

Record

June 2007

Federal Election Commission

Volume 33, Number 6

Table of Contents

Regulations

- 1 Notice of Proposed Rulemaking for Hybrid Communications

Compliance

- 1 MUR 5358: Jamie Jacob Morgan
- 2 MUR 5702: Colorado Democratic Party

- 2 **Federal Register Notice**

- 5 **Advisory Opinions**

Reports

- 7 California Special Election

Staff

- 9 FEC Names New General Counsel

Outreach

- 10 State Outreach Workshops
- 10 Conferences

- 11 **Index**

Regulations

Notice of Proposed Rulemaking for Hybrid Communications

On May 3, 2007, the Commission approved a Notice of Proposed Rulemaking (NPRM) seeking public comment regarding the attribution of political party disbursements for communications that refer to a clearly identified federal candidate and also refer generically to other candidates of a political party without clearly identifying them (*i.e.*, hybrid communications). The NPRM presents several alternative proposals to address the treatment of hybrid communications, including a proposal to address public communications that refer to multiple candidates of the same political party running for different federal offices.

Background

Current Commission regulations require that disbursements for a communication made on behalf of more than one clearly identified federal candidate be attributed based on the “benefit reasonably expected to be derived” by the candidates. 11 CFR 106.1(a). That benefit is determined by the proportion of space or time, or number of questions or statements, devoted

(continued on page 2)

Compliance

MUR 5358: Jamie Jacob Morgan

The Commission entered into a conciliation agreement with Jamie Jacob Morgan to settle violations of the Federal Election Campaign Act (the Act). Mr. Morgan, a 2002 Republican candidate for Congress, agreed to pay a \$60,000 civil penalty for knowing and willful violations of the Act.

Background

The Act specifically addresses violations of the law that are “knowing and willful,” meaning that a person violates the law with knowledge and recognition that his or her actions are improper. Additionally, the Act requires every political committee to name a treasurer who files periodic reports with the FEC disclosing the committee’s receipts and disbursements. The treasurer is personally responsible for the accuracy of the reports.

Mr. Morgan’s former colleagues filed a complaint with the Commission alleging that reports filed by Mr. Morgan’s campaign committee, Morgan for Congress, included inaccurate information regarding campaign contributions by, and refunds to, them. Mr. Morgan admitted that the allegations were

(continued on page 2)

Compliance

(continued from page 1)

true, but initially claimed that the errors were caused by a computer malfunction. The Commission conducted an investigation and found that Mr. Morgan violated the Act. On the 2002 Amended April Quarterly report, Mr. Morgan disclosed contributions of \$11,300, which included several inflated and fictitious contributions from the complainants and Mr. Morgan. The Amended July Quarterly report disclosed contributions of \$200,300 from 115 contributors, the vast majority of whom were fictitious. The committee's Amended Termination report disclosed \$177,200 in fictitious contribution refunds.

The Commission determined that Mr. Morgan deliberately filed reports in 2002 containing false contributions and refunds, accepted

excessive contributions, commingled campaign funds with his personal fund to unlawfully terminate the Committee, and that he failed to keep and maintain proper records in 2002.

Mr. Morgan acted as the treasurer for his committee, preparing and filing all reports, instead of his brother John Morgan, who was the named treasurer for the committee. The Commission took no action against John Morgan, as he never actually performed any of the duties of a treasurer.

Conciliation Agreement

Mr. Morgan agreed to pay a civil penalty of \$60,000.

—Meredith Metzler

MUR 5702: Colorado Democratic Party

The Commission entered into a conciliation agreement with the Colorado Democratic Party (CDP) to settle violations of the Federal Election Campaign Act (the Act) discovered during a Commission audit of the CDP following the 2002 election. CDP agreed to pay a civil penalty of \$105,000.

Background

In September 2005, the Commission approved the final audit of CDP for the 2002 election cycle. The audit showed that CDP had a total of \$2,049,010 in misreported receipts and disbursements on reports filed with the Commission in 2001 and 2002, which also resulted in the cash-on-hand balances being misreported. The CDP also violated the Act by accepting a \$10,000 prohibited contribution and overpaying \$8,888 from its nonfederal account for shared federal and nonfederal allocable expenses.

Conciliation Agreement

CDP agreed to pay a civil penalty of \$105,000 and transfer \$8,888 from its federal account to its nonfederal account to offset

the overpayment by the nonfederal account. The agreement also noted that CDP had amended its reports.

