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Advisory Opinions

AO 2012-22 Commercial Website to Collect Candidate Contributions

A corporation may establish a commercial website to provide information about federal candidates and process users' contributions to the candidates they choose.

Background

Skimmerhat is a for-profit corporation registered in Delaware that proposes to establish a web-based platform called skimmerhat.com (the "site"). The site will allow users to search for federal candidates using any of three primary search criteria—geographic location, ideological similarities or single-issue positions—and make campaign contributions to those they support.

Before making a contribution through the site, users must first confirm that they are knowingly and willingly making the contribution from their own funds and not from a prohibited source (e.g., a corporation). The site will limit individuals' contributions to candidates to the current federal limits—\$2,500 per election—and skimmerhat will assess an eight percent "processing and convenience" fee per transaction.

Analysis

The Federal Election Campaign Act (the Act) and Commission regulations prohibit corporations from making a contribution in connection with a federal election. See 2 U.S.C. §441b(a); 11 CFR 114.2(b)(1). To avoid making a prohibited contribution, corporations must receive adequate compensation for any services they provide to a political committee. The Commission has found that companies that process contributions for donors as a commercial endeavor—as skimmerhat proposes—are not making a contribution to the recipient political committees. See [AO 2011-19 \(GivingSphere\)](#).

In some respects, the service skimmerhat will provide to individual donors is analogous to mail delivery services that a contributor may use to deliver a contribution, or an electronic bill-pay service that banks provide. See also [AO 2011-06 \(Democracy Engine\)](#).

The eight percent processing and convenience fee charged by skimmerhat will not count toward the individual's contribution limits to a candidate. Contribution amounts do not include processing fees paid by contributors, because the services provided by the vendor were "at the request and for the benefit of the contributors, not of the recipient political committees." See [AO 2011-06 \(Democracy Engine\)](#).

Skimmerhat may also provide basic factual information about candidates to its users. A previous advisory opinion found the provision of factual information to customers appeared to be a corollary of creating a web platform through which users could identify political committees and transmit contributions. [See AO 2011-19 \(GivingSphere\)](#).


Additionally, skimmerhat may compile and disseminate campaign finance data from reports candidates file with the FEC, so long as information about individual contributors is not included. The Act prohibits the use of information about individual contributors for commercial purposes. 11 CFR 104.15(a). See also [AO 2004-24 \(NGP Software\)](#); [AO 1983-44 \(Cass Communications\)](#); [AO 1981-38 \(Campac Publications\)](#); and [AO 1980-101 \(Weinberger\)](#).

Because skimmerhat will act as solely as a commercial service provider, it will not be required to file any reports with the Commission. See 2 U.S.C. §434(a)(1); 11 CFR 104.1.

Date Issued: August 2, 2012; Length: 11 pages.

(Posted 8/6/12; By: Alex Knott)

Resources:

- [Advisory Opinion 2012-22](#) [PDF; 11 pages]
- [Commission Discussion of AOR 2012-22](#) 

AO 2012-23 Trade Associations May Solicit Members for Affiliated Cooperative's PAC

With prior approval, a group of trade associations may solicit their corporate members' executives and stockholders for contributions to the separate segregated fund (PAC) of an affiliated cooperative.

Background

A group of seven 501(c)(5) sugarbeet growers associations (collectively, "the Associations") promote the interests of sugarbeet growers in Idaho and Oregon. Each Association solicits membership from persons or entities that are both actively engaged in the cultivation of sugarbeets and members of Snake River Sugar Company (Snake River).

Snake River is an agricultural cooperative organized by the Associations to handle, manufacture, process and market the sugarbeets grown by its members. Snake River purchases these sugarbeets and sells them to the Amalgamated Sugar Company LLC ("Amalgamated") which processes the sugarbeets and sells the resulting sugar. Amalgamated returns the proceeds to Snake River for distribution to its members, less the funds that Snake River withholds and remits to the Associations as members' dues. Only agricultural producers who are engaged in the production of sugarbeets and their cooperative associations may be members of Snake River, the vast majority of which are also members of one of the seven Associations.

