

RECORD

November 1986

999 E Street NW Washington DC 20463

Volume 12, Number 11

COMMISSIONERS

FEC COMMISSIONERS SWORN IN

On October 3, 1986, the U.S. Senate confirmed President Reagan's nomination of Thomas J. Josefiak and Scott E. Thomas as FEC Commissioners. In an afternoon ceremony at the Commission on October 15, 1986, Commissioner Thomas E. Harris administered the oath of office to Commissioner Thomas and FEC Chairman Joan D. Aikens, to Commissioner Josefiak. (Commissioner Thomas was officially sworn in on the morning of October 14 and Commissioner Josefiak, on the evening of October 15.)

Commissioner Thomas, a Democrat, succeeds Mr. Harris, whose third term on the Commission expired in April 1985.* From 1983 until his appointment as Commissioner, Mr. Thomas served as Executive Assistant to Mr. Harris. Before accepting this staff position, Commissioner Thomas served the agency as an Assistant General Counsel for Enforcement in the Office of General Counsel. He first joined the Commission, as a legal intern, in 1975.

A native of Wyoming, Mr. Thomas holds a Bachelor of Arts degree from Stanford University and a Juris Doctor degree from Georgetown University Law Center. He is a member of the bars for: the District of Columbia, the U.S. District Court for the District of Columbia, the U.S. Court of Appeals for the Ninth Circuit and the U.S. Supreme Court.

Commissioner Josefiak, who succeeds Republican Commissioner Frank P. Reiche, has been serving on the Commission since August 1985.** From 1981 until his appointment as Commissioner, Mr. Josefiak served as Special Deputy to the Secretary of the Senate, who, by law, is an ex officio member of the Commission.

**Mr. Harris continued to serve on the Commission until President Reagan nominated Commissioner Thomas to replace him.*

***Since the first session of the 99th Congress had adjourned in August 1985, President Reagan appointed Mr. Josefiak under the "recess appointment" clause of the U.S. Constitution. On October 3, 1986, during the second session of the 99th Congress, the Senate confirmed Mr. Josefiak's nomination.*

Prior to his appointment as Special Deputy, Commissioner Josefiak served as legal counsel to the National Republican Congressional Committee. He also served as minority special counsel on federal election law for the Committee on House Administration, U.S. House of Representatives. Prior to that, he was legislative assistant to Congressman Silvio O. Conte (R-Mass.).

A native of Massachusetts, Mr. Josefiak holds a Bachelor of Arts degree from Fairfield University, Fairfield, Connecticut, and a Juris Doctor degree from Georgetown University Law Center.

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REGULATIONS

STANDARDS OF CONDUCT FOR FEC COMMISSIONERS AND EMPLOYEES: EFFECTIVE DATE FOR RULES

On September 29, 1986, the Commission published final rules in the Federal Register which govern standards of conduct for FEC Commissioners and employees. The final rules will become effective on October 29, 1986. See 11 CFR Part 7 in 51 Fed. Reg. 34440.

The intent of the revised rules is to "facilitate the proper performance of Commission business and encourage citizen confidence in the impartiality and integrity of the Commission." Major provisions of the rules are highlighted below.

Subpart A: General Provisions

This subpart sets forth general provisions governing standards of conduct for employees. It explains the process by which employees are to be notified of these standards of conduct. This subpart also provides for an interpretation and advisory service to be administered by the agency's Ethics Officer. Finally, Subpart A specifies the procedures for reporting and handling suspected violations of the Ethics Act, as well as possible disciplinary and remedial actions which may be taken against violators.

Subpart B: Conduct and Responsibilities

Subpart B establishes standards of conduct for Commissioners and employees. It offers general rules of conduct for Commissioners and staff and lists categories of unacceptable activities. This subpart also includes procedures for submitting outside employment requests.

Subpart C: Conduct and Responsibilities of Special Government Employees

This subpart sets forth specific standards for conduct applicable to special Commission employees, i.e., those working for the Commission on a temporary basis.

