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REGULATIONS

FEC TAKES NO ACTION ON FOREIGN NATIONAL RULEMAKING

On June 13, 1991, in a 4-to-2 vote, the Commission rejected a proposed rule that would have treated U.S. corporations as foreign nationals if foreign ownership exceeded 50 percent. The Commission then unanimously voted to close the rulemaking.

Current FEC rules at 11 CFR 110.4(a)(1) prohibit foreign nationals from making contributions or expenditures, either directly or through another person, in connection with any U.S. election. Under the proposed regulation, a domestic corporation that was more than 50 percent foreign owned would have been prohibited from operating a separate segregated fund or otherwise participating in local, state or federal elections.

In several advisory opinions, the Commission has permitted domestic subsidiaries partially or totally owned by foreign corporations or other foreign entities to establish separate segregated funds and engage in other election-related activity as long as two basic conditions are met. First, the individuals who exercise decision-making authority for the activity must be U.S. citizens or individuals lawfully admitted for permanent residence (i.e., "green-card holders"). Second, the funds used for election-related activity must not come from the foreign national parent or from a foreign citizen. The advisory opinions remain effective.

The Commission received 84 comments on the proposed rulemaking, which was published in the Federal Register on August 22, 1990 (55 FR 34280). At a public hearing on the rulemaking held October 30-31, 1990, thirteen witnesses presented testimony. (The testimony was summarized in the December 1990 Record, page 2.)

(Regulations continued, page 2)

FEC CONFERENCES, STAFF VISITS

See page 10 for information on upcoming FEC regional conferences in Boston (September 11-12) and Chicago (November 14-15). See back page for information on FEC staff visits in August to Baton Rouge, Raleigh and Salt Lake City.

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FINAL RULE: MATCHING FUND SUBMISSIONS AND CERTIFICATIONS (BASED ON TREASURY SHORTFALL RULES)

On July 18, 1991, the Commission approved revised rules on matching fund procedures for Presidential primary candidates. The rules will become effective after they have been before Congress 30 legislative days. They were transmitted to Congress on July 19, 1991.

The final rules are identical to the proposed rules published for comment in a Notice of Proposed Rulemaking on June 26, 1991 (56 FR 29372). The Commission received only one comment, a letter from the Internal Revenue Service (see below).

Under the revised rules, candidates will make matching fund submissions¹ only once a month, instead of twice a month, and the Commission will certify matching fund payments on a fixed day each month, instead of within 5 days of receiving a matching fund submission. The monthly schedule was necessitated by new rules recently adopted by the Department of Treasury.² Under the new rules, Treasury will make matching fund payments only once a month. Previously, Treasury paid candidates soon after the Commission certified the amount.

The Treasury rules were written to address the possibility of a shortfall in the Presidential Election Campaign Fund. (The Treasury rules set out a formula to determine the amount of partial payments that primary candidates would receive should a shortfall occur.) In its comment on the FEC's June Notice of Proposed Rulemaking, the IRS stated its position that the payment procedures contained in

the Treasury regulations will be followed even if a shortfall does not occur.³

In addition to changing the schedule for submissions and certifications, the final revisions to the FEC's rules on matching funds contain the changes highlighted below.

- o The option for submitting letter requests for matching funds (at former 11 CFR 9036.2(b)(2)) has been eliminated. Under the old rules, candidates could submit a letter request with minimal backup documentation every other submission date. However, under the once-monthly schedule, fully documented submissions are necessary in order to verify the exact amount of matching funds represented in a request.
- o The once-monthly schedule also necessitates the elimination of the holdback procedures (at former 11 CFR 9036.2(c)(1)(i)). Under those procedures, the Commission certified funds within 5 business days of the candidate's submission, holding back a percentage of the funds until the agency verified the exact amount to be certified for that submission; any additional payments were then certified within 20 or 25 days.
- o The revised rules incorporate a recent Commission decision to reject matching fund submissions and resubmissions if the projected amount of nonmatchable contributions exceeds 15 percent of the amount requested. This new rejection policy does not apply to submissions made in December of the year before the election nor to submissions made before the candidate's date of ineligibility. The new policy is reflected in revised 11 CFR 9036.2(c) and (d) and 9036.4(a)(2).
- o The revised rules at 11 CFR 9034.5(f) require a candidate to submit an updated

¹A matching fund submission is a request for matching funds that contains documentation verifying that the contributions qualify to be matched with public funds.

²See 56 FR 21596 (May 10, 1991). For a summary of the Treasury rules, see the July Record.

³The Commission has requested a written opinion from the Secretary of the Treasury to verify this point.

Federal Election Commission, 999 E Street, NW, Washington, DC 20463
800/424-9530 202/376-3120 202/376-3136 (TDD)

John Warren McGarry, Chairman
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Thomas J. Josefiah
Danny L. McDonald
Scott E. Thomas

Walter J. Stewart, Secretary of the Senate,
Ex Officio Commissioner
Donald K. Anderson, Clerk of the House of
Representatives, Ex Officio Commissioner

Statement of Net Outstanding Campaign Obligations (NOCO statement) if the candidate has not been paid the full amount certified because of a shortfall in public funds. This rule would apply after the candidate's date of ineligibility, when his or her entitlement to matching funds depends on the amount of the campaign's debt. In a shortfall situation, there could be a long delay between a certification and the full payment of the amount certified, during which time a campaign's debt status could significantly change. An updated NOCO statement submitted shortly before the next payment date will enable the Commission to revise the amount certified, if necessary, before the candidate is paid.

PUBLIC FUNDING

FEC APPROVES PUBLIC FUNDS FOR 1992 PRESIDENTIAL CONVENTIONS

In July 1991, each of the two major parties received \$10.6 million in public funds for their 1992 Presidential nominating conventions. The Commission approved the funding after determining that the parties had met all eligibility requirements for public funding. The Department of Treasury actually made the payments.

The Democratic convention will be held in New York City on July 13-16, 1992; the Republican convention will be held in Houston on August 17-20, 1992.

Under the public funding law, each major party convention committee is entitled to receive \$4 million multiplied by the the cost-of-living adjustment (COLA). (The COLA for 1990 was 2.65.) The \$10.6 million figure will be adjusted early in 1992, when the 1991 COLA becomes available. The parties will then receive additional public funds.