Snake River is the connected organization of Snake River PAC, which is a separate segregated fund. The Associations propose to solicit contributions to Snake River PAC from the shareholders, executive and administrative personnel (and the families of each group) of corporations that are Association members, only after receiving prior approval to do so from their corporate members.

Analysis

Status as Trade Associations. The Commission concluded that the seven associations qualify as "trade associations" under the Act and Commission regulations, which define a trade association as "...a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit, and no part of the net earnings of which inures to the benefit of any member." 11 CFR 114.8(a).

To qualify as a trade association, an organization must first be a membership organization, which Commission regulations define as a trade association, cooperative, or corporation without capital stock that 1) is composed of members, 2) expressly states the qualifications and requirements for membership in its articles, bylaws, constitution, or other formal documents, 3) makes its articles, bylaws, constitution, or other formal organizational documents available to its members upon request, 4) expressly solicits persons to become members, 5) expressly acknowledges the acceptance of membership, and 6) is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual for federal office. 11 CFR 114.1(e)(1)(i)-(vi).

Based on the facts presented, the Commission concluded that the Associations satisfy each of the above criteria and thus qualify as membership organizations. Furthermore, because the Associations consist of persons engaged in a similar line of commerce (in this case, sugarbeets), and the revenue of the Associations is derived from their members' dues, no part of which inures to the benefit of any individual member, the Associations qualify as trade associations.

Affiliation. The Associations and Snake River are affiliated under the Act and Commission regulations. Organizations are considered to be affiliated if they are established, financed, maintained or controlled by the same corporation, person or groups of persons. The Commission's regulations on affiliation consider various factors to determine whether two organizations are affiliated, including common officers, employees or members indicating a formal or ongoing relationship between the different organizations. 11 CFR 100.5(g)(4) and 110.3(a)(3).

The Associations formed Snake River and participate significantly in its operations. There is also significant overlap in their membership and governance. Each member of the Association is and must be a member of Snake River; about 99.6 percent of Snake River's members are also Association members. Snake River also plays a role in funding the Associations, since Snake River purchases all of the sugarbeets grown by members of the Associations, withholds members' dues from its payments to the growers and remits those funds to the Associations. These funds comprise all of the Associations' revenues.

Solicitations for the PAC. As the Associations and Snake River are affiliated, the Associations may solicit the executive and administrative personnel, stockholders and family members of their member corporations (also known as the "restricted class") that have provided prior approval for such solicitations, for contributions to Snake River's PAC.

The Act and Commission regulations allow incorporated trade associations with corporate members to solicit the restricted class of those corporate members, provided that the corporate members have granted "prior approval" to the trade association for the making of such solicitations during a calendar year. As a condition of prior approval, the corporation may not grant approval to more than one trade association during a single calendar year. 2 U.S.C. §441b(b)(4)(D) and 11 CFR 114.8(c) and (d).

In this instance, since the trade associations (the Associations) are affiliated with the PAC's connected organization (Snake River), the Associations may solicit contributions to Snake River's PAC in the same manner as if the Associations themselves were the connected organizations of the PAC. See [AO 2005-17 \(American Crystal Sugar\)](#). As a result, the Associations' restricted class may be solicited for contributions to Snake River PAC, as well as the restricted class of any corporate members of the Associations that have granted prior approval.

Date Issued: August 2, 2012; Length: 9 pages.

(Posted 8/15/12; By: Myles Martin)

Resources:


- [Advisory Opinion 2012-23](#) [PDF; 9 pages]
- [Commission Discussion of AOR 2012-23](#) 

Alternative Disposition of Advisory Opinion Request 2012-24

On August 2, 2012, the Commission considered three draft responses to an Advisory Opinion Request involving Dean Peterson's proposal to publish and market a House candidate's autobiography. The Commission voted on two drafts, but no draft received the four affirmative votes required to render an opinion. Thus, the Commission concluded its consideration of the request without issuing an Advisory Opinion.