Subpart D: Post Employment Conflicts of Interest; Procedures for Administrative Enforcement Proceedings

The rules of this subpart follow the procedures that the Commission approved in 1980 for

correcting violations of the Ethics Act's conflict-of-interest provisions by former employees. See 18 U.S.C. §§207(a),(b) and (c). If the Commission finds that a complaint alleging violations of these provisions by a former employee can be substantiated, the Ethics Officer will investigate the alleged violation(s) and submit an investigatory report to the Commission. If the Commission then finds reasonable cause to believe a former employee has violated the conflict-of-interest provisions, the agency will initiate a disciplinary proceeding. An impartial hearing examiner designated by the Ethics Officer will conduct the proceeding. (At the request of the former employee, the proceeding may include a hearing.) The employee may appeal the hearing examiner's decision to the Commission.

FEDERAL REGISTER

FEDERAL REGISTER NOTICES

Copies of notices are available in the Public Records Office.

Notice Title

- | | |
|--------|---|
| 1986-7 | Clearinghouse on Election Administration's Advisory Panel Meets (51 <u>Fed. Reg.</u> 31369, September 3, 1986) |
| 1986-8 | 11 CFR Part 9001 et al.: Public Financing of Presidential Primary and General Election Candidates and 11 CFR 100.7(b)(11) and 100.8(b)(12): Bank Loans; Comment Period on Proposed Rules Extended (51 <u>Fed. Reg.</u> 34221, September 26, 1986) |
| 1986-9 | 11 CFR Part 7: Standards of Conduct for Agency Employees: Final Rule (51 <u>Fed. Reg.</u> 34440, September 29, 1986) |

The Record is published by the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463. Commissioners are: Joan D. Aikens, Chairman; John Warren McGarry, Vice Chairman; Lee Ann Elliott; Thomas J. Josefiak; Danny Lee McDonald; Scott E. Thomas; Jo-Anne L. Coe, Secretary of the Senate, Ex Officio; Benjamin J. Guthrie, Clerk of the House of Representatives, Ex Officio. For more information, call 202/376-3120 or toll-free 800/424-9530.

ADVISORY OPINIONS

ALTERNATE DISPOSITION OF ADVISORY OPINION REQUEST

AOR 1986-34: Control and Operation of Insolvent Bank's PAC by Federally Chartered Corporation

On October 3, 1986, the Commission closed the file on this advisory opinion request, after determining that the requester lacked authority to request an advisory opinion on behalf of the American Diversified Savings Bank and its PAC.

ALTERNATE DISPOSITION OF ADVISORY OPINION

On October 23, 1986, the Commission decided to reconsider Advisory Opinion 1986-35. The Commission's decision vacated its original opinion, issued on September 26, 1986. (The Commission's procedures for reconsidering an advisory opinion are spelled out in section 112.6 of FEC Regulations.)

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR Subject

- 1986-36 Funds donated to House candidates by campaign committee of incumbent seeking House committee chairmanship. (Date made public: September 24, 1986; Length: 2 pages)
- 1986-37 Presidential candidate debate sponsored by nonprofit corporation in conjunction with its national convention. (Date made public: October 1, 1986; Length: 4 pages, plus 3-page supplement)

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1986-29: Slate Mailing by House Candidate

Representative Fortney (Pete) Stark's reelection committee plans to develop and circulate a slate card supporting his candidacy and those of one federal candidate and several state and local candidates. Several issues--ie., whether or not the disbursement for the card is a contribution from Stark to the other candidates, whether or not a disclaimer is required and the particular reporting requirements--depend on two factors: whether the card is distributed by volunteers and, if it is mailed, how the mailing is handled.

Under Mr. Stark's proposal, his committee, together with the Alameda County Democratic Central Committee, will select the candidates to be listed on the card. Distributed only in Mr. Stark's Congressional district, the card will be sponsored by a (yet unnamed) political committee. While Representative Stark plans to pay for the card, he will seek proportional reimbursement from each candidate listed on the card.

