, Inc. committee failed to file its pre-primary report for the November 9, 2003, Puerto Rico primary elections.

On October 3, 2003, the Commission notified committees involved in Puerto Rico's primary of their potential filing requirements. Committees that failed to file reports by the October 28 due date were notified on October 29 that their reports had not been received and that their names would be published if they did not respond within four business days.

The Federal Election Campaign Act requires the Commission to publish the names of principal campaign committees if they fail to file 12 day pre-election reports and the quarterly report due before the candidate's election. 2 U.S.C. §§437g(b) and 438(a)(7). The agency may also pursue enforcement actions against nonfilers and late filers under the Administrative Fine program on a case-by-case basis. ♦

—Jim Wilson

Election Administration

Revisions to the National Voter Registration Form

The Federal Election Commission's Office of Election Administration (OEA) has recently revised the National Mail Voter Registration Form. The form has been updated to reflect new requirements set forth in the Help America Vote Act of 2002 (HAVA). The new version of the national form can be accessed on the FEC's web site at: <http://www.fec.gov/votregis/vr.htm>.

Highlights of Changes

- *Two New Questions.* Questions were added to the form asking applicants if they are a citizen of the United States, and if they will be 18 years of age on or before election day. Applicants are also informed that they should not complete the form if they checked "No" in response to either question.
- *Proof of ID.* A statement was added informing the applicant that if the form is submitted by mail and he or she is registering for the first time, appropriate information must be submitted with the mail-in registration form in order to avoid additional identification requirements upon voting at the polls for the first time.
- *Revised State Instructions.* These changes comply with revisions made to state law since the form was last revised in July 2002. (As of this date, many states remain in the process of amending and updating their election laws and procedures to reflect the new provisions of HAVA.)
- *User-Friendly Form.* All States that are covered by NVRA now allow individuals to print the form from the FEC web site, complete the application, and mail it to their state election officer.¹

Background

The Federal Election Commission, through its Office of Election Administration, is responsible for the original development and continued update of the national

¹States that as of August 1, 1994, had no voter registration or permitted same day registration at the polling place are exempt from provisions of the National Voter Registration Act. Of these six exempt States, only North Dakota (which has no voter registration) and Wyoming do not accept the national form for voter registration. New Hampshire town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form.

mail voter registration form under Section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7). The form was last updated in July 2002. For more information, please contact Bryan Whitener at 800/424-9530 (press 4), 202-694-1095 or nationalform@fec.gov. ♦

—Bryan Whitener

Public Funding

Commission Certifies Lieberman for Primary Matching Payments

On October 8, 2003, the Commission certified that Joseph Lieberman's Presidential primary committee, Joe Lieberman for President, is eligible to receive Presidential primary matching payments. 26 U.S.C. §9033(a) and (b); 11 CFR 9033.1 and 9033.3.

Under the Presidential Primary Matching Payment Account Act, the federal government will match up to \$250 of an individual's total contributions to an eligible Presidential primary candidate. A candidate must establish eligibility to receive matching payments by raising in excess of \$5,000 in each of at least 20 states (i.e., over \$100,000). Although an individual may contribute up to \$2,000 to a primary candidate, only a maximum of \$250 per individual applies toward the \$5,000 threshold in each state. Candidates who receive matching payments must agree to limit their spending and submit to an audit by the Commission.

No payments may be made from the Matching Payment Account before January 1 of the Presidential election year. In December 2003, the Secretary of the Treasury will certify eligible candidates' full entitlements based on a review of the matching payment submissions through December 1, 2003. ♦

—Jim Wilson

Court Case

Luis M. Correa, et al. v. FEC

On September 30, 2003, the U.S. District Court for the District of Puerto Rico granted the plaintiffs' request to dismiss this case with prejudice. The Comité José Hernández Mayoral Comisionado Residente, Inc. (the Committee) and its treasurer Luis M. Correa had initially filed suit to challenge the Commission's final determination that the Committee violated 2 U.S.C. §434(a) by failing to file its 2001 Year-End report in a timely manner and the assessment of a \$1,000 civil money penalty. See the [May 2003 Record](#), page 5. The plaintiffs requested dismissal of their suit after reaching a settlement agreement with the Commission, pursuant to which the plaintiffs paid in full the fine assessed by the Commission.