(Posted 8/10/12; By: Isaac Baker)

Resources:

- [Advisory Opinion Request 2012-24](#) [PDF; 1 page]
- [Commission Discussion of AOR 2012-24](#) 

AO 2012-26 Campaigns Responsible for Compliance of Text Contributions

Campaigns that receive texted contributions are solely responsible for determining the eligibility of contributors, and must satisfy their responsibilities under the Federal Election Campaign Act (the Act) by employing the proposed safeguards.

Background

Rep. Jim Cooper's campaign, and the connection aggregator m-Qube plan to engage in a commercial transaction aimed at raising campaign contributions by text message.

Under the plan, which is similar to one approved in [AO 2012-17](#), a contributor texts a predetermined word or phrase to a code number assigned to the recipient committee. Shortly after, the provider would ask the individual to certify their eligibility to make contributions and confirm the contribution amount. Once the confirmation and certification are received, a charge in the amount of the contribution would appear on the individual's cellular phone bill.

Under the requestors' proposal, participating committees have to be registered and "in good standing" with the Commission and contributions to a committee from a single mobile phone number cannot exceed \$50 per month.

The requesters seek confirmation that – as between m-Qube, the wireless service providers, and the Committee – the Committee is responsible for compliance with the Act and Commission regulations, and that any discounts wireless vendors offer would not result in in-kind contributions so long as they act in accordance with normal business practices.

Analysis

Cooper for Congress is solely responsible for determining the eligibility of its contributors, and the Committee will satisfy its responsibilities under the Act by employing its proposed safeguards.

A treasurer of a political committee “must keep an account of (1) all contributions received by or on behalf of such political committee; (2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person; [and] (3) the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution.” See 2 U.S.C. § 432(c)(1)-(3); see also 11 CFR 110.4(c).

Commission regulations also state that “[t]he treasurer shall be responsible for examining all contributions received for evidence of illegality and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor, exceed the [Act’s] contribution limitations.” See 11 CFR 103.3(b).

Under the proposal, the Committee will be able to satisfy its requirements under the Act and Commission regulations.

Persons who receive and forward contributions to political committees must forward the contributions within certain time frames—10 days for contributions to authorized committees and for contributions in excess of \$50 to unauthorized committees, and 30 days for other contributions to unauthorized committees. For contributions in excess of \$50 they must also forward the contributors’ names, addresses and other identifying information. 2 U.S.C.

§ 432(b); 11 CFR 102.8(a) and (b). None of the contributions under the proposal here will exceed \$50.

Generally, discounts to political committees that are also “available to others on equal terms or as part of a pre-existing business relationship” are not considered in-kind contributions. Under the circumstances presented, m-Qube may pass on to its political committee customers the discounts that it negotiates with wireless service providers.

Date Issued: August 14, 2012; Length: 11 pages.

(Posted 8/31/12; By: Alex Knott)

Resources:

- [Advisory Opinion 2012-26](#) [PDF; 11 pages]
- [Commission Discussion of AO 2012-26](#) 

AO 2012-27 Some of Group's Communications Ruled Not Express Advocacy or Solicitations

Three of the seven advertisements proposed by the National Defense Committee (NDC) do not expressly advocate the election or defeat of a clearly identified federal candidate under the Federal Election Campaign Act (the Act) and Commission regulations. Additionally, two of the group's four proposed donation requests would not be considered solicitations under the Act.

The Commission could not determine by the required four affirmative votes whether NDC's four remaining proposed ads contain express advocacy or whether its two other donation requests constitute solicitations. The Commission also could not approve a response as to whether NDC's questions concerning political committee status and the application and enforcement of the express advocacy definition at 11 CFR 100.22(b) qualify as appropriate advisory opinion requests. See 2 U.S.C. §437c(c); 11 CFR 112.4(a).

Background

NDC is a Virginia-based nonprofit that focuses on issues that affect "war veterans, veterans' affairs, national defense, homeland security, and national security." The group says it will not contribute to any federal candidates, political parties or political committees, will not make any coordinated expenditures and will not accept any contributions from foreign nationals or federal contractors.