Slate Card Program as Exception to Contribution/Expenditure

The Act and FEC Regulations exclude from the definitions of "contribution" and "expenditure" those payments made by a candidate for campaign materials which refer to other candidates, provided the materials are distributed in conjunction with volunteer activities. (Such disbursements are popularly referred to as "coattail support.") 2 U.S.C. §481(a)(8)(B)(xi); 11 CFR 100.7(b)(16) and 100.8(b)(17). If the slate card is mailed, the exception applies only if the mailing: 1) is made from lists developed by the candidate(s) and 2) is not made by a commercial vendor. Consequently, payments by the Stark committee will not constitute in-kind contributions to the federal candidate listed on the card provided:

- o Volunteers distribute the slate card;
- o The committee uses its own mail lists or those developed by other candidates listed on the slate card; and

continued

o If reimbursements are made, they are paid from funds that are permissible under the Act.

Similarly, if any of the listed candidates pay for the slate card in conjunction with their own volunteer activities, their payments will not constitute in-kind contributions to Representative Stark's campaign.

Since this type of mailing does not constitute an expenditure for public political advertising, the Stark committee will not have to include a disclaimer notice on the slate cards. On the other hand, if it wished, the Stark Committee could place a notice on the card identifying a (yet unnamed) political committee as the sponsor of the mailings. As long as the sponsoring committee did not pay for the cards, payments for the card still would not be considered contributions or expenditures on behalf of the other named candidates.

Slate Card Program as Contribution/Expenditure

If the committee decides to distribute the slate cards by using lists developed by those who are not candidates or by allowing a commercial vendor to handle the mailing, the portion of the costs allocable to the federal candidate listed on the slate card will constitute an in-kind contribution from the Stark Committee to that candidate. 2 U.S.C. §441a(a)(7). As such, these payments will be subject to the Act's limits on contributions. 2 U.S.C. §441a(a)(1)(A). Reimbursements from listed candidates (federal, state or local) for their share of direct mailing costs must be made from funds permissible under the Act.

Slate cards distributed through such direct mailings are considered public political advertising and must, therefore, bear a proper disclaimer notice. See 2 U.S.C. §441a(d); 11 CFR 110.11(a).

The Commission noted that the Act preempts any provisions of state law that impose requirements on federal candidates listed on the slate card (e.g., disclosure requirements). The Act does not, however, preempt state disclosure provisions which would require the committee to supply information to listed state and local candidates for state reporting purposes.

The opinion also provided detailed advice on how the Stark Committee should disclose the slate card transactions. (Date issued: September 11, 1986; Length: 5 pages)

AO 1986-32: PAC's Refunds to Contributors and Reimbursement to Parent Organization

Before terminating, SACO/PAC, the separate segregated fund of the Sino American Cooperative Organization, Inc. (SACO), may dispose of its remaining funds by: 1) making contribution re-

funds to the PAC's contributors and 2) reimbursing solicitation expenses to SACO, which the organization incurred on behalf of SACO/PAC.

Nothing in the Act or FEC Regulations would prohibit SACO/PAC from amending its by-laws to permit these activities. (Its current by-laws provide that SACO/PAC will, upon its termination, distribute any remaining funds to the Republican and Democratic Parties.)

SACO/PAC's proposed disposal of its funds and its subsequent termination are subject to the following reporting requirements:

- o SACO/PAC must report the contribution refunds and reimbursement to SACO as disbursements. 11 CFR 104.3(b)(1) and (b)(3).
 - o SACO/PAC must file a termination report with the FEC before terminating. 11 CFR 107.3(a).
- (Date issued: August 17, 1986; Length 4 pages)

COURT CASES

DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE v. FEC (Second Suit)

On October 3, 1986, the U.S. District Court for the District of Columbia declared that the FEC's dismissal of an administrative complaint filed with the agency by the Democratic Congressional Campaign Committee was contrary to law. (Democratic Congressional Campaign Committee v. FEC; Civil Action No. 86-2075) Pursuant to 2 U.S.C. §437g(a)(8)(C), the court directed the FEC to conform with its declaration within 30 days.