U.S. District Court for the District of Puerto Rico, 3:03-cv-01208. ♦

—Amy Kort

Public Appearances

December 2, 2003

Northwestern University Law School Federalist Society Chapter
Evanston, IL
Allison Hayward

December 2-5, 2003

Center for Electoral Assistance and Promotion
San Jose, Costa Rica
Vice-Chairman Smith

December 16, 2003

U.S. Department of State
International Visitors Program
Washington, DC
Jim Wilson

Advisory Opinions

AO 2003-23

Earmarking Contributions to Presumptive Presidential Nominee

Women Engaged in Leadership, Education and Action in Democracy (WE LEAD) may collect and forward earmarked contributions to the presumptive Democratic Presidential nominee.

Background

WE LEAD is a nonconnected political committee and is not affiliated with any political party or campaign committee.

The committee plans to solicit and accept contributions up to \$2,000 from individuals for the presumptive nominee of the Democratic Party for the office of President of the United States. The presumptive nominee is the candidate who, no later than seven days before the Democratic National Convention, has received enough pledged delegates to win nomination on the first ballot of the convention. If no presumptive nominee has been determined by that time, the earmarked contributions would be forwarded to the Democratic National Committee (DNC).

In their solicitations, WE LEAD will inform the contributors that any earmarked contributions must be limited to a total of \$2,000 and that they will be aggregated with any other contributions made to the eventual recipient. If the total amount contributed to the candidate is excessive, the amount exceeding the contribution limit will be returned to the contributor.

WE LEAD will also include a transmittal report containing all the required reporting information to the recipient committee.

Analysis

WE LEAD may solicit, receive and forward the contributions so long as certain conditions are met.

Forwarded to a Candidate.

Commission regulations allow for earmarked contributions by individuals to candidate committees. 11 CFR 110.6. Typically, earmarked contributions are for a definite federal candidate. However, the Commission has allowed an earmarked contribution for an undesignated candidate when the candidate is identifiable as to a specific office, party affiliation and election cycle. AOs 1977-16 and 1982-23. Each of these conditions is met in this case.

Earmarked contributions are considered contributions from the individual donor to the campaign. 11 CFR 110.6(a). However, if the intermediary exercises direction or control over the choice of the recipient candidate, the contribution is treated as being from both the individual and the intermediary. 11 CFR 110.6(d). Because WE LEAD describes a clear method whereby the recipient will be identified, the committee will not exercise any direction or control over who will be the recipient campaign or party committee.

Generally, earmarked contributions must be forwarded within ten days of receipt. 11 CFR 102.8(a). The intermediary must report to both the Commission and the recipient campaign the name and address of any individual who contributes over \$50 and the name, address, occupation and employer of any individual who contributes over \$200. When the candidate is unknown, the contributions and transmittal report must be forwarded within ten days after the candidate is identified.

If the solicitation is coordinated with the recipient campaign or its agents, then the direct costs of the solicitation will be considered an in-kind contribution. If the solicitation

is not coordinated with the campaign, the costs will be considered an independent expenditure. 11 CFR 100.16. In each case, the communication must carry the appropriate disclaimers. 11 CFR 110.11.

Forwarded to the DNC. If the presumptive nominee is not determined within seven days of the Democratic National Convention, WE LEAD will forward the contributions to the DNC. Neither the Federal Election Campaign Act nor Commission regulations address contributions earmarked for committees other than campaigns, but the Commission does not hold that it is forbidden. 11 CFR 110.6 and AOs 1981-57 and 1983-18.

If the contributions are forwarded to the DNC, then the amount of time allowable before forwarding varies according to the amount of the contribution. Contributions of \$50 or less must be forwarded within thirty days of receipt. Contributions over \$50 must be forwarded within ten days of receipt. 11 CFR 102.8(b)(1) – (2).