PRELIMINARY SPENDING LIMITS FOR PRESIDENTIAL CANDIDATES

On July 3, 1991, the FEC issued a press release listing preliminary spending limits for 1992 Presidential candidates receiving public funds. The figures are not final, since they are based on 1990 cost-of-living adjustment (COLA) and voting age population (VAP) figures. The actual limits will be based on 1991 COLA and VAP figures, which will not be released until the early months of 1992. The July press release ("If the

Presidential Election Were Held in 1991") is available from the Public Records Office at no charge. (Call 800/424-9530 and ask for Public Records or call the office directly—202/376-3140.)

Based on the 1990 COLA of 2.65, a 1992 Presidential primary candidate receiving federal matching funds would be subject to a national spending limit of \$26.5 million (a \$10 million base figure multiplied by 2.65). Adding in the fundraising exemption (20 percent of the national limit or \$5.3 million) would bring the overall spending limit to almost \$32 million.

In addition to observing the overall limit, primary candidates receiving matching funds must comply with a spending limit in each state based on the state's VAP. A list of preliminary state limits appears in the July 3 press release. The list is based on 1990 VAP figures.

Using the 1990 COLA of 2.65, the two major party nominees in the general election would each receive \$53 million in public funds (\$20 million multiplied by 2.65) and would have to limit campaign spending to that amount. (Major party nominees who accept public funds must finance the entire campaign with those funds; they may not accept any contributions except to pay for certain legal and accounting expenses.)

When the 1991 COLA and VAP figures become available in 1992, the FEC will announce the final spending limits in a press release and the Record.

FEDERAL REGISTER NOTICES

Copies of Federal Register notices are available from the Public Records Office.

1991-8

Filing Dates for Pennsylvania Special Elections (56 FR 22719, May 16, 1991)

1991-9

Filing Dates for Arizona Special Elections (56 FR 23902, May 24, 1991)

1991-10

11 CFR Parts 9034, 9036 and 9037: Matching Fund Submission and Certification Procedures for Presidential Primary Candidates (56 FR 29382, June 26, 1991)

SPECIAL ELECTIONS

VIRGINIA SPECIAL ELECTIONS

Virginia has scheduled November 5 as the date of the special general election to fill the 7th Congressional District seat of Congressman D. French Slaughter, Jr., who plans to resign on November 5. The Republican and Democratic nominating conventions, which function as primary elections, are scheduled for August 25 and September 7, respectively. Political committees authorized by candidates participating in these special elections must file reports according to the tables that appear on the opposite page. These committees should also refer to the FEC reporting notice on the Virginia special elections sent to participating candidates.

PACs and party committees may also have to file special election reports, as explained below.

Call the FEC for further information (800/424-9530 or 202/376-3120).

Authorized Committees:

48-Hour Notices on Contributions

Authorized committees must file special notices on contributions of \$1,000 or more that are received after the 20th day but more than 48 hours before an election. The dates that apply to the 48-hour notice requirement for the special elections are shown below.

- o Republican Convention: 8/6-8/22
- o Democratic Convention: 8/19-9/4
- o General Election: 10/17-11/2

Please note that this special notice requirement applies to all types of contributions, including:

- o In-kind contributions;
- o Loans (other than bank loans);
- o Guarantees and endorsements of bank loans; and
- o Contributions, personal loans and endorsements of bank loans made by the candidate.

The notice must reach the Clerk of the House and the Virginia Board of Elections within 48 hours after the committee's receipt of the contribution. (The Virginia address is given under "State Filing," below.) Forty-eight-hour notices may be faxed to the Clerk of the House. The fax number is: 202/225-7781. Note that only 48-hour notices may be submitted by fax machine because they do not require the treasurer's signature; other reports and statements may not be faxed. AO 1988-32.

For information on the content of the notice, see 11 CFR 104.5(f).

Information for PACs and Party Committees

Semiannual Filers. A PAC or party committee that reports on a semiannual basis during 1991 must file reports for the Virginia special elections if it makes contributions or expenditures in connection with those elections during the applicable reporting periods. (A reporting period begins the day after the close of books of the last report filed through the close of books for the special election report, as shown in the tables on the opposite page.)

EXAMPLE: A PAC or party committee's last report filed was the semiannual report that covered activity through June 30, 1991 (the close-of-books date). The committee makes a contribution to a special election candidate's general election campaign on September 10. The committee must therefore file a pre-general election report, which covers activity between July 1 and October 16. If the committee makes another contribution or expenditure on October 21, it must file a post-general election report, which covers activity between October 17 and November 25.

PACs may also have to file 24-hour reports on independent expenditures.

Monthly Filers. PACs and party committees that file monthly during 1991 do not have to file special election reports, but PACs may have to file 24-hour reports on independent expenditures.

24-Hour Reports on Independent Expenditures. Any PAC (including a monthly filer) that makes independent expenditures in connection with a special election may have to file a 24-hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the election. The dates that apply to the 24-hour reporting requirement for independent expenditures are shown below.

- o Republican Convention: 8/6-8/23
- o Democratic Convention: 8/19-9/5
- o General Election: 10/17-11/3

The report must be filed within 24 hours after the expenditure is made. Although most PACs normally file with the FEC, 24-hour notices disclosing independent expenditures on behalf of House candidates are filed with the Clerk of the House. A copy must also be filed with the state filing office (address given below). For

more information on this reporting requirement, see 11 CFR 104.4(b) and (c) and 104.5(g).

(for example, the Form 3X Summary Page and any schedules that disclose contributions or expenditures on behalf of the candidate). 2 U.S.C. §439(a); 11 CFR 108.3.

State Filing

In addition to filing with the Clerk of the House or the FEC, committees filing Virginia special election reports must also file copies of reports with the Virginia State Board of Elections, 200 North Ninth Street, Suite 101, Richmond, VA 23219.

Authorized committees of candidates must file the entire report; other committees must file only the portion of the report that is applicable to the candidate

Coordinated Party Spending Limits

The coordinated party spending limit for the Virginia House seat is \$26,500. This amount may be spent by the party's national committee on behalf of the party's nominee in the special general election. State party committees in Virginia may also spend up to \$26,500 on behalf of the party's nominee. 11 CFR 110.7(b).

VIRGINIA SPECIAL ELECTION REPORTING DATES

Pre-convention Reports for the August 25 Republican Convention and the September 7 Democratic Convention

NOTE: Authorized committees of candidates seeking nomination at a convention must file the appropriate pre-convention report. PACs and party committees should see "Semiannual Filers," opposite page, for special election filing requirements.