Background

The Democratic Congressional Campaign Committee (DCCC), a national committee of the Democratic Party, filed its administrative complaint with the FEC on December 20, 1985. DCCC alleged that its Republican counterpart, the National Republican Congressional Committee (NRCC), violated the election law by failing to allocate \$10,000 to NRCC's coordinated party spending limits for a House candidate in Rhode Island. NRCC made the expenditures for mailings during 1985, which allegedly benefited the Republican House candidate in Rhode Island's First Congressional District. (Although the mailings were officially sponsored by the Rhode

**Coordinated party expenditures are limited expenditures which may be made by party committees on behalf of federal candidates in general election campaigns. During 1986, based on the cost of living adjustment, a national party committee could spend up to \$21,810 for each of its House candidates in Rhode Island. 2 U.S.C. §441a(d).*

Island Citizens Group, NRCC did not deny that it had actually prepared and paid for the mailings.)

The mailings encouraged recipients to petition the House Ethics Committee to investigate newspaper charges that "Cong. St. [sic] Germain had amassed a multimillion dollar personal fortune by using his public position to help wealthy investors." (Congressman St Germain was the Republican candidate's opponent for the Rhode Island House seat.)

The General Counsel recommended the Commission find reason to believe that the NRCC had violated the election law by failing to allocate and report the mailing expenses as coordinated party expenditures. However, on June 5, 1986, a majority of the Commissioners failed to find "reason to believe" the NRCC had violated the election law. Subsequently, by a unanimous vote, the Commissioners closed the file on the complaint.

Court Ruling

Initially the court noted that even though the Commissioners' dismissal of the complaint had resulted from their failure to obtain the votes required to find reason to believe the election law had been violated, the DCCC still had "the right [under the statute] to seek review of an adverse outcome."

On reviewing the DCCC's administrative complaint, the court found that the mailing addressed in FEC Advisory Opinion 1985-14 and those conducted by the NRCC in Rhode Island were similar. They both: "1) were prepared by a national committee of a political party, 2) identified by name a specific Congressman of the opposing party, 3) criticized the record of the Congressman, and 4) were distributed to the constituents of the Congressman in question."

Furthermore, the court noted that "...[T]he Counsel found that the mailer's statement about ridding the government of corruption 'is a reference to an election in that one way to remove Congressman St Germain would be to vote him out of office.' "

The court therefore concluded that the "NRCC mailer conveys an 'electioneering message' as defined by the FEC's own advisory opinions and as interpreted by its General Counsel. Thus the FEC's dismissal of the plaintiff's complaint was 'contrary to law.' "

DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE V. FEC (Third Suit)

On October 9, 1986, the U.S. District Court for the District of Columbia granted, without prejudice, the Democratic Congressional Campaign Committee's (DCCC's) and the FEC's stipulated motion to dismiss an amended complaint which DCCC filed with the court on September 8, 1986. (Democratic Congressional Campaign Committee v. FEC; Civil Action No. 85-2485).

In its amended complaint, DCCC, a national committee of the Democratic Party, asked the district court to:

- o Declare that the FEC acted contrary to law in failing to act on an administrative complaint within 120 days after DCCC had filed the complaint; and
- o Issue an order directing the FEC to act on the issues raised in DCCC's administrative complaint within 30 days of the court's decision. (See 2 U.S.C. §437g(a)(8)(A).)

DCCC claimed that it had filed the administrative complaint with the FEC on December 20, 1985. In the administrative complaint, DCCC alleged that four organizations had jointly made illegal expenditures aimed at defeating Michigan Congressman Robert Carr in his 1986 reelection effort. Specifically, DCCC asserted that the organizations had undertaken a media campaign which falsely claimed that Congressman Carr had used his franking privilege illegally. (The organizations were: The Michigan State Republican Committee, The 6th Congressional District Republican Committee, Citizens Against Government Waste and Marketing Resource Group.)

SIMEON GOLAR v. FEC (Second Suit)

On September 18, 1986, the U.S. District Court for the District of Columbia dismissed, without prejudice, a suit that Mr. Simeon Golar had filed against the FEC in January 1985. (Simeon Golar v. FEC; Civil Action No. 85-225) The court dismissed the suit after Mr. Golar notified it that he was "not prepared to prosecute this action at this time." The court noted that, on showing "good cause," Mr. Golar had the right to reopen the suit in the future.