The requirements regarding solicitation and reporting of earmarked contributions and handling of excessive contributions also apply to contributions forwarded to the DNC. The only difference is that the individual contribution limit to a national political party is \$25,000 rather than \$2,000.

Date Issued: November 7, 2003;
Length: 11 pages. ♦

—Phillip Deen

AO 2003-24

Prohibition on the Sale and Use of Contributor Information

The National Center for Tobacco-Free Kids (NCTFK) may not use contributor information contained in the disclosure reports filed with the Commission to communicate with the public.

Proposal

NCTFK is a 501(c)(3) organization that engages in public education and advocacy concerning the effects of smoking, the marketing of tobacco products, and public policies to limit the use of tobacco products. While it does not participate in any campaign for public office, it frequently uses direct mail to communicate with the public concerning the aforementioned issues.

NCTFK wished to obtain from FEC disclosure reports the names of individuals who make contributions to political committees in order to send NCTFK information to those individuals via direct mail. The proposed communications were to take various forms, including: providing information on issues; urging recipients to contact a federal officeholder about the subject of the communication; and allowing recipients to indicate their interest in receiving additional information which would result in their receipt of communications that might include a solicitation for funds.

NCTFK indicated that none of the communications sent to such individuals would expressly advocate the election or defeat of any candidate, nor would such communications constitute electioneering communications as defined in 2 U.S.C. 434(f)(3).

Analysis

No information copied from disclosure reports or statements filed with the Commission may be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose, other than using the name and address of any political committee to solicit contributions from such committee. 2 U.S.C. 438(a)(4); 11 CFR 104.15(a). Under Commission regulations, "soliciting contributions" includes soliciting any type of contribution or donation, such as political or charitable contributions. 11 CFR 104.15(b).

In requiring disclosure of contributor information, Congress provided limitations to ensure that such information was not misused. The Commission, in light of this legislative history, reads section 438(a)(4) to be a broad protective measure intended to guard the privacy of the contributors who are named in FEC reports. Although not all the proposed communications were for fundraising purposes, all presented the possibility of repetitive and intrusive communications to contributors. The Commission concluded that the proposed activity would be antithetical to the very purpose of section 438(a)(4). Therefore, the proposed communications are impermissible.¹

Commissioner Michael E. Toner filed a concurring opinion on October 27, 2003. Commissioner Scott E. Thomas filed a concurring opinion on October 31, 2003.

Date Issued: October 10, 2003;
Length: 5 pages. ♦

—Jim Wilson

[AO 2003-25](#) Federal Candidate Appearing in an Advertisement Endorsing a Nonfederal Candidate

U.S. Senator Evan Bayh's appearance in a television advertisement for Jonathan Weinzapfel, a mayoral candidate in the city of Evansville, Indiana, does not constitute an in-kind contribution to Senator Bayh, and the Weinzapfel Committee may pay for the ad using non-federal funds derived from sources prohibited from making contributions to federal candidates.

¹ In addition, the Commission recognizes the legitimate interests of the owners of the mailing lists used to solicit the political contributions that resulted in the disclosure of the individuals' information in the FEC reports.

Background

Mr. Weinzapfel, a member of the Indiana House of Representatives, is the Democratic nominee in the November 3, 2003, general election for Mayor of Evansville, Indiana. Under Indiana law, Weinzapfel's mayoral campaign (the Committee) may accept unlimited contributions from individuals and limited contributions from corporations and labor organizations. The Committee has put together a television ad in which Senator Bayh, a candidate for reelection to the U.S. Senate in 2004, offers several statements of support for Weinzapfel's election to the office of Mayor of Evansville. The ad will be run in late October and early November of 2003 and will not include:

- Any solicitation for the Committee or for Senator Bayh's Committee;
- Campaign materials from Senator Bayh's campaign; or
- Material prepared by Senator Bayh or his campaign.