—Meredith Metzler

Regulations

(continued from page 1)

to each clearly identified federal candidate as compared to the total space or time, or number of questions, devoted to all clearly identified federal candidates.

The Federal Election Campaign Act (the Act) and the Commission's current regulations do not explicitly provide for the attribution of disbursements for hybrid communications, except for communications made through a telephone bank. 11 CFR 106.8. The Commission has recently considered through its advisory opinion and audit processes the attribution of hybrid communications made by a political committee via a mass mailing and a radio or broadcast communication.¹ The Commission now proposes amending its regulations at 11 CFR 106.8 to address hybrid communications made through all types of public communications. The proposed

¹ See AO 2006-11 and the Report of the Audit Division on Bush-Cheney '04, Inc. and the Bush Cheney '04 Compliance Committee, Inc., approved March 22, 2007.

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

800/424-9530
202/694-1100
202/501-3413 (FEC Faxline)
202/219-3336 (TDD for the
hearing impaired)

Robert D. Lenhard, Chairman
David M. Mason, Vice Chairman
Hans A. von Spakovsky,
Commissioner
Steven T. Walther, Commissioner
Ellen L. Weintraub, Commissioner

Patrina M. Clark,
Staff Director
Thomasenia Duncan,
General Counsel

Published by the Information
Division of the Office of
Communications

Greg J. Scott, Assistant Staff
Director

Amy L. Kort, Deputy Assistant
Staff Director

Meredith E. Metzler, Editor

<http://www.fec.gov>

Federal Register

Federal Register notices are available from the FEC's Public Records Office, on the web site at www.fec.gov/law/law_rulemakings.shtml and from the FEC Faxline, 202/501-3413.

Notice 2007-10

Hybrid Communications (72 FR 26569, May 10, 2007)

rules would be divided into three sections, which would set out the scope of the rule, set out attribution formulas and describe how such disbursements should be treated under the contribution and coordinated party expenditure limits.

Scope

The proposed rules would apply to public communications² made by a national, state, district or local party committee, including national congressional campaign committees and convention committees. The rule would address the proper attribution for disbursements for such communications when the message includes a generic party reference and also refers to a single clearly identified federal candidate—for example, an ad that states “Show your support for Senator Smith and our other great Democratic candidates.”

The proposed rule would also cover a hybrid communication that refers to two or more clearly identified federal candidates running for the same federal office. An alternative proposal would extend the scope to hybrid communications that refer to two or more clearly identified federal candidates of the same political party running for different federal offices.

The Commission seeks comments on all aspects of these proposals concerning the scope of the rules. The Commission also specifically seeks comments on whether it should apply a uniform attribution rule to all types of public communications, or whether there are communication-specific considerations that should deter the Commission from adopting such an approach.

² A “public communication” includes broadcast, cable, and satellite communications; newspapers and magazines; outdoor advertising facilities; mass mailings; telephone banks; and Internet communications placed for a fee on another person’s web site. 11 CFR 100.26.

Attribution

The current Commission regulation at 11 CFR 106.8 requires that a fixed 50 percent of the costs for a disbursement for a hybrid communication by means of a telephone bank be attributed to the federal candidate clearly identified in the communication. The Commission is now revisiting both the attribution method and percentage appropriate for *all* hybrid communications covered by the proposed rule, and proposes attributing disbursements for hybrid communications as follows:

- If the candidate of the party committee making the communication is the only clearly identified federal candidate in the communication, the disbursement would be attributed between that candidate and the party committee.
- If the communication’s only clearly identified candidate is the opponent of the political party’s candidate, the disbursement would be attributed between the party committee making the disbursement and the party’s candidate for the same federal office as the clearly identified candidate.
- If the communication clearly identifies at least two federal candidates running for the same federal office, only one of whom is a candidate of the political party making the communication, the disbursement would be attributed between the party committee and the party’s clearly identified candidate.
- Under the alternative proposed rule, if the communication clearly identifies at least two federal candidates of the same political party running for different federal offices, the disbursement would be attributed among the party committee making the communication and the clearly identified federal candidates of that political party.