For a summary of the issues addressed in Mr. Golar's suit, see page 4 of the March 1985 Record.

continued

*AO 1985-14 was summarized on page 6 of the July 1985 Record.

NEW LITIGATION**FEC v. Bank One**

The FEC claims that campaign loans made by four banks to the John Glenn Presidential Committee, Inc., the principal campaign committee for Senator Glenn's publicly funded campaign for the Presidency in 1983-84, were not made in the ordinary course of business. Specifically, Bank One, Ameritrust, BancOhio and Huntington National Bank did not accept sufficient collateral from the Glenn campaign to guarantee repayment of the loans.

Since bank loans that are not made in the ordinary course of business constitute prohibited contributions,* the FEC asks the court to declare that:

- o The four banks violated section 441b(a) of the election law by making prohibited contributions to the Glenn campaign; and
- o The Glenn campaign, in turn, violated section 441b(a) of the election law by accepting the contributions.

The FEC also asks the court to assess a civil penalty against each defendant amounting to the greater of \$5,000 or 100 percent of the amount involved in each defendant's violation.

U.S. District Court for the Southern District of Ohio, Eastern Division, Civil Action No. C2-86-1082, September 10, 1986.

FEC v. Mark Barry

The FEC asks the district court to declare that Mark Barry, the assistant treasurer for Mickey Edwards' 1982 and 1984 House campaigns, knowingly and willfully violated the Act and FEC Regulations by:

- o Failing to maintain adequate records for approximately \$164,784 in disbursements that he made on behalf of the Edwards in '82 Committee, the principal campaign committee for Mr. Edwards' 1982 House campaign (11 CFR 102.9(b)(1)); and
- o Making an excessive contribution** of \$1,587.60 to the Edwards in '82 Committee (2 U.S.C. §441a(a)(1)(A)).

The agency further asks the court to:

- o Assess a civil penalty against Mr. Barry amounting to the greater of \$10,000 or 200 percent of the total amount involved in the violations; and
- o Permanently enjoin Mr. Barry from further violations of the Act and FEC Regulations.

U.S. District Court for the District of Massachusetts, CA No. 86-2807-C, September 30, 1986.

*See 11 CFR 100.7(a) (1) (i) and 100.7(b) (11).

**Under the Act, an individual may contribute up to \$1,000 to a candidate per election.

COMPLIANCE**FEC PUBLISHES NONFILERS**

During September, the Commission published the names of two House campaigns in Louisiana that had each failed to file pre-primary reports for the state's September 27 Congressional primary.

The election law requires the agency to publish the names of nonfiling candidates. Compliance actions against nonfilers are decided on a case-by-case basis. The law gives the Commission broad authority to initiate enforcement actions resulting from infractions of the law, including civil court enforcement and imposition of civil penalties.

PUBLIC APPEARANCES

- 10/5-7 General Election Seminar
for County Election Officials
Santa Fe, New Mexico
William Kimberling, Deputy
Director, National Clearing-
house on Election Administra-
tion
- 10/14 The Asia Foundation
Washington, D.C.
William Kimberling, Deputy
Director, National Clearing-
house on Election Administra-
tion
- 12/3-5 Council on Governmental Ethics
Laws
Hartford, Connecticut
Vice Chairman John Warren
McGarry
Charles Steele, General Counsel
Kent Cooper, Assistant Staff
Director for Public Disclosure

800 LINE

JOINT FUNDRAISING: AMENDING FORMS 1 AND 2

In recent months, the Commission has received questions on joint fundraising procedures. The following article focuses on special reporting rules that apply to federal candidates and political committees which plan on participating in a joint fundraiser.

Joint fundraising is election-related fundraising conducted jointly by at least one federal political committee and one or more other committees.* Federal and nonfederal candidate committees, party committees and other types of committees -- federal or nonfederal -- may share in the fundraising. (Committees sponsored by corporations and unions, however, may not participate; see footnote below.) When engaging in joint fundraising, the participating committees must follow the rules set out in Commission Regulations at 11 CFR 102.17. These rules are explained in a handout available from the Commission. Call the toll-free number, 800/424-9530, or the local number, 202/376-3120.