Use of Nonfederal Funds

According to the Bipartisan Campaign Reform Act of 2002 (BCRA), candidates for state or local office must use only federal funds to pay for a public communication that refers to a clearly identified federal candidate and promotes, supports, attacks or opposes any candidate for federal office. 11 CFR 300.71. Nonfederal funds (i.e., funds that do not comply with the limits and prohibitions of the Federal Election Campaign Act (the Act)) may not be used to pay for such an advertisement. 2 U.S.C. §441i(f). A state or local candidate may spend nonfederal funds for a public communication in connection with an election for state or local office that refers to a federal candidate so long as the communication does not promote, support, attack or oppose any candidate for federal office. 11 CFR 300.72.

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Advisory Opinions

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In-Kind Contribution/ Coordination

The Act defines one type of in-kind contribution as an expenditure made in coordination with a candidate or political party or an agent of either. 2 U.S.C. §441a(a)(7)(B)(i). Commission regulations set forth a three-pronged test for coordination:

- The communication must be paid for by a person other than the candidate, party or their agents;
- The content of the communication:
 1. Fits within the definition of an electioneering communication at 11 CFR 100.29;
 2. Distributes or reproduces a candidate's campaign material;
 3. Expressly advocates the election or defeat of a federal candidate; or
 4. Is a public communication distributed within 120 days of a federal election that refers to a federal candidate or political party and is directed to certain voters; and
- The conduct of generating the communication involves a candidate, political party or agent of either in a decision regarding the production or distribution of the communication. 11CFR 109.21(b)-(d).

Conclusion

The Commission concluded that, since the communication does not promote, support, attack or oppose Senator Bayh, the Committee may use nonfederal funds to pay for the ad. Also, while the production of the ad satisfies the source of payment and conduct standards for coordination in light of Senator Bayh's appearance in the ad, it does not satisfy the content standard, as it does not:

- Involve express advocacy of a federal candidate;

- Promote, support attack or oppose any federal candidate;
- Reproduce campaign material prepared by a federal candidate.

Finally, although the ad does constitute a public communication, it will not be broadcast within 120 days of a federal election. Therefore the ad does not fit the definition of a coordinated communication and would not constitute an in-kind contribution to Senator Bayh.

Date Issued: October 17, 2003;
Length: 7 pages. ♦

—Gary Mullen

AO 2003-26

Impermissible Use of Campaign Funds by Senate Campaign

A Senate campaign committee may not use its campaign funds to refund improper contributions received by the candidate's former state campaign committee.

Background

Voinovich for Senate (the Senate Committee) is the principal campaign committee of Senator George V. Voinovich, a candidate for the U.S. Senate in 2004. Voinovich for Governor (the State Campaign Committee) was the principal campaign committee authorized under the laws of the Ohio for then-Governor Voinovich. In 1998, the State Campaign Committee concluded its activities and terminated its existence with a zero balance.

An investigation by a United States Attorney revealed improper or illegal campaign contributions from a corporation, PIE Mutual Insurance (PIE), its officers and employees. While no recipient candidate or political committee was found to have committed any wrongdoing, the recipient campaign committees were identified, and Sen. Voinovich's Senate Committee and State Committee were among them.

While the Senate Committee had already made a refund of these

improper contributions, the State Committee could not do so, as it has been terminated. The Senate Committee therefore asked whether it could use campaign funds to refund the amount of improper contributions the State Committee had received.¹ The request presented no facts indicating that any state or federal authority demanded that the Senate Committee make the refunds on behalf of the State Committee.

Analysis

The Bipartisan Campaign Reform Act (BCRA) deleted the phrase "for any other lawful purpose" from the list of permitted uses of campaign funds at 2 U.S.C. §439a, and the Commission subsequently removed that phrase from its regulations. Therefore, in addition to paying expenses in connection with the campaign for federal office, campaign funds may be used only for non-campaign purposes included in an exhaustive list found at 11 CFR 113.2 (a), (b), and (c):

- Ordinary and necessary expenses incurred in connection with the duties of a federal officeholder;
- Donations to a charitable organization; and
- Transfers to a national, state or local committee of a political party.