The proposed rule presents three alternative attribution formulas:

- A fixed percentage (proposed at 25 percent, 50 percent or 75 percent);
- A fixed percentage of 100 percent, requiring the entire amount of each disbursement for the communication to be attributed to the federal candidate of the political party making the communication; and
- The greater of either a fixed percentage (proposed at 25 percent, 50 percent or 75 percent), or a percentage based on space or time attribution.

The Commission seeks comments on these approaches, and specifically asks whether there are other factors that should be considered when determining the relative benefit reasonably expected to be derived from a given hybrid communication.

(continued on page 4)

FEC Web Site Offers Podcasts

In an effort to provide more information to the regulated community and the public, the Commission is making its open meetings and public hearings available as audio recordings through the FEC web site, as well as by podcasts. The audio files, and directions on how to subscribe to the podcasts are available under *Audio Recordings* through the *Commission Meetings* tab at <http://www.fec.gov>.

The audio files are divided into tracks corresponding to each portion of the agenda for ease of use. To listen to the open meeting without subscribing to the podcasts, click the icon next to each agenda item. Although the service is free, anyone interested in listening to podcasts must download the appropriate software listed on the web site. Podcast subscribers will automatically receive the files as soon as they become available—typically a day or two after the meeting.

Enforcement Query System Available on FEC Web Site

The FEC continues to update and expand its Enforcement Query System (EQS), a web-based search tool that allows users to find and examine public documents regarding closed Commission enforcement matters. Using current scanning, optical character recognition and text search technologies, the system permits intuitive and flexible searches of case documents and other materials.

Users of the system can search for specific words or phrases from the text of all public case documents. They can also identify single matters under review (MURs) or groups of cases by searching additional identifying information about cases prepared as part of the Case Management System. Included among these criteria are case names and numbers, complainants and respondents, timeframes, dispositions, legal issues and penalty amounts. The Enforcement Query System may be accessed on the Commission's web site at www.fec.gov.

Currently, the EQS contains complete public case files for all MURs closed since January 1, 1999. In addition to adding all cases closed subsequently, staff is working to add cases closed prior to 1999. Within the past year, Alternative Dispute Resolution (ADR) cases were added to the system. All cases closed since the ADR program's October 2000 inception can be accessed through the system.

Regulations

(continued from page 3)

Treatment

The proposed rules would permit a party committee to treat disbursements for hybrid communications attributed to a federal candidate as an in-kind contribution to that candidate or a coordinated party expenditure on behalf of that candidate, subject to the appropriate limits. The proposed rule would also allow the federal candidate to reimburse the party committee for the costs attributable to him or her, so long as the reimbursement is made within a reasonable time.

The Commission invites comments on these proposals, including whether the proposed rule should require the prepayment of shared hybrid communication costs, or whether it should include a specific time limit for reimbursement.

Alternative Proposal

As an alternative to the above proposals concerning amendments to 11 CFR 106.8, the Commission seeks comment on a proposal to amend 11 CFR 106.1 instead to include expenditures that contain generic party references and require that such expenditures be attributed:

- To each clearly identified federal candidate and political party according to the benefit that each may reasonably expect to derive; or
- According to a ratio based on the number of candidates referenced, including the generic party reference (under this alternative a communication that refers to "Senator Smith, Representative Jones and all the great candidates of the Democratic Party" would be attributed equally among the three references).

The Commission seeks comments on all aspects of this proposal.

Comments and Hearing

The full text of this NPRM is available in the *Federal Register*

(72 FR 26569) and on the FEC web site at http://www.fec.gov/law/law_rulemakings.shtml. All comments must be submitted in writing and addressed to Ms. Amy L. Rothstein, Assistant General Counsel, by June 11, 2007. The Commission will hold a public hearing on the proposed rules on July 11, 2007. Individuals who wish to testify at the hearing must include a request to testify in their written comments.

Comments may be submitted via e-mail, facsimile or paper copy form. Comments by e-mail must be sent to hybridads@fec.gov. If e-mail comments include an attachment, the attachment must be in either Adobe Acrobat (.pdf) or Microsoft Word (.doc) format. Faxed comments must be sent to the Federal Election Commission, 999 E Street, NW, Washington, D.C. 20463. All comments (including those by e-mail) must include the full name and postal service address of the commenter or they will not be considered.

—Myles Martin

New Campaign Guide Available

The 2007 *Campaign Guide for Corporations and Labor Organizations* is now available in print and on the Commission web site at <http://www.fec.gov/info/publications.shtml>.