Joint fundraising rules require special reporting -- particularly with regard to FEC Form 1, the Statement of Organization, and FEC Form 2, the Statement of Candidacy. This article explains how the forms must be filled out and amended for joint fundraising purposes.**

Joint Fundraising Representative

Joint fundraising participants must select a fundraising representative to collect and deposit proceeds, pay expenses, allocate proceeds and expenses among participants, keep records and file reports on overall joint fundraising activity. The fundraising representative deposits the proceeds (only those permissible under federal law) in a separate account -- the joint fundraising account. 11 CFR 102.17(c)(3).

The fundraising representative must be a federally registered political committee. It may be either a new committee, established just for the fundraiser and then terminated, or one of the

federal political committees participating in the fundraising event. 11 CFR 102.17(a)(1)(i), (b)(1) and (b)(2).

To simplify reporting, it is recommended that the participants establish a separate political committee to be the fundraising representative, rather than designate a participating committee as the representative, especially if two or more of the participants are federal candidate committees.

Newly Formed Political Committee as Fundraising Representative. A new committee established to act as the joint fundraising representative must file a Form 1 (Statement of Organization) or a letter containing the same information. The form or letter should make clear that the committee is a joint fundraising representative. (If using Form 1, the committee places this information under entry No. 5, "Type of Committee.") The letter or form must also list the names and addresses of all the federal political committees participating in the joint fundraising effort. (On the form, this information is shown under entry No. 6. The notation under "Relationship" should read "joint fundraising participants.") The remainder of the form should be filled out. The same information that the form requires should be included in the letter. Note that the name and address of the bank or other depository which holds the joint fundraising account must be listed as a committee depository. The statement must be signed by the treasurer or assistant treasurer designated on the form or letter.*

Once the joint fundraising activity is finished and all the bills are paid, the new committee may file a termination report. The law permits committees to terminate only when they no longer intend to receive any contributions or make any expenditures and when they have no outstanding debts or obligations.

Participating Committee as Fundraising Representative. As an alternative to establishing a new committee, the fundraising representative may be one of the participants that is already a federally registered political committee. Note, however, that a political committee that functions as both the fundraising representative and participant may find reporting more complicated.

A representative/participant must amend its Statement of Organization (either on Form 1 or in a letter) to show that it is the joint fundraising representative and to list the names and addresses

continued

*PACs established by corporations and labor organizations (i.e., separate segregated funds) may not engage in joint fundraising; nor may unregistered committees sponsored by corporations and unions. 11 CFR 102.17(a)(3). Corporate and labor separate segregated funds may, however, raise funds through collecting agents, following the rules at 11 CFR 102.6(b).

**Amendments to Form 1 must be reported within 10 days after the change takes place. 11 CFR 102.2(a)(2).

*If all the federal participants are House campaign committees, the newly formed fundraising representative files with the Clerk of the House. If all the federal participants are Senate campaign committees, the new committee files with the Secretary of the Senate. Otherwise, the new committee files with the FEC.

of the federally registered committees that are participating in the fundraiser. (See above section that explains this procedure.)

The representative/participant must also establish a separate account to be used solely for joint fundraising receipts and disbursements. The name and address of the bank holding this joint fundraising account must be listed on the amended statement if the bank has not been previously listed as a committee depository. 11 CFR 102.17(c)(3)(i).

The amendment must be signed and dated by the treasurer or assistant treasurer.*

Remember, an amended Statement of Organization should include only the committee's name, address, FEC identification number and the new information. 11 CFR 102.2(a)(2). If using Form 1, the committee should check "yes" under entry No. 4 to show that the statement is an amendment. Likewise, a letter filed in lieu of the form should make clear that it is an amendment to the Statement of Organization.

Participating Federal Candidates

A federal candidate participating in the joint fundraiser must designate the joint fundraising representative as an authorized committee. 11 CFR 101.1(b) and 102.17(a)(1)(i). To accomplish this, the candidate files either an amended Statement of Candidacy (FEC Form 2) or a letter containing the same information. In either case, the amendment should note that the committee being authorized is the joint fundraising representative. The candidate signs the amendment and files it with his or her principal campaign committee. That committee, in turn, files the amendment with the appropriate federal and state offices.