NDC plans to spend slightly more than \$3,000 to run seven advertisements through online and social media platforms, including paid video placements with a commercial vendor. NDC has a larger budget to fund activities that are "dissimilar" to those described in its advisory opinion request, but was "unable to provide any details" regarding its overall budget or other activities.

The group asked the Commission whether its planned advertisements would be considered express advocacy and whether its proposed donation requests would be considered solicitations under the Act. NDC also asked whether the Commission would apply both parts of its regulatory definition of express advocacy. Finally, the nonprofit asked whether its activities would require it to register and report as a political committee.

Analysis

The Commission concluded that NDC's "Ethically Challenged," "Stop the Liberal Agenda," and "Don't Trust Harry Reid" advertisements would not expressly advocate the election or defeat of a clearly identified federal candidate under the regulatory definition at 11 CFR 100.22. The Commission could not approve a response regarding the remaining advertisements by the required four affirmative votes.

Two of NDC's proposed donation requests – entitled "Strategic Stupidity" and "Fighting Back" – will not constitute "solicitations," but the Commission could not approve a response regarding the remaining proposed donation requests.

Date Issued: August 24, 2012; Length: 7 pages.

(Posted 8/30/12; By: Alex Knott)

Resources:

- [Advisory Opinion 2012-27](#) [PDF; 7 pages]
- [Commission Discussion of AO 2012-27](#) 

AO 2012-28 Committees Responsible for Text Contribution Compliance

CTIA—The Wireless Association ("CTIA") and its members may offer their text-to-donate services to political committees without assuming responsibility for the legality of the resulting contributions under the Federal Election Campaign Act (the "Act") and Commission regulations, when the contributions are processed by a connection aggregator. That responsibility rests solely with the recipient political committees.

Background

CTIA is a trade association representing wireless service providers. CTIA proposes to lease short codes for use by political committees, and the wireless service providers propose to enter into agreements that would allow their customers to contribute to federal political committees by text message.

To contribute, an individual would text a predetermined word or phrase to a code number assigned to the recipient committee. Shortly after, the provider would ask the individual to certify their eligibility to make contributions and confirm the contribution amount. Once the confirmation and certification are received, a charge in the amount of the contribution would appear on the individual's cellular phone bill.

Before offering this service, CTIA and the wireless service providers seek to confirm that they will not be responsible for ensuring each contributor's eligibility, monitoring contribution limits or fulfilling recordkeeping and reporting requirements.

Analysis

Under the proposal presented by CTIA and the wireless service providers, political committees are solely responsible for ensuring that contributions by text message are lawful.

A treasurer of a political committee “must keep an account of (1) all contributions received by or on behalf of such political committee; (2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person; [and] (3) the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution.” See 2 U.S.C. §432(c)(1)-(3); see also 11 CFR 110.4(c).

Commission regulations also state that “[t]he treasurer shall be responsible for examining all contributions received for evidence of illegality and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor, exceed the [Act’s] contribution limitations.” See 11 CFR 103.3(b).

Under the proposal, CTIA and the wireless service providers are not responsible for determining the eligibility of a contributor, or for ensuring compliance with the \$50 monthly limit on contributions and the recordkeeping obligations for contributions in excess of \$200. See [AO 2012-17 \(m-Qube I\)](#).

The wireless service providers also may develop eligibility criteria based upon commercial considerations and therefore may decide to accept only proposals from some political committees and not others.

When CTIA and the wireless service providers operate according to their normal business practices, no prohibited corporate contributions will result. Deviations from normal business practices could constitute “in-kind” contributions in situations such as a discount to a political committee that is not available to others on equal terms or preferential treatment outside of the business relationship. See 2 U.S.C. §441b(a); 11 CFR 114.2(b)(1).

Date Issued: August 14, 2012; Length: 10 pages.