For each type of committee, a *Campaign Guide* explains, in clear English, the complex regulations regarding the activity of political committees. It shows readers, for example, how to fill out FEC reports and illustrates how the law applies to practical situations.

Please contact the Information Division at 800/424-9530 to order paper copies.

Advisory Opinions

Advisory Opinion 2007-5: Officeholder's Chief of Staff Raising Nonfederal Funds as Chairman of State Party Committee

Erik Iverson, Chief of Staff to U.S. Representative Dennis Rehberg, may raise and spend nonfederal funds as Chairman of the Montana Republican State Central Committee (State Committee) so long as he refrains from raising or spending nonfederal funds as an agent of Congressman Rehberg.

Background

Mr. Iverson serves as the Chief of Staff to Congressman Rehberg of Montana. While Mr. Iverson has attended campaign events, he has never been employed by the Congressman's campaign committee, nor has he ever raised or spent campaign funds for the Congressman. Mr. Iverson intends to run for election to the position of Chairman of the State Committee. The State Committee has both federal and nonfederal accounts and solicits donations for its nonfederal account in amounts and from sources that are prohibited by federal law, including donations in unlimited amounts from individuals. As Chairman of the State Committee, Mr. Iverson's actions would be undertaken exclusively on behalf of the State Committee and not on behalf of Congressman Rehberg or his campaign. Mr. Iverson asked the Commission whether he may raise and spend nonfederal funds as Chairman of the State Committee:

- While holding his position as the Congressman's Chief of Staff; and
- If he becomes a fundraising agent of Congressman Rehberg.

Analysis

The Act prohibits federal candidates, officeholders and their agents from soliciting, receiving, directing, transferring or spending funds outside the limits and prohibitions of federal law in connection with nonfederal elections. 2 U.S.C. 441(e)(1)(B); 11 CFR 300.62. Agents of federal candidates and officeholders are prohibited from engaging in these activities when acting on behalf of a federal candidate or officeholder. 11 CFR 300.60(c). The Commission has defined "agent" to mean any person who has actual authority, either express or implied, "to solicit, receive, direct, transfer, or spend funds in connection with any election." 11 CFR 300.2(b)(3). Actual authority is created through the candidate/officeholder's express or implied consent, thereby bestowing the authority to act on the candidate or officeholder's behalf.

Activities of an individual who is not an agent. Under his current duties and activities, Mr. Iverson is not an agent of the Congressman for purposes of 2 U.S.C. 441i(e). As Chief of Staff, Mr. Iverson's responsibilities pertain only to the Congressman's official duties. The Congressman has not expressly instructed Mr. Iverson to act on his behalf for fundraising purposes, nor has his conduct indicated that Mr. Iverson is his agent for fundraising purposes. Mr. Iverson's role as Chief of Staff does not entail actual authority, express or implied, to raise or spend campaign funds, and he is not a fundraising agent of Congressman Rehberg under 11 CFR 300.2(b)(3). Therefore, Mr. Iverson may solicit, direct, receive, transfer or spend nonfederal funds as Chairman of the State Committee while continuing to serve as Congressman Rehberg's Chief of Staff.

Activities of an agent. If Congressman Rehberg grants Mr. Iverson actual authority to solicit and receive contributions, then Mr.

Iverson will become an "agent" of a federal candidate or officeholder under 11 CFR 300.2(b)(3). In that event, Mr. Iverson would be required to refrain from raising or spending nonfederal funds when acting on the Congressman's behalf. Mr. Iverson's status as an agent of the Congressman would not preclude him from also serving as the Chairman of the State Committee. The Commission has explained that the purpose of the requirement that an agent act on behalf of an officeholder or candidate to be subject to the prohibitions in 2 U.S.C. 441i(e) was "to preserve an individual's ability to raise funds for multiple organizations." 71 FR 4979 n.9. Accordingly, the Act does not prohibit individuals who are "agents" from raising nonfederal funds for other political parties or groups.

This issue was addressed in Advisory Opinion 2003-10 (Reid),

(continued on page 6)

FEC Accepts Credit Cards

The Federal Election Commission now accepts American Express, Diners Club and Discover Cards in addition to Visa and MasterCard. While most FEC materials are available free of charge, some campaign finance reports and statements, statistical compilations, indexes and directories require payment.