Report	Closing Date ¹	Reg./Cert. Mailing Date ²	Filing Date
Republican Pre-convention	August 5	August 10	August 13
Democratic Pre-convention	August 18	August 23	August 26

Pre- and Post-election Reports for the November 5 General Election

NOTE: Authorized committees of general election candidates must file both the pre- and post-election reports. PACs and party committees should see "Semiannual Filers," opposite page, for special election filing requirements.

Report	Closing Date ¹	Reg./Cert. Mailing Date ²	Filing Date
Pre-general	October 16	October 21	October 24
Post-general	November 25	December 5	December 5

¹This date indicates the end of the reporting period. A reporting period always begins on the day following 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 1991 activity that occurred before the committee registered and, if applicable, before the individual became a candidate. Candidates participating in the special elections should refer to the FEC reporting notice on the Virginia special elections.

²Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

ADVISORY OPINIONS

ADVISORY OPINION REQUESTS

Recent requests for advisory opinions (AORs) are listed below. The full text of each AOR is available for review and comment in the FEC's Public Records Office.

AOR 1991-20

Telephone service bureau's provision of 900-line services to political committees. (Date Made Public: July 3, 1991; Length: 9 pages plus attachments)

AOR 1991-21

Terminating PAC's payment of residual funds to individual who formed the committee. (Date Made Public: July 8, 1991; Length: 4 pages)

AOR 1991-22

FECA's preemption of Minnesota law under which federal candidates may qualify for state public funds if they observe spending limits. (Date Made Public: July 9, 1991; Length: 5 pages plus attachment)

AOR 1991-23

Donation of raffle prize for trade association PAC's fundraiser by nonmember of association. (Date Made Public: July 15, 1991; Length: 2 pages)

AOR 1991-24

Partisan communications by national trade association to representatives of member state associations. (Date Made Public: July 17, 1991; Length: 5 pages plus attachments)

AOR 1991-25

Effect of special election on party committees' ballot composition ratio. (Date Made Public: July 22, 1991; Length: 4 pages)

ADVISORY OPINION SUMMARIES

AO 1991-12: Transfer from Candidate's Multi-Purpose Committee to Campaign Committee

The Schroeder Fund for the Future, Inc. may transfer the balance of its funds (\$467,000) to Representative Patricia Schroeder's 1992 House campaign committee. This transfer is permissible because the committees are affiliated by virtue of Ms. Schroeder's control over both of them. Donations contained in the transfer, however, must be aggregated with contributions

from the same donors to Ms. Schroeder's 1992 primary election campaign.

The Schroeder Fund for the Future (the Fund) was established in 1987 as Ms. Schroeder's Presidential testing-the-waters committee. In 1988, it changed its status to a self-described "organization associated with a public official and certain views on public policy, but no longer with a candidate for any federal office." The Fund incorporated under state law solely for liability purposes. It filed a 1989 federal tax return as a "political organization." The Fund also continued to file FEC disclosure reports.

Now, however, the Fund proposes to engage in campaign-related activity by transferring the balance of its funds to the Schroeder for Congress Committee, Inc., Ms. Schroeder's 1992 campaign committee (the Schroeder Committee). The Fund then plans to terminate.

Affiliation

Because Ms. Schroeder controls both committees for campaign-related purposes, the two committees are affiliated. 2 U.S.C. §441(a)(5); 11 CFR 100.5(g)(2) and 110.3(a)(1)(ii). As affiliated committees, the Fund's transfer to the Schroeder Committee is not subject to any limit.¹ 11 CFR 102.6(a)(1) and 110.3(c)(1).

Registration and Reporting

Because the proposed transfer will exceed \$1,000, the Fund will become a political committee, subject to federal registration and reporting. 2 U.S.C. §431(4)(A); 11 CFR 100.5(a). The Fund will have to file a Statement of Organization as an authorized committee of Ms. Schroeder's 1992 campaign.

¹In AO 1990-7, the Commission determined that the Fund could not make unlimited transfers to Ms. Schroeder's 1990 House campaign committee. The Fund had proposed that it be treated as a "previous campaign committee," which is permitted to make unlimited transfers to the candidate's current campaign committee under 11 CFR 110.3(3)(c)(4). The Commission, however, disagreed. The agency concluded that, because Ms. Schroeder never became a Presidential candidate, the Fund did not qualify as a previous campaign committee. Moreover, the Fund had asserted that it was not affiliated with Ms. Schroeder's House campaign committee, although the Commission emphasized that it did not necessarily agree with that assertion.

In its first report, the Fund must disclose, and itemize as necessary, the sources of its beginning cash on hand—those donations most recently received before the funds are transferred. Prohibited funds must be excluded from the beginning cash balance (but the Fund has indicated it received no such funds). Donations that exceed the limits must also be excluded, as explained below. 11 CFR 104.12.

Aggregation of Contributions

Donations making up the Fund's present cash on hand must be aggregated with any contributions made by the same donors to the Schroeder Committee for the upcoming election, the 1992 primary. Donations that exceed the applicable limit (\$1,000 for an individual donor, \$5,000 for a multicandidate committee donor) must be excluded from the Fund's cash on hand—the amount transferred. For example, if an individual donated \$800 to the Fund and also contributed \$500 to the Schroeder Committee for the 1992 primary, the Fund would have to exclude \$300 from its cash on hand. In this way the Committee would avoid receiving a contribution that exceeded the \$1,000 per election limit.

Excessive amounts, however, may be redesignated by contributors. Using the above example, the Schroeder Committee could request that the individual redesignate \$300 as a 1992 general election contribution, but the Committee would have to obtain the redesignation within 60 days of its receipt of the original \$500 contribution. 11 CFR 103.3(b)(3). Alternatively, the Fund could request that the individual redesignate \$300 of the \$800 donation; in that case, the Fund would have to obtain the redesignation within 60 days after it filed a Statement of Organization.

All donations in the Fund's cash balance must be aggregated, regardless of when they were made or for what purpose. The Fund had proposed that funds received before September 28, 1987—the date Ms. Schroeder announced that she was terminating her Presidential testing-the-waters effort—should not be subject to aggregation because they consisted of contributions made in connection with the 1988 election (i.e., they already counted against the limit for that election). However, those funds were not contributions at all because they were donated in connection with Ms. Schroeder's testing-the-waters effort and she never became a Presidential candidate. 11 CFR 100.7(b)(1) and 100.8(b)(1).