The facts before the Commission in this case do not support a conclusion that a refund of the improper state contributions would be in connection with either of Senator Voinovich's campaigns for federal office; nor would the refund comply with any of the other three permissible non-campaign uses of cam-

¹ Press reports indicate that PIE failed in 1998, and that its former chief executive is serving a 40-month prison term for fraud and improper contributions. Returned contributions are placed in the PIE liquidation fund, maintained by the Ohio Department of Insurance.

paign funds. Therefore, the Senate Committee may not make the disbursement.

Date Issued: November 7, 2003;
Length: 5 pages.◆

—Jim Wilson

AO 2003-27

Status of State Party as State Committee of Political Party

The Missouri Green Party, Inc. (the Party) satisfies the requirements for state committee status.¹

The Federal Election Campaign Act (the Act) defines a state committee as “the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.” 2 U.S.C. §431(15). In order to achieve state committee status under Commission regulations, an organization must meet three requirements. 11 CFR 100.14 and 100.15. It must:

- Have bylaws or a similar document that “delineates activities commensurate with the day-to-day operation” of a party at a state level;
- Be part of the official party structure; and
- Gain ballot access for at least one federal candidate who has qualified as a candidate under the Act.²

The Missouri Green Party, Inc. meets all three requirements. It satisfies the first requirement

¹ The Party is officially affiliated with The Greens/Green Party USA, which is one of the two national Green Party organizations. The Greens/Green Party USA has not qualified as the national committee of a political party, but the Green Party of the United States (GPUS) qualified for national committee status in 2001. See AOs 1996-35 and 2001-13.

² Gaining ballot access for a federal candidate is an essential element for qualifying as a political party. See 11 CFR 100.15.

because its bylaws delineate activity commensurate with the day-to-day functions of a political party on the state level and are consistent with the state party rules of other political organizations that the Commission has found to satisfy this requirement for state committee status.³ It satisfies the second requirement because it is the state party organization in Missouri.

The Party also satisfies the third requirement—ballot access for at least one federal candidate. Although the Party is not affiliated with the Green Party of the United States, which nominated Ralph Nader for the office of President, evidence indicates that the Party was instrumental in obtaining ballot access for Mr. Nader in Missouri. Mr. Nader appeared as the Party’s candidate on the Missouri ballot in 2000, and he met the requirements for becoming a federal candidate under 2 U.S.C. §431(2).⁴

Date Issued: November 7, 2003;
Length: 4 pages.◆

—Amy Kort

³ The fact that the Party is not affiliated with a recognized national committee does not prevent its recognition as a state committee of a political party. See AOs 2001-2, 2000-39, 2000-27, 2000-21 and 2000-14

⁴ An individual becomes a candidate for the purposes of the Act once he or she receives contributions aggregating in excess of \$5,000 or makes expenditures in excess of \$5,000. 2 U.S.C. §431(2) and 11 CFR 100.3. The Commission has granted state committee status to a state affiliate of a qualified national party committee where its only federal candidates, as defined under the Act, were the Presidential and Vice Presidential candidates of the national party. AOs 2000-39, 1999-26 and 1997-3.

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AOR 2003-28

Establishment of a separate segregated fund by a partnership that already sponsors a nonconnected PAC, but is controlled by a partnership wholly owned by a corporation (Horizon Lines, LLC, June 20, 2003)

AOR 2003-29

Transfer from state PAC to federal SSF, and possible affiliation between the two (National Fraternal Order of Police PAC, September 29, 2003)

AOR 2003-30

Use of campaign funds by Federal candidate who has withdrawn from 2004 primary, including retirement of debts of authorized committee incurred prior to BCRA’s enactment (Fitzgerald for Senate Committee and Senator Peter Fitzgerald, July 9, 2003)

AOR 2003-31

Application of Millionaire’s Amendment to Senate candidate’s payments from personal funds for campaign expenses that his campaign later reimburses (Senator Mark Dayton, October 14, 2003)