Walk-in visitors and those placing requests by telephone may use any of the above-listed credit cards, cash or checks. Individuals and organizations may also place funds on deposit with the office to purchase these items. Since prepayment is required, using a credit card or funds placed on deposit can speed the process and delivery of orders. For further information, contact the Public Records Office at 800/424-9530 or 202/694-1120.

Advisory Opinions

(continued from page 5)

in which the Commission permitted Rory Reid, the son of Senator Harry Reid of Nevada, to raise nonfederal funds for a State party committee even though he had previously been an “agent” of Senator Reid’s campaign and anticipated being an agent again in the future. The Commission deemed this permissible so long as Rory Reid solicited nonfederal funds in his own capacity on behalf of the state party and not on the authority of any federal candidate or officeholder.

Consistent with the conclusion in Advisory Opinion 2003-10, the Commission concluded in this case that Mr. Iverson may raise and spend funds on behalf of the State Committee, even if he becomes an agent of Congressman Rehberg for

fundraising purposes, as long as Mr. Iverson solicits nonfederal funds in his own capacity and exclusively on behalf of the State Committee and not on the authority of any federal candidate or officeholder, including Congressman Rehberg.

The Commission expressed no opinion regarding the application of the rules of the House of Representatives to the proposed activities because those questions are not within the Commission’s jurisdiction.

Date: April 25, 2007

Length: 7 pages

—Gary Mullen

Advisory Opinion 2007-6: State Party Status for Libertarian Party of Indiana

The Libertarian Party of Indiana (LPIN) satisfies the requirements for state party committee status.

Background

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 part of the official party structure and 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 for a committee to achieve state party committee status under FEC regulations, the Commission must first determine whether the party itself qualifies as a “political party” under the Act and Commission regulations. See AO 2007-2. Secondly, the committee must satisfy the remaining requirements of state party committee status: (1) be part of the official party structure and (2) be responsible for the day-to-day operations of the political party at the state level. 2 U.S.C. 431(15) and 11 CFR 100.14. To determine day-to-day responsibility for operations, the Commission considers both (1) whether the committee has successfully placed

a federal candidate on the ballot and (2) the bylaws of the committee. See AO 2007-2. Gaining ballot access for a federal candidate is an essential element of qualifying as a political party. See 2 U.S.C. 431(16) and 11 CFR 100.15.

Analysis

The LPIN meets all of the requirements for state political committee status. The Commission previously determined that the Libertarian Party qualifies as a national party committee. See AOs 2002-14 and 1975-129. The LPIN demonstrated that it is part of the official party structure by submitting a letter from the Libertarian National Committee (LNC) confirming the LPIN’s status as part of the LNC’s official party structure.

Regarding the day-to-day operational responsibilities, the LPIN successfully placed a Presidential candidate on the ballot in 2004 and a House of Representatives candidate on the ballot in 2006. Both candidates raised or spent in excess of \$5,000 during their respective campaigns, thus satisfying the Act’s definition of “candidate” at 2 U.S.C. 431(2).

Date Issued: May 4, 2007

Length: 4 pages

—Meredith Metzler

Advisory Opinion Request

AOR 2007-8

Individual and/or 501(c)(3) foundation making donations to other 501(c)(3) charities in honor of performances by professional entertainers at campaign events (Michael King, May 18, 2007)

Commission Calendar Always Up-to-Date

Between issues of the *Record*, you can stay up-to-date on the latest FEC activity by visiting the Commission Calendar on our web site at http://www.fec.gov/Fec_calendar/maincal.cfm. The Calendar lists Commission meetings, reporting deadlines, conferences and outreach events, advisory opinion and rulemaking comment periods and other useful information. Each calendar entry links directly to the relevant documents, so you can quickly access detailed information on the subjects that interest you.

While you’re visiting www.fec.gov, be sure to explore the rest of our site to review the latest campaign finance reports and data, research enforcement actions and litigation, read press releases and get help complying with the law. Visit today and add our site to your favorites.

Reports

California Special Election Reporting: 37th District

The Special General Election to fill the U.S. House seat in California's 37th Congressional District formerly held by the late Representative Juanita Millender-McDonald will be June 26, 2007. Under California law, a majority winner in a special election is declared elected. Should no candidate achieve a majority vote, a Special Runoff Election will be held on August 21, 2007, among the top vote-getters of each qualified party, including qualified independent candidates.