Commissioner Lee Ann Elliott filed a dissenting opinion. (Date Issued: June

14, 1991; Length: 6 pages plus 2-page dissent)

AO 1991-14: State Tax Checkoff Funds Used for Party's Federal Activity

The Republican Party of Kentucky (RPK) may use state income tax checkoff funds for its federal activity.

Under Kentucky law, an individual taxpayer may designate \$1 of his or her taxes to a political party. Recipient party committees may use the funds only to support general election nominees and to maintain party headquarters. The committees must also deposit the funds in a separate account.

As a general rule, funds from state tax checkoffs or fees paid for state services may be deposited in a state party's federal account and used for federal election activity. AOs 1983-15, 1982-17, 1980-103 and 1978-9.

RPK has already designated the bank which maintains RPK's separate account for checkoff funds as an additional federal campaign depository. Because this account holds only funds permissible under the Federal Election Campaign Act—checkoff funds from individual taxpayers—it complies with FEC regulations on federal accounts. See 11 CFR 102.5(a)(1).

Funds deposited in the account are not considered contributions from the individual taxpayers because the checkoff neither increases the amount of taxes owed nor decreases any refund due. AO 1983-15, note 1. Instead, the proceeds are considered miscellaneous receipts from the state agency. RPK should report them as such, with a note explaining their source. 2 U.S.C. §434(b)(2)(J) and (3)(G); 11 CFR 104.3(a)(2)(viii)(A) and (4)(vi). See also AO 1982-17.

Commissioner Thomas J. Josefiak filed a dissenting opinion. (Date Issued: June 6, 1991; Length: 4 pages plus 12-page dissent)

AO 1991-15: Party Committee's Transfer to Correct Federal Account's Overpayment of Allocated Expenses

The Democratic Party of Georgia (DGP) may transfer funds from its nonfederal account to its federal account to correct the federal account's overpayment of its share of joint expenses due to a miscalculated ballot composition ratio. Although FEC regulations require that transfers representing allocation payments from a

(continued)

nonfederal account to a federal account be made within a 40-day period, GDP may make the proposed transfer after the period has expired because of special circumstances: a good faith miscalculation of the ratio that resulted in the federal account's subsidizing nonfederal activity.

Ballot Composition Ratio

Under new allocation rules, which became effective at the start of 1991, state and local party committees with separate federal and nonfederal accounts must allocate their administrative expenses and generic voter drive costs between those accounts using the "ballot composition method." 11 CFR 106.5(d). This ratio is based on the number of federal offices compared with the total number of federal and nonfederal offices expected to be on the ballot in the next general election held in the committee's state or geographic area. 11 CFR 106.5(d)(1)(i). The ratio is calculated at the start of each two-year federal election cycle. Thus, the ratio for the 1991-92 cycle is based on the November 1992 general election ballot.

GDP originally calculated the ratio for the 1991-92 cycle as 50 percent federal/50 percent nonfederal and used this ratio from January 1 through March 17, when it recalculated the ratio as 37 percent federal/63 percent nonfederal. The 37/63 ratio is the correct ratio, based on the November 1992 ballot in Georgia.¹

Transfer to Correct Miscalculation

Had GDP used the 37 percent/63 percent ratio from the beginning of the cycle (January 1), the nonfederal account would have transferred an additional \$16,353 to the federal account to pay for the nonfederal share of expenses. GDP's nonfederal account may now transfer this amount to correct the nonfederal underpayment, even though the transfer will take place outside the 40-day payment period. Normally, transfers from the nonfederal

account to the federal account to pay for allocable expenses must be made no more than 10 days before or 30 days after the federal account makes the payment. 11 CFR 106.5(g)(2)(ii)(B). GDP's situation, however, is analogous to AO 1983-22, in which the Commission considered special circumstances in allowing a separate segregated fund to accept reimbursement from its connected organization for an administrative expense after the reimbursement period had expired (see 11 CFR 114.5(b)(3)). In GDP's case, the special circumstances involve an honest miscalculation and an overpayment by the federal account. Thus, the adjustment will not result in the use of nonfederal funds to influence federal elections but, rather, will reimburse the federal account for disbursements it made to influence nonfederal elections.

Reporting the Revised Ratio and Nonfederal Transfer

On Schedule H1, which shows the allocation formula applied to administrative and generic voter drive costs, GDP should list the correct ratio with a note explaining that an incorrect 50/50 ratio was used during the period January 1 through March 17, and that corrective adjustments appear on Schedules H3 and H4. When reporting the \$16,353 transfer from the nonfederal account on Schedule H3, GDP should note that the transfer reflects a correction to the ratio used through March 17. Finally, on Schedule H4, which shows disbursements for joint federal/nonfederal activity, GDP should itemize payments made between January 1 and March 17 based on the original calculation of the ratio. The committee should then disclose the \$16,353 adjustment on one line, showing it as a negative entry for the federal share and a positive entry for the nonfederal share, with the total amount as zero. The name/address block should be used to explain the adjustment (e.g., adjustment for incorrect ratio used 1/1/91-3/17/91).

The opinion includes sample forms illustrating how the committee should fill out the schedules. (Date Issued: June 6, 1991; Length: 10 pages, including sample forms)

AO 1991-16: Sale/Use Restriction Applied to FEC Forms Filed Under Indiana Law

Indiana PACs that are registered under both federal and state laws are permitted to use duplicates of completed FEC reports (filed on Form 3X) to fulfill their state report-

¹The Georgia ballot will include three federal offices: U.S. President, U.S. Senator (one seat) and U.S. Representative, for a total of three federal points. The nonfederal portion of the ballot will total five nonfederal points: state senator, state representative, two statewide executive offices and partisan local offices (one point). 11 CFR 106.5(d)(1)(ii). The correct share of federal expenses is therefore 3/8 (three federal points divided by eight total points) or 37 percent.

ing obligations. Because information on individual contributors itemized on reports filed with the FEC is protected under federal law—regardless of where duplicates of the reports are filed—Edward D. Feigenbaum may not copy such information from the duplicate reports for use in a database he intends to sell.

Mr. Feigenbaum plans to publish and sell a campaign finance database on Indiana candidates and political committees, obtaining the data from reports filed under state law with the Indiana State Election Board. He intends to list names, cities and states when identifying persons—including individuals—who made contributions to or received disbursements from Indiana committees.