(Posted 8/31/12; By: Alex Knott)

Resources:


- [Advisory Opinion 2012-28](#) [PDF; 10 pages]
- [Commission Discussion of AO 2012-28](#) 

Alternative Disposition of Advisory Opinion Request 2012-29

On August 23, 2012, the Commission considered two draft responses to an Advisory Opinion Request involving a proposal by Hawaiian Airlines to organize appearances by U.S. Senate candidates. The Commission voted on both drafts, but neither draft received the four affirmative votes required to render an opinion. Thus, the Commission concluded its consideration of the request without issuing an Advisory Opinion.

(Posted 8/28/12; By: Alex Knott)

Resources:

- [Advisory Opinion Request 2012-29](#) [PDF; 2 pages]
- [Commission Discussion of AOR 2012-29](#) 

Public Funding

Commission Certifies Matching Funds for Johnson

The Commission has certified the payment of \$73,692.29 in federal matching funds to presidential candidate Gary Earl Johnson for the 2012 primary election. The United States Treasury Department transferred the certified amount on August 7.

In May, based on Johnson's initial threshold submission, the Commission requested that the U.S. Treasury make an initial payment of \$100,000 to Johnson's campaign. In June, the Commission requested that the U.S. Treasury make a second payment in the amount of \$130,058.91. The most recent payment raises the total amount of federal funds certified thus far to Johnson, the Libertarian Party's presidential nominee, to \$303,751.20.

To become eligible, candidates must raise a threshold amount of \$100,000 by collecting \$5,000 in 20 different states in amounts no greater than \$250 from any individual. Other requirements to be declared eligible include agreeing to an overall spending limit, abiding by spending limits in each state, using public funds only for legitimate campaign-related expenses, keeping financial records and permitting an extensive campaign audit.

The presidential public funding program is financed through the \$3 check-off that appears on individual income tax returns. The program has three elements: grants to parties to help fund their nominating conventions, grants available to nominees to pay for the general election campaign, and matching payments to participating candidates during the primary campaign.

This cycle, the maximum amount a primary candidate could receive is currently estimated to be about \$22.8 million. The Commission has also certified \$18,248,300 each to the Republican and Democratic parties for their 2012 conventions.

(Posted 8/15/12; By: Myles Martin)

Resources:

- [FEC Press Release](#)
- [Press Office Backgrounder on Presidential Election Campaign Fund](#)
- [Brochure: Public Funding of Presidential Elections](#)
- [Brochure: The \\$3 Tax Checkoff](#)

Commission Certifies Matching Funds for Jill Stein for President

On August 28, 2012, the Commission declared Jill Stein for President eligible to receive federal matching funds and certified a payment of \$100,000 for the 2012 primary election.

Jill Stein for President is the authorized committee of Jill Stein, the presidential candidate of the Green Party. Stein is the third candidate to be declared eligible for federal matching funds in 2012. The Commission has certified \$351,961.10 in federal matching funds to Charles E. "Buddy" Roemer III and \$230,058.91 to Gary Earl Johnson for the primary.

Roemer, who in February became the first 2012 presidential candidate to be declared eligible to receive federal matching funds, ended his presidential campaign on May 31. Johnson, the Libertarian Party candidate, became eligible for matching funds in May.

To become eligible, candidates must raise a threshold amount of \$100,000 by collecting \$5,000 in 20 different states in amounts no greater than \$250 from any individual. Other requirements to be declared eligible include agreeing to an overall spending limit, abiding by spending limits in each state, using public funds only for legitimate campaign-related expenses, keeping financial records and permitting an extensive campaign audit.

Based on documents filed by Jill Stein for President on July 16, 2012, contributions from the following states were verified for threshold purposes: Arizona, California, Colorado, Connecticut, Florida, Illinois, Massachusetts, Maryland, Michigan, Minnesota, North Carolina, New Jersey, New York, Ohio, Oregon, Pennsylvania, Texas, Virginia, Washington and Wisconsin.

All of the materials included with this submission may be viewed [here](#). Based on Jill Stein for President's initial threshold submission, the Commission will request that the United States Treasury make an initial payment of \$100,000 to the committee.

Once declared eligible, campaigns may submit additional contributions for matching funds on the first business day of every month. The maximum amount a primary candidate could receive is currently estimated to be about \$22.8 million.