Candidate committees involved in one or both of these elections must follow the reporting schedule on this page. Please note that the reporting period for the Post-General election report (or Post-Runoff election report, if necessary) spans two election cycles. For this report only, authorized committees must use the Post-Election Detailed Summary Page rather than the normal Detailed Summary Page.

PACs and party committees that file on a semiannual schedule and participate in one or both of these elections must follow the schedule on page 8. PACs and party committees that file monthly should continue to file according to their regular filing schedule.

Filing Electronically

Reports filed electronically must be received and validated by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission's validation program by the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines.

(continued on page 9)

California 37th District Special Election Reporting for Quarterly Filers

If Only the Special General Is Held, Quarterly Filing Committees Must File:

	Close of Books ¹	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	June 6	June 11	June 14
July Quarterly	June 30	July 15	July 15 ²
Post-General	July 16	July 26	July 26
October Quarterly	September 30	October 15	October 15
Year-End	December 31	January 31	January 31

Quarterly Filing Committees Involved in Both the Special General and Special Runoff Must File:

	Close of Books ¹	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	June 6	June 11	June 14
July Quarterly	June 30	July 15	July 15 ²
Pre-Runoff	August 1	August 6	August 9
Post-Runoff	September 10	September 20	September 20
October Quarterly	September 30	October 15	October 15
Year-End	December 31	January 31	January 31

If Two Elections are Held, a Quarterly Filing Committee Involved in Only the Special General Must File:

	Close of Books ¹	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	June 6	June 11	June 14
July Quarterly	June 30	July 15	July 15 ²
October Quarterly	September 30	October 15	October 15
Year-End	December 31	January 31	January 31

¹ This date indicates the end of a reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

² Notice that this filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

California 37th District Special Election Reporting for Semiannual Filers

If Only the Special General Is Held, Committees Must File:

	Close of Books ¹	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	June 6	June 11	June 14
Post-General	July 16	July 26	July 26
Mid-Year		---waived---	
Year-End	December 31	January 31	January 31

If Two Elections Are Held, Committees Involved in Only the Special General Must File:

	Close of Books ¹	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	June 6	June 11	June 14
Mid-Year	June 30	July 31	July 31
Year-End	December 31	January 31	January 31

If Two Elections Are Held, Committees Involved in Both Elections Must File:

	Close of Books ¹	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	June 6	June 11	June 14
Mid-Year		---waived---	
Pre-Runoff	August 1	August 6	August 9
Post-Runoff	September 10	September 20	September 20
Year-End	December 31	January 31	January 31

If Two Elections Are Held, Committees Involved in Only the Special Runoff Must File:

	Close of Books ¹	Reg./Cert./Overnight Mailing Date	Filing Date
Mid-Year		---waived---	
Pre-Runoff	August 1	August 6	August 9
Post-Runoff	September 10	September 20	September 20
Year-End	December 31	January 31	January 31

¹ This date indicates the end of a reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

Reports

(continued from page 7)

Timely Filing for Paper Filers

Registered and Certified Mail.

Reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by certified or registered mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by certified mail.

Overnight Mail. Reports filed via overnight mail¹ will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. A committee sending its reports by Express or Priority Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports.

Other Means of Filing. Reports sent by other means—including first class mail and courier—must be received by the FEC before the Commission's close of business on the filing deadline. 2 U.S.C. 434(a)(5) and 11 CFR 104.5(e). Paper forms are available at the FEC's web site (<http://www.fec.gov/info/forms.shtml>) and from FEC Faxline, the agency's automated fax system (202/501-3413).

48-Hour Contribution Notices

Note that 48-hour notices are required of authorized committees that receive contributions of \$1,000 or more between June 7 and June 23, for the Special General Election; and between August 2 and August 18, for the Special Runoff Election, if that election is held.

¹ "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

24- and 48-Hour Reports of Independent Expenditures

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate at or above \$1,000 between June 7 and June 24, for the Special General, and between August 2 and August 19, for the Special Runoff, if that election is held. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more at other times during a calendar year.

Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from April 27 through June 26, 2007. The electioneering communications period for the Special Runoff Election, if that election is held, runs from June 22 through August 21, 2007.