Under the Federal Election Campaign Act and FEC regulations, itemized information on individuals who are listed as contributors on FEC forms may not be sold or used for the purpose of soliciting contributions or for commercial purposes. 2 U.S.C. §438(a)(4); 11 CFR 104.15(a). The principal purpose of this restriction is to protect individuals who have contributed to committees. See, for example, AOs 1989-19 and 1980-101.

Because he plans to use the information for commercial purposes (i.e., he plans to sell the database presumably at a profit), Mr. Feigenbaum may not include information on individual contributors taken from duplicate FEC reports filed under Indiana law.

FEC rules make clear that the sale/use restriction applies to copies of FEC reports that committees file with state officers. (See 2 U.S.C. §439(a)(2)(B); 11 CFR 108.3.) In this case, even though the Indiana PACs are submitting copies of their federal reports as an alternative method of complying with Indiana law, the copies are still subject to the sale/use restriction. The protection afforded to individual contributors would be meaningless if it depended on where the reports were filed.

The restriction would not, however, apply to individuals who are reported as the recipients of committee disbursements, unless the transaction reflected an in-kind contribution (which federal committees must report as an operating expenditure as well a contribution) or a refund of a contribution previously made by an individual.

Nor would the restriction apply to individual contributors who were added, or listed on a supplement, to the copy of the FEC filing to comply with the Indiana law's \$100 threshold for itemization, which is lower than the federal law's \$200 thresh-

old. However, if the committee, as a matter of convenience, chooses to use the lower itemization threshold in reports filed with the FEC, all the entries would be subject to the federal sale/use restriction.

Commissioner Scott E. Thomas filed a concurring opinion. (Date Issued: June 18, 1991; Length: 5 pages plus 2-page concurrence)

AO 1991-17: Corporate Sponsorship of "Good Citizenship" Video Tape Featuring Member of Congress

Congressman Gary A. Franks may appear in a video tape produced by a tax-exempt, non-partisan corporation and financed by a business corporation without a prohibited contribution resulting; the activity is exempt from the definition of contribution under FEC rules on nonpartisan voter messages and voter drives sponsored by corporations.

Video Tape Content, Funding and Distribution

The Committee for Citizen Awareness (CCA), a tax-exempt corporation under 26 U.S.C. §501(c)(3), was established to address the problem of low voter turnout in U.S. elections and to encourage good citizenship. To this end, it has produced and distributed numerous video tapes featuring Members of Congress—videos similar to the proposed video featuring Congressman Franks.

In sample videos submitted with the advisory opinion request, the featured Member describes a pending issue before Congress, explains the Member's committee assignments and invites constituents to write or call the Member's office.

Another part of the video with a voice-over narration gives a "behind the scene" look at how the U.S. Congress works, explaining, among other things, how a bill becomes a law.

CCA receives funding for the video tapes from sponsor corporations that do business in the featured Member's home state. In the sample videos, a representative of the corporation speaks about declining voter participation and stresses the importance of voting.

CCA maintains control over the production and distribution of videos, which reach high school students, civic groups, cable television viewers and company employees, among others.

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Application of Act and FEC Rules

If the content CCA's video tapes were restricted to nonelection-related areas, such as explaining the duties and functions of Congress or a Member of Congress, the Federal Election Campaign Act (the Act) and FEC rules would not apply. However, the campaign finance laws are implicated because the videos include references to voting in federal elections.

The Act and FEC regulations prohibit corporations from making contributions or expenditures in connection with a federal election. 2 U.S.C. §441b(a); 11 CFR 114.2(b). FEC rules, however, contain certain exceptions to the definition of contribution. If a corporate activity related to federal elections comes within an exception, the costs do not result in a contribution or expenditure by the corporation. Two of these exceptions apply to CCA's videos.

Nonpartisan Voter Messages. The regulations permit a corporation to finance nonpartisan voter education messages and convey them to the general public. 11 CFR 114.4(b)(2). The CCA videos satisfy certain factors that indicate a message is nonpartisan:

- o The message omits naming any candidate (or, alternatively, names all candidates for a given office). 11 CFR 114.4(b)(2)(i)(A). The CCA videos do not name any candidate; the only reference made to the featured Member's election is the year the Member was first elected to Congress.
- o The message omits mention of any political party (except the party affiliation of listed candidates). 11 CFR 114.4(b)(2)(i)(B). The videos do not refer to any political party or to the Member's party affiliation.
- o The message is limited to urging the public to register and vote and to naming the times and places for registration and voting. 11 CFR 114.4(b)(2)(i)(C). In the CCA videos, the voting messages are limited to brief portrayals of campaign scenes in which no Member or political party is identified and to an appeal by the corporate sponsor's representative for increased voter turnout.

Nonpartisan Voter Drives. The regulations also permit corporations to donate funds (and personnel and facilities) for nonpartisan voter registration and get-out-the-vote drives directed to the general public. 11 CFR 114.4(c)(1) and (2). To the extent the CCA videos have elements of a voter drive, the videos satisfy the criteria for the exemption:

- o The project must be cosponsored and conducted by a nonpartisan, nonprofit organization that is tax exempt. Specifically, the cosponsor must be a tax-exempt organization (under 26 U.S.C. §501(c)(3) or (4)) that does not support, endorse or oppose candidates or parties. 11 CFR 114.4(c)(1)(A) and (B). In this case, CCA is listed by the IRS as a 501(c)(3) tax-exempt entity prohibited from participating or intervening in any political campaign. (The Commission presumes that CCA conducts its activities in compliance with the Internal Revenue Code and IRS regulations.) Moreover, CCA—rather than the corporation financing the video—conducts and controls the project.
- o Services must be offered without regard to a voter's political preference. 11 CFR 114.4(c)(1)(C). In this case, the proposed video will be distributed to schools in Congressman Franks' district. The Commission presumes that the distribution will be made without regard to political demographics or the timing of future elections in which Mr. Franks may be a candidate.

The Commission expressed no opinion on the possible application of House rules, which are outside its jurisdiction. (Date Issued: June 14, 1991; Length: 6 pages)

CONFERENCES

FEC TO HOLD CONFERENCES IN BOSTON, CHICAGO

The FEC will hold two-day regional conferences in Boston and Chicago to assist candidates, political party organizations and PACs with their preparations for the 1992 elections.