The presidential public funding program is financed through the \$3 check-off that appears on individual income tax returns. The program has three elements: grants to parties to help fund their nominating conventions, grants available to nominees to pay for the general election campaign, and matching payments to participating candidates during the primary campaign.

This cycle, the maximum amount a primary candidate could receive is currently estimated to be about \$22.8 million.

(Posted 8/29/12; By: Myles Martin)

Resources:

- [FEC Press Release](#)
- [Press Office Backgrounder on Presidential Election Campaign Fund](#)

Compliance

Commission Cites Committee for Failure to File Tennessee Pre-Primary Report

On July 31, 2012, the Commission cited a campaign committee for failing to file the 12-Day Pre-Primary Election Report required by the Federal Election Campaign Act (the Act), for the Tennessee primary election held on August 2, 2012.

As of July 30, 2012, the required disclosure report had not been received from:

- Ron for Congress (TN/03)

The report was due on July 21, 2012, and should have included financial activity for the period July 1, 2012, through July 13, 2012. If sent by certified or registered mail, the report should have been postmarked by July 18, 2012.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

The Commission notified committees involved in the Tennessee primary election of their potential filing requirements on June 27, 2012. Those committees that did not file on the due date were sent notification on July 23, 2012 that their reports had not been received and that their names would be published if they did not respond within four business days.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 8/1/2012; By: Myles Martin)

Resources:

- [FEC Non-Filer Press Release](#)
- [FEC Compliance Map](#)

Commission Cites Committees for Failure to File Missouri and Washington Pre-Primary Reports

On August 3, 2012, the Commission cited three campaign committees for failing to file the 12-Day Pre-Primary Election Report required by the Federal Election Campaign Act (the Act), for the Missouri and Washington primary elections held on August 7, 2012.

As of August 2, 2012, the required disclosure report had not been received from:

- Jason Greene for Congress (MO/05)
- Friends of Stephan Brodhead (WA/06)
- Friends to Elect Don Rivers to Congress 2012 (WA/07)

The report was due on July 26, 2012, and should have included financial activity for the period July 1, 2012, through July 18, 2012. If sent by certified or registered mail, the report should have been postmarked by July 23, 2012.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

The Commission notified committees involved in the Michigan, Missouri and Washington primary elections of their potential filing requirements on July 2, 2012. Those committees that did not file on the due date were sent notification on July 27, 2012 that their reports had not been received and that their names would be published if they did not respond within four business days.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 8/3/2012; By: Myles Martin)

Resources:

- [FEC Non-Filer Press Release](#)
- [FEC Compliance Map](#)

Commission Cites Committee for Failure to File Hawaii Pre-Primary Report

On August 8, 2012, the Commission cited a campaign committee for failing to file the 12-Day Pre-Primary Election Report required by the Federal Election Campaign Act (the Act), for the Hawaii primary election held on August 11, 2012.

As of August 7, 2012, the required disclosure report had not been received from:

- Citizens for Carroll (HI)

The report was due on July 30, 2012, and should have included financial activity for the period July 1, 2012, through July 22, 2012. If sent by certified or registered mail, the report should have been postmarked by July 27, 2012.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

The Commission notified committees involved in the Hawaii primary election of their potential filing requirements on July 6, 2012. Those committees that did not file on the due date were sent notification on July 31, 2012 that their reports had not been received and that their names would be published if they did not respond within four business days.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 8/8/2012; By: Myles Martin)

Resources:

- [FEC Non-Filer Press Release](#)
- [FEC Compliance Map](#)

Commission Cites Committees for Failure to File Florida and Wisconsin Pre-Primary Reports

On August 10, 2012, the Commission cited five campaign committees for failing to file the 12-Day Pre-Primary Election Report required by the Federal Election Campaign Act (the Act), for the Florida and Wisconsin primary elections held on August 14, 2012.