Note that, within 10 days after the candidate files the designation with the principal campaign committee, the joint fundraising representative must file a Statement of Organization or an amendment. See the above section on joint fundraising representatives. Additionally, the candidate's principal campaign committee must file an amended Statement of Organization. See the section below on participating federal committees.

Participating Federal Committees

Each federally registered committee participating in the joint fundraiser, including a candidate committee, must file an amended Statement of Organization (FEC Form 1) or a letter containing the same information.** The amendment,

*The amendment is filed with the federal office where the representative/participant customarily files its reports and statements.

**The amendment is filed with the federal office where the participant customarily files its reports and statements.

signed by the treasurer or assistant treasurer, must list the name and address of the joint fundraising representative, which should be identified as that type of committee. (On the form, this information is listed under entry No. 6; "joint fundraising representative" should be listed under "Relationship.") The amendment must also provide the name and address of the bank holding the joint fundraising account if the bank has not been previously listed as a committee depository. 11 CFR 102.17(c)(3)(i).

Remember, an amended Statement of Organization should include only the committee's name, address, FEC identification number and corrected information. 11 CFR 102.2(a)(2). If using Form 1, the committee should check "yes" under entry No. 4 to show that the statement is an amendment. Likewise, a letter should make clear that it is an amendment to the Statement of Organization.

JOINT FUNDRAISING SPECIAL REPORTING REQUIREMENTS

	Form 1	Amended Form 1	Amended Form 2
Fundraising Representative			
New Committee	X		
Participant Committee		X	
Participants			
Candidate			X ^{1/}
Principal Campaign Committee		X	X ^{1/}
Other Type of Committee ^{2/}		X	

^{1/}The candidate files the amended Form 2 with the principal campaign committee which, in turn, files the form with the appropriate federal and state offices.

^{2/}PACs established by corporations and labor organizations (separate segregated funds) may not engage in joint fundraising. See 11 CFR 102.17(a)(3).

PUBLICATIONS

FREE PUBLICATIONS

The FEC offers the following free publications. To order, return the completed form below.

Federal Election Campaign Laws

Complete compilation of Federal election campaign laws prepared by FEC.

FEC Regulations (11 CFR)

FEC regulations; subject indexes prepared by FEC.

FEC Record

Monthly newsletter covering reporting, advisory opinions, litigation, legislation, statistics, regulations, compliance, Federal Register notices, FEC procedures and staff, and publications.

Campaign Guides

Clear explanation and illustration of election law requirements. Separate Guide for:
 Congressional Candidates and Committees
 Party Committees
 Corporations and Labor Organizations
 Nonconnected Political Committees

House and Senate Bookkeeping Manual

Recommended method of bookkeeping and reporting for Federal candidates and their committees.

FEC and Federal Election Law

Brief overview of major provisions of the Federal Election Campaign Act and the Commission's role in administering it.

Using FEC Campaign Finance Information

Brochure explaining how to gather information on financial activity of political committees and candidates by using reports and FEC's computer indexes.

Brochures

Advisory Opinions
 Candidate Registration
 Committee Treasurers
 Contributions
 Corporate/Labor Communications
 Corporate/Labor Facilities
 Independent Expenditures
 Local Party Activity
 Political Ads and Solicitations
 Public Funding of President Elections
 State Elections & Federal Campaign Law

Trade Associations
 Using FEC Campaign Finance Information
 Volunteer Activity

Annual Report

Report to President and Congress, summarizing agency's activities, advisory opinions and litigation; and presenting Commission's legislative recommendations.

Order Form

NAME	
STREET	
CITY, STATE, ZIP CODE	
CONNECTED ORGANIZATION	PHONE (Optional)

Please indicate quantity in box to left of each item.