AOR 2003-32

Federal candidate’s use of surplus funds from her 2002 nonfederal campaign account (Inez Tenenbaum, October 14, 2003)

AOR 2003-33

Connected organization’s giving of prizes for SSF contributions in conjunction with charitable contribution matching program (Anheuser-Busch Companies, Inc., November 3, 2003)◆

Administrative Fines

Committees Fined for Nonfiled and Late Reports

The Commission recently publicized its final action on 68 new Administrative Fine cases, bringing the total number of cases released to the public to 769, with \$1,052,184 in fines collected.

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

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

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

Closed Administrative Fine case files are available through the FEC Press Office, at 800/424-9530 (press 2), and the Public Records Office, at 800/424-9530 (press 3).◆

—Amy Kort

Committees Fined and Penalties Assessed

1. American Association of Physician Specialist Inc. PAC	\$1,000
2. American Bakers Association Bread PAC	\$900
3. American Century Co. Inc. PAC (aka American Century Investments PAC)	\$1,000
4. American Society of Cataract & Refractive Surgery PAC	\$1,250
5. American Speech-Language-Hearing Association PAC 12-Day Pre-General 2002	\$1,000
6. American Speech-Language-Hearing Association PAC 30-Day Post-General 2002	\$1,800
7. Bi-County PAC (FKA SUFFOLK PAC)	\$2,250
8. The Big Tent PAC	\$900
9. Build America PAC	\$475
10. Cablevision Systems Corporation PAC 12-Day Pre-General	\$1,000
11. Cablevision Systems Corporation PAC 30-Day Post-General	\$1,600
12. Congressional Black Caucus PAC (CBC-PAC)	\$2,500
13. Countrywide Credit Industries Inc. PAC (COUNTRYWIDE PAC)	\$406
14. Davita PAC	\$1,000
15. Democratic Party of Orange County FED PAC October Quarterly 2002	\$4,000
16. Democratic Party of Orange County FED PAC 12-Day Pre-General 2002	\$1,250
17. Dewey Ballantine LLP PAC	\$1,000
18. Dickstein Shapiro Morin & Oshinsky LLP PAC (DSMO PAC)	\$275
19. Distilled Spirits Council of the United States Inc. PAC	\$2,700
20. District Council 37, AFSCME Public Employees Organized for Political & Legislative Equality (DC37 PEOPLE)	_____ ¹
21. Financial Service Centers of America Inc.	\$1,000
22. Florida Rock Industries Inc. Good Government Committee	\$900
23. Florida Sugar Cane League PAC 12-Day Pre-General 2002	\$1,750
24. Florida Sugar Cane League PAC 30 Day Post-General 2002	\$1,575
25. Forest Landowners Association Inc. PAC	\$1,000
26. Fund for a Better Future	\$825
27. Glass, Molders, Pottery, Plastics & Allied Workers International Union—Political Education League	\$1,000
28. Good Government for America PAC	\$5,000
29. Indiana Dental PAC 12-Day Pre-General	\$1,250
30. Indiana Dental PAC 30-Day Post-General	\$1,125
31. IUOE Local 542 Operating Engineers Political Action Fund	\$1,125
32. Joe Finley for Congress	\$2,700

¹The Commission took no further action in this case.

Committees Fined and Penalties Assessed, cont.