- o The Boston conference is scheduled for September 11-12; details appear below.
- o The Chicago conference will be held on November 14-15. Further information on this conference will appear in a future issue. In the meantime, call the FEC to place your name on the mailing list for an invitation to the conference (800/424-9530 or 202/376-3120).

Boston Conference

In addition to workshops on the federal campaign laws, the Boston conference will include a workshop on the Massachusetts campaign laws presented by the Massachusetts Office of Campaign and Political Finance. In addition, a representative of the Internal Revenue

Service will be available to answer election-related tax questions.

Registration Information. The \$130 registration fee covers the cost of the conference, materials and meals (breakfast and lunch each day). Call the FEC to order a registration form and schedule of workshops (800/424-9530 or 202/376-3120). The registration form with the fee enclosed must be postmarked by August 28 to avoid a \$10 late fee.

Hotel. The conference will be held at the Sheraton Boston Hotel and Towers, 39 Dalton Street, Boston, MA 02199. Call 617/236-2000 for room reservations. To receive the group rate of \$140 per night, notify the hotel that you will be attending the FEC conference.

PARTY ACTIVITIES

1991 PARTY SPENDING LIMITS

A July 3, 1991, press release lists the coordinated party expenditures limits effective for 1991. These limits apply to 1991 special elections¹ and also provide a preliminary estimate of the 1992 limits, which will not be available until the early months of next year. (The Record usually publishes election-year limits in the March issue.) The party spending limits apply to expenditures that national and state party committees may make on behalf of the party's candidates in the general election. See 2 U.S.C. §441a(d).

The 1991 coordinated party expenditure limit for a House candidate is:

- o In most states, \$26,500 (\$10,000 multiplied by 2.65, the 1990 cost-of-living adjustment); or
- o In states with only one House seat, \$53,000 (\$20,000 multiplied by 2.65).

For a list of the 1991 limits for Senate candidates, which are based on state voting age populations, see the July 3 press release ("1991 Party Spending Limits Set for Off-Year Elections"), which is available from the Public Records Office at

no charge. (Call 800/424-9530 and ask for Public Records or call the office directly—202/376-3140.)

COURT CASES

FEC v. POPULIST PARTY (90-229 and 90-7169)

On May 31, 1991, the U.S. Court of Appeals for the District of Columbia, in a *per curiam* decision, granted the FEC's motion for summary reversal of a district court order that had imposed a date by which the Commission had to conclude its investigation of the Populist Party. (Civil Action No. 90-7169.) The appeals court said the district court had exceeded its jurisdiction by setting the deadline.

The FEC had filed suit in the U.S. District Court for the District of Columbia seeking enforcement of subpoenas and orders the agency had issued to the Populist Party and other respondents in an internal enforcement case (Matter Under Review or MUR). The district court, on October 18, 1990, ordered the respondents to furnish the information to the Commission by November 15, 1990. The court, however, also ordered the agency to conclude its investigation by November 29, 1990. The FEC appealed this portion of the order, and the district court granted a stay of the deadline pending resolution of the appeal.

In its motion for summary reversal of the district court order, the FEC argued that the court had exceeded its limited jurisdiction under 2 U.S.C. §437d(b), the subpoena enforcement provision of the Federal Election Campaign Act (the Act). The FEC said: "Section 437d(b) bestows no license on the court to decide where the Commission's limited resources will be directed or to determine how the underlying investigation should be run."

The FEC also argued that the Act does not provide for judicial review of the length of a Commission investigation that arises from an agency-generated enforcement case, such as the case involving the Populist Party. But even in cases that originate from outside parties, only the complainants—not the respondents—have the right to seek judicial review of an investigation's pace. 2 U.S.C. §437g(a)(8).

The appeals court found the merits of the Commission's position "so clear as to justify summary action."

¹The Record has published the party spending limits for 1991 special elections that have been scheduled thus far: \$26,500 for the House races in Arizona, Illinois, Massachusetts, Texas and Virginia; \$481,602 for the Pennsylvania Senate race.

800 LINE

REDISTRICTING

This article discusses how the Federal Election Campaign Act (the Act) and FEC regulations apply to redistricting: the process of drawing new Congressional districts after reapportionment.¹ To obtain copies of the advisory opinions (AOs) cited in the article, contact the FEC's Public Records Office at 800/424-9530 or 202/376-3140.

Efforts to Influence Redistricting Not Subject to the Act

The U.S. Constitution mandates the reapportionment of Congressional seats based on the results of the census. The Commission views the mandatory reapportionment process—and the related state decisions on redistricting—as separate and distinct from the process of influencing the election of individuals to federal office. AO 1981-35. See also AOs 1990-23, 1982-37 and 1982-14. Consequently, the following redistricting activities, although political in nature, are not subject to the Act or FEC regulations:

- o Conducting research, such as population studies and map drawing;
- o Lobbying a state legislature; and
- o Challenging state redistricting plans in the courts. AOs 1982-37, 1982-14, 1981-58 and 1981-35.

Candidate's Involvement in Redistricting

Paid with Campaign Funds. A candidate may use the funds of his or her authorized committee to pay for redistricting activities. Payments for these activities must be reported by the committee as "other disbursements" on Line 21 of FEC Form 3. AO 1981-58. See also 2 U.S.C. §434(b)(4)(G); 11 CFR 104.3(b)(4)(vi).

Paid by Separate Committee. As another alternative, a candidate or a group of candidates may establish a separate committee used solely to raise and spend funds for redistricting activity. Unlike an authorized committee, a separate redistricting committee is not subject to the

Act's contribution limits, prohibitions or reporting requirements. AOs 1990-23, 1982-37 and 1981-35. Therefore, it may accept donations from:

- o Corporations,
- o Labor organizations,
- o Federal contractors,
- o National banks and
- o Foreign nationals. AO 1981-35, note 3.

Please note that, to operate outside the Act's restrictions, a separate redistricting committee must be independent of the candidate's campaign; it may not be established as a separate account of the candidate's authorized committee. AO 1990-23.

Moreover, in order to remain outside the Act's jurisdiction, a redistricting committee must not:

- o Engage in activities that could be construed as election influencing (for example, making references to the individual's candidacy for federal office—see AO 1990-23, note 4);
- o Donate services or computer data to any federal political committee; or
- o Transfer prohibited funds to any federal political committee. AO 1981-35.