General

Federal Election Campaign Laws	Bookkeeping Manual for Candidates
FEC Regulations	Annual Report
FEC Record (subscription)	

Campaign Guides

Congressional Candidates	Corporations and Labor Organizations
Party Committees	Nonconnected Committees

Brochures

Advisory Opinions	Local Party Activity
Candidate Registration	Political Ads and Solicitations
Committee Treasurers	Public Funding of Presidential Elections
Contributions	State Elections & Federal Campaign Law
Corporate/Labor Communications	Trade Associations
Corporate/Labor Facilities	Using FEC Campaign Finance Information
FEC and Federal Election Law	Volunteer Activity
Independent Expenditures	

Mail to: Federal Election Commission
 Information Services
 Washington, D.C. 20463

Phone: Toll Free: 800/424-9530
 Local: 202/376-3120

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STATISTICS

1983-84 PAC ACTIVITY

While political action committees (PACs) increased their total contributions to federal candidates during the current election cycle, as compared with contributions made in past election cycles, the growth rate of PAC giving declined. During the first 18 months of the 1985-86 election cycle, PACs increased their candidate support by 37 percent over the same period in the 1983-84 cycle. By contrast, during the first 18 months of the 1983-84 election cycle, PAC contributions increased 50 percent over 1981-82 levels.

From January 1, 1985, through June 30, 1986, PACs raised \$254 million and spent \$205 million. PACs opened the election cycle with \$55 million cash on hand and had \$103 million on hand by July 1, 1986.

Chart I below compares contributions made by PACs over four election cycles. Note that only 62 percent of the PACs registered with the FEC during the 1985-86 cycle actually contributed to candidates. A similar pattern prevailed during the same 18-month period of the past four election cycles.

Charts II and III on page 12 show the top 10 PAC fundraisers and contributors to 1986 candidates.

More detailed information on the financial activity of PACs may be obtained from the FEC press release of September 7, 1986, which is available from the FEC's Public Records Office. Call: 376-3140 locally or, toll free, 800/424-9530.

continued

CHART I
PAC CONTRIBUTIONS TO HOUSE AND SENATE CANDIDATES
(figures in millions of dollars)

	Election Cycle				
	1977-78	1979-80	1981-82	1983-84	1985-86
Contributions* to All Federal Candidates	\$11	\$25	\$38	\$57	\$78
Contributions to U.S. Senate and House Candidates in Current Cycle	\$11	\$21	\$35	\$51	\$71
Number of PACs Making Contributions	971	1,647	2,124	2,541	2,729
Total Number of PACs Registered with the FEC	1,709	2,571	3,479	4,243	4,421

*Includes contributions to committees of: candidates active in current election cycle; and all federal candidates (for House, Senate and Presidency) campaigning in future elections or retiring debts of former campaigns.

**CHART II
TOP 10 MONEY RAISERS**

Political Action Committee	Amount Raised 1/1/85 - 6/31/86
Fund for America's Future, Inc.	\$8,249,387
National Congressional Club	8,099,908
National Conservative Political Action Committee	7,738,709
Realtors Political Action Committee (National Association of Realtors)*	4,452,939
American Medical Political Action Committee (American Medical Association)	4,388,396
NRA Political Victory Fund (National Rifle Association)	3,155,346
Democratic Republican Independent Voter Education Committee (Teamsters Union)	2,806,109
Auto Dealers for Free Trade PAC	2,742,554
League of Conservation Voters (League of Conservation Voters)	2,583,232
National Education Association PAC (National Education Association)	2,344,868

*The connected organizations (i.e., sponsors) of separate segregated funds are indicated in parentheses.

**CHART III
TOP 10 CONTRIBUTORS
TO FEDERAL CANDIDATES**

Political Action Committee	Amount Contributed 1/1/85 - 6/31/86
Realtors Political Action Committee (National Association of Realtors)*	\$1,387,429
National Education Association PAC (National Education Association)	1,034,220
Build PAC (National Association of Home Builders)	949,772
American Medical Political Action Committee (American Medical Association)	869,098
Committee on Letter Carrier Political Education (National Association of Letter Carriers of USA)	839,255
Association of Trial Lawyers PAC (Association of Trial Lawyers of America)	803,600
Seafarers Political Activity Donation (Seafarers International Union of North America)	768,956
National Association of Life Underwriters PAC (National Association of Life Underwriters)	737,317
UAW-V-CAP (United Auto Workers)	711,470
Democratic Republican Independent Voter Education Committee (Teamsters Union)	709,426

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