33. KPAC	\$3,100
34. Laborer's International Union of North America Local No. 17 Political League	\$900
35. Lawrence R. Wiesner for Congress Committee	\$300
36. Magazine Publishers of America PAC (Formerly Magazine Publishers Association PAC)	\$1,000
37. Mantech International Corp. PAC	\$1,000
38. Mark Johnson for Congress	\$700
39. Maryland Association for Concerned Citizens PAC	\$1,000
40. Metlife Employees' Political Participation Fund A	1
41. Minnesota House DFL Caucus	\$4,500
42. Mississippi Democratic Party PAC	\$7,200
43. National Bank of Commerce Committee on Political Affairs	\$650
44. National Health Corporation PAC	\$1,000
45. National Propane Gas Association PAC (PROPANE PAC) 12-Day Pre-General 2002	\$1,000
46. National Propane Gas Association PAC (PROPANE PAC) 30 Day Post-General 2002	\$4,500
47. New Jersey State Carpenters Non Partisan Political Education Committee	\$1,000
48. New York State Conservative Party	\$1,500
49. Office and Professional Employees International Union—Voice of the Electorate	\$312
50. Prairie Leadership Committee	\$437
51. Prairie PAC	\$550
52. Rhode Island Republican State Central Committee	\$15,000
53. Rob Bishop for Congress	\$7,600
54. S C Johnson & Son PAC Inc. (SCJPAC)	\$900
55. Sheet Metal Workers Local 100 PAC (100 PAC)	\$625
56. The Society of Thoracic Surgeons PAC (STS PAC)	\$1,250
57. Southern States Police Benevolent Association PAC Fund	\$1,000
58. Supporters of Engineers Local 3 Endorsed Candidates (SELEC)	\$900
59. TECO Energy Inc. Employees' PAC	\$1,125
60. Thrivent Financial for Lutherans—Employee PAC	\$1,000
61. United Brotherhood of Carpenters/Joiners of America New England Reg Carpenters Legislative Employees Committee	\$1,000
62. United Emp PAC, Central Louisiana Electric Co. Inc.	\$300
63. United States Marine Repair Inc. PAC	\$1,000
64. Volunteer PAC	\$3,750
65. Women's Pro-Israel National PAC ("WIN PAC") 12-Day Pre-General 2002	\$1,000
66. Women's Pro-Israel National PAC ("WIN PAC") 30 Day Post-General 2002	\$375
67. 3M Company	\$400
68. 11th District Democratic Committee	\$2,000

¹The Commission took no further action in this case.

Alternative Dispute Resolution

ADR Program Update

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

The Commission reached agreement with the Committee to Elect Clinton B. LeSueur, its treasurer, Lee Bush, Haley Barbor and AmeriMail Direct, Inc. concerning the failure to file disclosure reports timely, alleged personal use of campaign funds, failure to report disbursements, an excessive contribution, a corporate contribution and reports containing mathematical discrepancies. The respondents acknowledged violations of the Act, but contended that the errors and untimely filings were due to inexperience. They further argued that the alleged excessive contribution, as well as what appeared to be a contribution from a corporation, were, in fact, errors in reporting the identity of the contributors. The respondents agreed to pay a \$500 civil penalty, and agreed to work with RAD staff to ensure all required reports are filed and to terminate the committee. (ADR 112/MUR 5300)

The Commission closed five cases involving Garabed "Chuck" Haytaian, Oxford Health Plans, Inc. Committee for Quality Healthcare, its treasurer, Robert N. DellaCorte, Torricelli for U. S. Senate, Inc. and its treasurer, Michael J. Perrucci, concerning contributions in the name of another and excessive contributions. The ADR Office

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Alternative Dispute Resolution

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recommended these cases be closed, and the Commission agreed to close the files. (ADR 132-136/ MURs 5351, 5352, 5353, 5360 and 5362)

The Commission reached agreement with Citizens to Elect Yvonne Christian-Williams and its treasurer Stanley P. King concerning the failure to include disclaimers and disclose expenditures. The respondents acknowledged an inadvertent violation of the Act due to the omission of a required disclaimer on billboards, but they contended that the omission resulted from an oversight by the vendor, which they did not notice. The respondents also stated that the expenditures were disclosed in the appropriate quarterly report. They agreed to pay a \$1,000 civil penalty and to terminate committee. (ADR 110/MUR 5259)