Party Involvement in Redistricting

A party committee may establish a separate account to raise and spend funds to influence redistricting. A party committee's redistricting account is not subject to the Act's limitations, prohibitions or reporting requirements as long as the committee refrains from using the account for federal election activity. This means that funds in a redistricting account may not be:

- o Transferred to a federal account of the party committee;
- o Used to pay for any services or computer data donated to a federal candidate or federal political committee; or
- o Used to finance any federal election advocacy. AO 1982-14.

Effect of Redistricting on Candidate's Campaign

As a result of redistricting, a candidate may switch his or her campaign to another Congressional district. In such cases, campaign activity in the two districts is considered to be activity for the same election. The Commission has taken this view because redistricting does not change the office that the candidate is running for: U.S. Representative from his or her state. AO 1982-22.

Reporting Requirements after Redistricting. When candidates change districts

¹Reapportionment is the reallocation of Congressional districts among the states based on census results announced by the Census Bureau.

in mid-campaign, they do not have to designate a new campaign committee. Rather, they may continue to use the committee originally designated on the Statement of Candidacy (FEC Form 2). AC 1982-22.

After changing districts, however, a candidate must file an amended Statement of Organization (FEC Form 1), or a letter, identifying the new district. The amendment must be filed, within 10 days of the change in district, with both the Clerk of the House and the appropriate state office. 11 CFR 102.2(a)(2); see AO 1980-30.

Effect on Contribution Limits. Contributions received before and after a candidate changes districts are considered to be for the same election (unless the contributor has designated them for another election). One contribution limit applies to the election. In order to be sure that contributors do not exceed their per-election contribution limits, an authorized committee must aggregate contributions made by one source before and after the candidate changes Congressional districts. AO 1982-22.

CLEARINGHOUSE

CLEARINGHOUSE PUBLICATIONS OF INTEREST TO COMMITTEES

The FEC's Clearinghouse on Election Administration has published several reports that may be helpful to candidates, political parties and political committees. These volumes are available at most federal depository libraries (state, university and major metropolitan libraries). They may also be purchased from the Government Printing Office. To order the reports described below, list the title and stock number, enclose a check payable to the Superintendent of Documents and mail to:
**Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402**

For further information on any publication, call the Clearinghouse: 800/424-9530 (ask for the Clearinghouse) or 202/376-5670. Please note that the Clearinghouse cannot handle orders, which must be made through the Government Printing Office, as explained above.

Ballot Access (Autumn 1988)

This series addresses the process by which parties and candidates come to appear on the ballot.

- o **Volume 1: Issues and Options**
052-006-00042-2, \$ 4.50
Designed primarily for state policy-makers, Volume 1 is a comprehensive study of current issues and trends in ballot access law throughout the U.S.
- o **Volume 2: For Congressional Candidates**
052-006-00046-5, \$10.00
- o **Volume 3: For Presidential Candidates**
052-006-00047-3, \$ 9.00
Volumes 2 and 3 describe, for each state, the ballot access requirements in both primary and general elections for U.S. House, Senate and Presidential candidates.
- o **Volume 4: For Political Parties**
052-006-00048-1, \$ 3.75
Volume 4 describes the rules in each state for the formation and ballot access of political parties.

Campaign Finance Law 90: A Summary of State Campaign Finance Laws with Quick Reference Charts (March 1990)

052-006-00045-7, \$23.00

This volume provides state-by-state summaries of campaign finance laws and regulations including contribution and expenditure limits, solicitation rules, reporting requirements and public financing.

Election Case Law 89: A Summary of Judicial Precedent on Election Issues Other Than Campaign Financing (February 1990)

052-006-00043-1, \$18.00

This volume surveys the judicial treatment of election-related issues, among them reapportionment, ballot access and voter registration. The volume also serves as a reference tool and starting point for attorneys conducting research on a specific election issue.

Contested Elections and Recounts (Autumn 1990)

- o **Volume 1: Issues and Options in Resolving Disputed Federal Elections**
052-006-00049-0, \$ 4.25
Volume 1 in this series, designed primarily for state policymakers, provides a legal background and explains procedures for handling contested elections.
- o **Volume 2: A Summary of State Procedures for Resolving Disputed Federal Elections**
052-006-00050-3, \$9.00
Volume 2 describes the procedures followed in each state, discussing such areas as requisite conditions and filing forms. Please note that candidates and other parties interested in contesting an election should consult the state authority.

COMPLIANCE

MURS RELEASED TO THE PUBLIC

Listed below are MURs (FEC enforcement cases) recently released for public review. The list is based on the FEC press releases of May 28 and June 7, 13 and 20, 1991. Files on closed MURs are available for review in the Public Records Office.

Unless otherwise noted, civil penalties resulted from conciliation agreements reached between the respondents and the Commission.

MUR 1588

Respondents: (a) New Jersey Republican State Committee, Frank B. Holman, treasurer; (b) John Dramezi for Congress, Russell E. Paul, treasurer (NJ); (c) Re-Elect Hollenbeck to Congress, David I. Korsh, treasurer (DC); (d) Rey Redington for Congress, Eugene R. Malnati, treasurer (NJ); et al. (e)-(m)

Complainant: FEC initiated
Subject: Excessive and prohibited contributions; inaccurate reporting; allocation of expenses

Disposition: (a) \$12,000 civil penalty; (b) U.S. district court: \$10,000 civil penalty plus interest and costs; (c) U.S. district court: summary judgment to defendant; (d) \$375 civil penalty; (e)-(m) reason to believe but took no further action

MUR 2336

Respondents: (a) William Woodward Webb (NC); (b) Webb for Congress Committee, Roy D. Fowler, III, treasurer (NC); (c) Mrs. M. Woodward Webb (AL)

Complainant: FEC initiated
Subject: Excessive contribution; inaccurate disclosure
Disposition: (a) and (b) U.S. district court: \$5,000 civil penalty; (c) probable cause to believe but took no further action

MUR 2370

Respondents: (a) West Virginia Republican State Executive Committee, Jack Rossi, treasurer; (b) Republican National Committee, William J. McManus, treasurer (DC)

Complainant: FEC initiated

Subject: Excessive coordinated expenditures; expenditures from nonfederal account; failure to report transactions correctly; corporate contributions