—Elizabeth Kurland

Staff

FEC Names New General Counsel

On May 9, 2007, the Commission announced the selection of Thomasenia (Tommie) Duncan as the Commission's General Counsel. Ms. Duncan had served as the Acting General Counsel since the February 2007 departure of previous General Counsel Lawrence Norton.

"I'm honored by the confidence the Commission has shown in selecting me," said Ms. Duncan, "and I'm looking forward to continuing to work with our excellent staff to fulfill the Commission's mission."

Prior to her appointment as Acting General Counsel, Ms. Duncan served as the FEC's Associate General Counsel for General Law and Advice. Before coming to the FEC in February 2004, Ms. Duncan was

the General Counsel for America's Promise—The Alliance for Youth. She has worked in government service as Senior Legal Advisor to the Administrator of the Federal Aviation Administration, General Counsel of the Corporation for National and Community Service and Acting Deputy Solicitor and Special Assistant to the Solicitor of the Department of Labor. Ms. Duncan began her legal career with the law firm of Covington and Burling LLP.

Ms. Duncan is a graduate of Brown University and the University of Pennsylvania Law School, and also attended Yale Law School.

—Meredith Metzler

Back Issues of the Record Available on the Internet

This issue of the *Record* and all other issues of the *Record* starting with January 1996 are available on the FEC web site as PDF files. Visit the FEC web site at <http://www.fec.gov/pages/record.shtml> to find monthly *Record* issues.

The web site also provides copies of the *Annual Record Index* for each completed year of the *Record*, dating back to 1996. The *Annual Record Index* list *Record* articles for each year by topic, type of Commission action and, in the case of advisory opinions, the names of individuals requesting Commission action.

You will need Adobe® Acrobat® Reader software to view the publication. The FEC's web site has a link that will take you to Adobe's web site, where you can download the latest version of the software for free.

State Outreach Workshops:

Throughout the summer, Public Affairs Specialists from the Commission's Information Division will visit several cities to provide education for committees and staff. These informal state outreach trips will provide PACs, party committees, and candidate committees with information on areas of the law specific to their needs. For questions about this outreach program, or to register for one of the sessions, please call the FEC's Information Division at 800/424-9530 (or locally at 202/694-1100) or send an e-mail to Conferences@fec.gov with your contact information (name, organization, phone number, fax number and e-mail address).

Date	Topic	Location
June 20-21, 2007	Meetings for Candidates and Campaign Staff, Party Committees and Political Action Committees	Denver, CO
June 26-27, 2007	Meetings for Candidates and Campaign Staff, Party Committees and Political Action Committees	Phoenix, AZ
July 16-17, 2007	Meetings for Candidates and Campaign Staff, Party Committees and Political Action Committees	Atlanta, GA

To register, contact the FEC at 800/424-9530 (press 6) or visit <http://www.fec.gov/info/outreach.shtml#state>.

Conferences:

Each year, the Commission sponsors conferences at which Commissioners and staff conduct a variety of technical workshops on the law. Discussion topics include fundraising, reporting and communications. Workshops are designed for those seeking an introduction to basic provisions of the law as well as for those more experienced in campaign finance law. For questions about the conference program, or to receive e-mail notification when registration begins, call the FEC's Information Division at 1-800/424-9530 (or locally at 202/694-1100) or send an e-mail to Conferences@fec.gov. Below is the schedule for the remaining 2007 conferences.

Date	Topic	Location
June 4-5, 2007	Conference for Trade Associations, Labor Organizations, Membership Organizations and their PACs	Washington, DC Sold Out!
September 26-27, 2007	Regional Conference for Corporate/Labor/Trade Association PACs, House/Senate Campaigns and Political Party Committees	Seattle, WA *Send an e-mail to Conferences@fec.gov to be notified when registration begins.
November 6-7, 2007	Regional Conference for Corporate/Labor/Trade Association PACs, House/Senate Campaigns and Political Party Committees	St. Louis, MO *Send an e-mail to Conferences@fec.gov to be notified when registration begins.

Index

The first number in each citation refers to the numeric month of the 2007 Record issue in which the article appeared. The second number, following the colon, indicates the page number in that issue. For example, "1:4" means that the article is in the January issue on page four.