As of August 9, 2012, the required disclosure report had not been received from:

- Kolb 4 Congress (FL/03)
- Adams for Congress (FL/11)
- Jim Horn Election Committee (FL/18)
- Gustavo Marin for Congress (FL/26)
- Friends of Dennis Hall (WI/02)

The report was due on August 2, 2012, and should have included financial activity for the period July 1, 2012, through July 25, 2012. If sent by certified or registered mail, the report should have been postmarked by July 30, 2012.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

The Commission notified committees involved in the Connecticut, Florida, Minnesota and Wisconsin primary elections of their potential filing requirements on July 9, 2012. Those committees that did not file on the due date were sent notification on August 3, 2012 that their reports had not been received and that their names would be published if they did not respond within four business days.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 8/10/2012; By: Myles Martin)

Resources:

- [FEC Non-Filer Press Release](#)
- [FEC Compliance Map](#)

Commission Cites Committees for Failure to File Arizona Pre-Primary Report

On August 24, 2012, the Commission cited two campaign committees for failing to file the 12-Day Pre-Primary Election Report required by the Federal Election Campaign Act (the Act) for the Arizona primary election held on August 28, 2012.

As of August 23, 2012, the required disclosure report had not been received from:

- Bryan Hackbarth for United States Senate
- Guerra for Congress (AZ/03)

The report was due on August 16, 2012, and should have included financial activity for the period July 1, 2012, through August 8, 2012. If sent by certified or registered mail, the report should have been postmarked by August 13, 2012.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

The Commission notified committees involved in the Arizona primary elections of their potential filing requirements on July 23, 2012. Those committees that did not file on the due date were sent notification on August 17, 2012 that their reports had not been received and that their names would be published if they did not respond within four business days.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 8/24/2012; By: Myles Martin)

Resources:

- [FEC Non-Filer Press Release](#)
- [FEC Compliance Map](#)

Outreach

FEC to Host Reporting and E-Filing Workshops for October Quarterly/Monthly and Pre-General Reports

On October 3, 2012, the Commission will host roundtable workshops on reporting and electronic filing to help committees prepare for the October Quarterly/Monthly and Pre-General Reports. New this year, the roundtable workshops will also be offered as a webinar for those who cannot attend in-person. The reporting sessions will address common filing problems and provide answers to questions committees may have as they prepare to file their financial reports. The electronic filing sessions will provide hands-on instruction for committees that use the Commission's FECFile software and will address questions filers may have concerning electronic filing.

Webinar Information. Roundtable workshops will be simulcast for online attendees. Additional instructions and technical information will be provided to those who register for the webinar.

In-person Attendees. Attendance is limited to 50 people per reporting workshop and 16 people per electronic filing workshop. The workshops will be held at the FEC's headquarters at 999 E Street, NW, Washington, DC. The building is within walking distance of several subway stations.

Registration Information. The registration fee is \$25 per workshop to attend in-person or \$15 to participate online. A full refund will be made for all cancellations received before 5 p.m. EDT on Friday, September 28; no refund will be made for cancellations received after that time. Complete registration information is available on the FEC's website at <http://www.fec.gov/info/outreach.shtml#roundtables> and from Faxline, the FEC's automated fax system (202/501-3413, request document 590).

Registration Questions

Please direct all questions about the roundtable/webinar registration and fees to Sylvester Management at 1-800/246-7277 or email Rosalyn@sylvestermanagement.com. For other questions call the FEC's Information Division at 800/424-9530 (press 6), or send an email to Conferences@fec.gov.

Roundtable/Webinar Schedule

FEC Headquarters, 999 E Street NW, Washington, DC 20463

Wednesday, October 3, 2012

- Reporting for Candidate Committees, 9:30 – 11:00 AM
- FECFile & E-Filing for PACs and Party Committees, 9:30 – 11:00 AM
- Reporting for PACs and Party Committees, 1:00 – 2:30 PM
- FECFile & E-Filing for Candidate Committees, 1:00 – 2:30 PM

(Posted 8/23/12; By: Kathy Carothers)

Resources:

- [FEC Educational Outreach Opportunities](#)
- [FEC Reporting Dates](#)
- [FECFile Software](#)