Disposition: (a)(1) U.S. district court: \$2,000 civil penalty (expenditures from nonfederal account, reporting violations); (2) reason to believe but failed to find probable cause to believe (excessive coordinated expenditures); (3) no probable cause to believe (corporate contributions); (b) reason to believe but took no further action (excessive coordinated expenditures)

MUR 2678

Respondents: (a) The American Citizens for Political Action, Robert E. Dolan, treasurer (DC); (b) Mrs. Paul Anderson (CO); (c) Frank Darlington (PA); (d) Bernie J. Ruth (MT); (e) Harry Speelman (MD); (f) Caroline Bork (PA)

Complainant: FEC initiated
Subject: Excessive contributions
Disposition: (a) \$11,000 civil penalty; (b)-(d) reason to believe but took no further action; (e) U.S. district court: judgment to FEC; (f) \$1,000 civil penalty

MUR 2828

Respondents: Dennis Smith for Congress, Terry E. Brown, treasurer (MO)

Complainant: FEC initiated
Subject: Failure to file report on time
Disposition: U.S. district court: \$4,000 civil penalty

MUR 2993

Respondents: (a) Ernest Criezis (CA); (b) Vicki Criezis (CA); (c) The Great Greek, Inc. (CA); (d) The Great Greek, Ltd. (CA); (e) Moonlight Tango Cafe, Ltd. (CA); (f) Moonlight Tango Cafe, Inc. (CA); (g) Dukakis/Bentsen Committee, Inc., Robert A. Farmer, treasurer (MA)

Complainant: Spero Criezis (TX)
Subject: Corporate contributions; contributions in name of another
Disposition: (a)-(f) \$1,500

joint civil penalty; (g) no reason to believe

MUR 3024

Respondents: North Dakota Public Employees Association
Complainant: David H. Calhoun (ND)

Subject: Improper solicitations
Disposition: \$500 civil penalty

MUR 3056

Respondents: (all located in NJ) (a) National Community Bank of New Jersey; (b) Henry Bohnert; (c) Elmer E. Bush, III; (d) Carl Chirico; (e) James Davidson; (f) Richard Duncan; (g) Frank Figurelli; (h) Anthony J. Franchina; (i) Louis Lombardi; (j) Leigh Roberts; (k) William Dorgan; (l) Arthur Ramirez; (m) Patrick W. Thaller

Complainant: FEC initiated
Subject: Contributions by national bank; contributions in the name of another
Disposition: (a) \$16,000 civil penalty; (b) \$175 civil penalty; (c) \$125 civil penalty; (d) \$365 civil penalty; (e) \$5,000 civil penalty; (f) \$560 civil penalty; (g) \$250 civil penalty; (h) \$11,150 civil penalty; (i) \$400 civil penalty; (j) \$700 civil penalty; (k)-(m) reason to believe but took no further action

MUR 3062

Respondents: Wild-PAC, James Monteith, treasurer (OR)
Complainant: Northwest Reforestation Contractors Association, Neil Summers, secretary/treasurer (OR)
Subject: Failure to register and file reports; failure to disclose connected organization
Disposition: Reason to believe but took no further action

MUR 3150

Respondents: Iowans for Tauke, Sharon R. Winner, treasurer
Complainant: Iowa Democratic State Party Committee, John F. Roehrick, Chairman
Subject: Failure to disclose campaign depositories and in-kind contributions; corporate contribution
Disposition: (1) reason to

believe but took no further action (depositories); (2) no reason to believe (other allegations)

MUR 3184

Respondents: Rolde for U.S. Senate Campaign, Larry J. Kennedy, treasurer (ME)
Complainant: FEC initiated
Subject: Failure to file 48-hour notices
Disposition: \$2,100 civil penalty

MUR 3207

Respondents: Kolstad for U.S. Senate Committee, Jeanne Amsberry, treasurer (MT)
Complainant: FEC initiated
Subject: Failure to file 48-hour notices
Disposition: \$1,130 civil penalty

MUR 3218

Respondents: (a) Blackwell for Congress Committee, Donald C. Auberger, treasurer (OH); (b) Ohio Republican Party Federal Candidates Committee, Virginia S. Cheney, treasurer; (c) National Republican Congressional Committee-Expenditures, Jack McDonald, treasurer (DC)

Complainant: Paul Sylvester, treasurer, Luken for Congress Committee (OH)
Subject: Excessive coordinated expenditures
Disposition: (a)-(c) No reason to believe

MUR 3225

Respondents: Hughes for Congress, Harriet Damasek, treasurer (FL)
Complainant: FEC initiated
Subject: Failure to file 48-hour notices
Disposition: \$2,000 civil penalty

MUR 3231

Respondents: Whitman for U.S. Senate Committee, Inc., Ann W. West, treasurer (NJ)
Complainant: FEC initiated
Subject: Failure to file 48-hour notices
Disposition: \$1,700 civil penalty

MUR 3244

Respondents: Consumer Bankers Association Political Action Committee, Jayne E. Hunt, treasurer (VA)
Complainant: FEC initiated
Subject: Failure to file reports on time; treasurer's

failure to sign reports
Disposition: \$2,550 civil penalty

MUR 3251

Respondents: Dick Nichols for Congress, David A. O'Dell, treasurer (KS)
Complainant: FEC initiated
Subject: Failure to file 48-hour notices
Disposition: \$1,500 civil penalty

MUR 3258

Respondents: Jim Jontz for Congress, Ruth H. Shell, treasurer (IN)
Complainant: FEC initiated
Subject: Failure to file 48-hour notices
Disposition: \$1,300 civil penalty

MUR 3262

Respondents: John Adler for Congress, Gerald E. Darling, treasurer (NJ)
Complainant: FEC initiated
Subject: Failure to file 48-hour notices
Disposition: \$1,650 civil penalty

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FEC STAFF TO VISIT BATON ROUGE, RALEIGH AND SALT LAKE CITY

In August 1991, FEC public affairs specialists will hold informal meetings with candidates, party committees and PACs to help them comply with the federal campaign law. The cities and dates are given below. Anyone interested in scheduling a meeting should call either of the specialists listed for the location. Call 800/424-9530 or 202/376-3120.

- o Baton Rouge, Louisiana—August 6-7; Janet Hess and Dorothy Hutcheon
- o Raleigh, North Carolina—August 13-14; Patricia Klein and Greg Scott
- o Salt Lake City, Utah—August 20-21; Ian Stirton and Kathlene Martin

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