The Commission reached agreement with the Democratic State Central Committee of Maryland and its treasurer Gary Gensler concerning excessive contributions. The respondents contended that the FEC's regulations do not expressly address situations where contributions received by a state party are allocated between federal and nonfederal accounts or when excessive contributions are transferred to a nonfederal account. They contended that they made a good faith effort to correct the problems as soon as they were discovered, which, they further contend, was before the Commission's audit commenced. In order to avoid a similar situation in the future, the respondents agreed to have a staff person attend an FEC-sponsored training seminar and to transfer the excessive portion of any contribution within 60 days of receipt, notify the contributor that the transfer is being made and offer the donor the option of a refund. (ADR 127) (AR01-43)

The Commission closed the case concerning Rush Holt for Congress, Inc., its treasurer Pamela Mount, Rush Holt, Paul Starr, Christine Stansell, Sean Wilentz and Alan Blinder concerning the alleged failure to include a disclaimer and an impermissible contribution. The ADR Office recommended the case be closed and the Commission agreed to close the file. (ADR 141/ MUR 5331)◆

—Amy Kort

Outreach

Reporting Roundtables

On January 14, 2004, the Commission will host two roundtable sessions on election year reporting, including new disclosure requirements under the Bipartisan Campaign Reform Act of 2002. The first session, for PACs and party committees, will begin at 9:30 a.m. and will last until 11:00. The second session, for candidates and their committees, will begin at 1:30 p.m. and last until 3:00. Both sessions will be followed by a half-hour reception at which each attendee will have an opportunity to meet the campaign finance analyst who reviews his/her committee's reports.

Attendance is limited to 30 people per session, and registration (\$25) will be accepted on a first-come, first-served basis. Please call the FEC before registering or sending money to ensure that openings remain. Prepayment is required. The registration form is available on the FEC's web site at <http://www.fec.gov/pages/infosvc.htm> and from Faxline, the FEC's automated fax system (202/501-3413, request document 590). For more information, call 800/424-9530 (press 1, then 3) or 202/694-1100.◆

Campaign Finance Law Training Conference in Tampa, Florida

The FEC will hold a conference February 11-12, 2004, for House and Senate campaigns, political party committees and corporations, labor organizations, trade associations, membership organizations and their respective PACs. The conference will consist of a series of workshops conducted by Commissioners and experienced FEC staff who will explain how the federal campaign finance law, as amended by the Bipartisan Campaign Reform Act of 2002 (BCRA), applies to each of these groups. Workshops will specifically address rules for fundraising and reporting, and will explain the new provisions of the

Roundtable Schedule

Date	Subject	Intended Audience
January 14 9:30 - 11 a.m. Reception 11-11:30 a.m.	Election Year Reporting for PACs and Party Committees, plus "Meet Your Analyst" reception (Session number 0401A)	Individuals responsible for filing FEC reports for PACs and Parties (Up to 30 may attend)
January 14 1:30 - 3 p.m. Reception 3-3:30 p.m.	Election Year Reporting for Candidates and their Committees, plus "Meet Your Analyst" reception (Session number 0401B)	Individuals responsible for filing FEC reports for Candidate Committees (Up to 30 may attend)

BCRA. A representative from the IRS will also be available to answer election-related tax questions.

The conference will be held at the Wyndham Harbour Island Hotel in Tampa, Florida. The registration fee is \$385, which covers the cost of the conference, materials and meals. A \$10 late fee will be assessed for registration forms received after January 19.

The Wyndham Harbour Island is located at 725 South Harbour Island Boulevard. A room rate of \$159 per night is available for conference attendees who make reservations on or before January 19. To make reservations call 813/229-5000 and state that you are attending the FEC conference, or access the Wyndham Harbour Island's reservations web page via the FEC web site at <http://www.fec.gov/pages/infosvc.htm#Conferences>.

Registration

Complete conference registration information for this conference is available online. Conference registrations will be accepted on a first-come, first-served basis. FEC conferences are selling out quickly, so please register early. For registration information concerning any FEC conference:

- Call Sylvester Management Corporation at 800/246-7277;
- Visit the FEC web site at <http://www.fec.gov/pages/infosvc.htm#Conferences>; or
- Send an e-mail to lauren@sylvestermanagement.com. ♦

—Amy Kort

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