Advisory Opinions

- 2006-33: Association May Compensate State Affiliate Collecting Agents, 2:6
- 2006-34: Political Committee Sponsored Affinity Program, 4:5
- 2006-35: Legal Fees Paid with Campaign Funds, 3:4
- 2006-36: Green Senatorial Committee Gains National Party Status, 3:5
- 2006-37: Campaign May Reimburse Candidate's Misreported Loans, 3:6
- 2006-38: Officeholder's Use of State Campaign Funds, 3:7
- 2007-1: Federal Officeholder May Raise Nonfederal Funds to Retire State Campaign Debt, 5:7
- 2007-2: State Party Status for Arizona Libertarians, 4:7
- 2007-3: Private Contributions Do Not Preclude Public Funding, 4:8
- 2007-5: Officeholder's Chief of Staff Raising Nonfederal Funds as Chairman of State Party Committee, 6:5
- 2007-6: State Party Status for Libertarian Party of Indiana, 6:6

Audits

- Bush/Cheney '04 and Clark for President, 5:8

Compliance

- 527 Organizations Pay Civil Penalties, 1:1
- Administrative Fine Update, 4:9
- Comments Sought on Proposed Probable Cause Hearings, 1:5
- Comments Sought on *Sua Sponte* Proposal, 1:5
- MUR 5358: Jamie Jacob Morgan, 6:1

- MUR 5487: Progress for America Voter Fund, 4:1
- MURs 5511 and 5525: Swift Boat Veterans and POWs for Truth, 1:3
- MUR 5634: Express Advocacy Leads to Prohibited Corporate Expenditure, 1:4
- MUR 5645: Prohibited In-Kind Corporate Contributions, 5:4
- MUR 5690: Reporting Joint Fundraising Proceeds, 5:4
- MUR 5702: Colorado Democratic Party, 6:2
- MUR 5753: League of Conservation Voters 527 I and II, 1:3
- MUR 5754: MoveOn.org Voter Fund, 1:4
- Policy Statement on Embezzlement Misreporting Safe Harbor, 5:1
- Policy Statement Establishing Probable Cause Hearings, 3:1
- Policy Statement on Initial Stage of Enforcement Process, 4:3
- Policy Statement on Reporting of "Purpose of Disbursement," 2:5
- Policy Statement on Self-Reporting of Violations, 5:2
- Policy Statement on Internal Controls for Political Committees, 5:3

Court Cases

- _____ v. FEC
- CREW, 2:3
- Unity '08, 2:4
- Wisconsin Right to Life, 2:1
- Bialek v. Gonzales, Marcus v. Gonzales, Beam v. Gonzales, 4:5
- Fieger v. Gonzales, 3:3

Legislation

- Legislative Recommendations Approved, 5:11

Information

- 2007-2008 Contribution Limits, 2:1
- Coordinated Party Expenditure Limits for 2007, 3:9
- Reporting Notices Enter the Electronic Age, 2:7; 3:10
- Staff Director Testifies on Senate E-Filing, 4:10
- Telephone Excise Tax Refunds, 1:11

Public Funding

- Estimated Presidential Spending Limits, 5:6

Outreach

- Conferences Scheduled for 2007, 3:10, 6:10
- Roundtable Workshops, 4:12
- State Outreach Workshops, 6:10
- Washington, DC Conference for Corporations and SSFs, 3:10, 4:10
- Washington, DC Conference for House and Senate Campaigns and Political Party Committees, 4:11; 5:14
- Washington, DC Conference for Trade Associations, Membership Organizations and Labor Organizations, 5:14

Regulations

- 2007 Rulemaking Priorities, 4:4
- Best Efforts Defense Replaces Extraordinary Circumstances Defense, 5:1
- Notice of Proposed Rulemaking for Hybrid Communication, 6:1
- Proposed Rules and Policy Statement on Best Efforts, 1:6
- Supplemental E&J on Political Committee Status, 3:1

Reports

- April Reporting Reminder, 4:1
- California Special Election, 6:7
- Georgia Special Election, 5:10
- Reports Due in 2007, 1:7

Staff

- FEC Names New General Counsel, 6:9
- General Counsel and Deputy Resign, 2:6

Statistics

- Detailed Presidential Fundraising and Spending Information Available on FEC Web Site, 5:12
- Party Financial Activity, 4:10

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

Official Business
Penalty for Private Use, \$300

PRESORTED STANDARD
U.S. POSTAGE
PAID
FEDERAL ELECTION COMMISSION

