

Record

February 2006

Federal Election Commission

Volume 32, Number 2

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Commission

New Commissioners Join the FEC

On January 4, 2006, President Bush appointed three new commissioners, Robert D. Lenhard, Hans A. von Spakovsky and Steven T. Walther, to the Federal Election Commission, and reappointed Commissioner David M. Mason.

Robert D. Lenhard, a Democrat from Maryland, will serve the remainder of a six-year term replacing Danny Lee McDonald. On January 19, he was unanimously elected Vice-Chairman for 2006.

Prior to his appointment, Mr. Lenhard served as Associate General Counsel for the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME). At AFSCME, he was responsible for legal issues related to federal and state election laws. His work included counseling the union on federal and state campaign finance issues, litigating enforcement actions before the FEC and state agencies and providing training to field staff on federal and state election law issues.

Prior to his work at AFSCME, he served as an Associate at Kirschner, Weinberg & Dempsey, where he represented AFSCME and other labor unions.

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Regulations

Final Rules: Electioneering Communications

On December 15, 2005, the Commission voted to modify its regulations governing electioneering communications (EC) to comply with the court decisions in *Shays v. FEC* that invalidated certain portions of those rules. The revised rules, which took effect on January 20, 2006, redefine "publicly distributed" and eliminate an exemption included in the Commission's original regulations.

Background

Introduced as part of the Bipartisan Campaign Reform Act of 2002 (BCRA), the EC provisions place funding restrictions and reporting requirements on certain communications that mention a federal candidate and are aired before the relevant electorate in close proximity to the candidate's election. The statute includes some exemptions from these restrictions and authorizes the Commission to create others, so long as the exempted communications do not promote, attack, support or oppose (PASO) a federal candidate.

In *Shays v. FEC*, the U.S. District Court for the District of Columbia invalidated two of the Commission's EC regulations. One regulation ex-

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Commission

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Mr. Lenhard received his B.A. with honors from Johns Hopkins University and his J.D. from the University of California, Los Angeles.

Hans A. von Spakovsky, a Republican from Georgia, replaces Bradley A. Smith for a six-year term.

Prior to his appointment, Mr. von Spakovsky served as Counsel to the Assistant Attorney General for Civil Rights in the U.S. Department of Justice, where he provided expertise and advice on voting and election issues, including of the Help America Vote Act of 2002.

He previously was a member of the Fulton County Board of Registration and Elections in Georgia and has been actively involved in voting and election issues. He is a past member of the Georgia Election Officials Association and the International Association of Clerks,

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Recorders, Election Officials and Treasurers. Mr. von Spakovsky advised the Commission on Federal Election Reform, testified before state and Congressional legislative committees and has published articles on voter fraud, election reform, e-government and Internet voting.

Mr. von Spakovsky received a B.S. from Massachusetts Institute of Technology and a J.D. from Vanderbilt University.

Steven T. Walther, an Independent from Nevada, will serve the remainder of Commissioner Scott Thomas's six-year term, which expires in April 2009.

Prior to his appointment, he was an attorney in private practice at Walther, Key, Maupin, Oats, Cox & Legoy, which he co-founded.

Mr. Walther has been active in professional legal and judicial activities; he has served as a member of the Board of Governors of the American Bar Association and most recently as co-chair of the ABA Center for Human Rights. He has been active in ABA initiatives focusing on international relations — especially in programs which promote development of fair and open election laws — and has served as the ABA Representative to the United Nations.

He was on the Board of Trustees of the National Judicial College and served for many years as a lecturer and educator on rule of law, human rights, and international law issues for judges in both the United States and Russia.

Mr. Walther received a B.A. from the University of Notre Dame and a J.D. from University of California, Berkeley.

The newly-appointed Commissioners join Chairman Michael E. Toner, Commissioner Ellen L. Weintraub and newly-reappointed Commissioner Mason.

— *Carlin E. Bunch*

Regulations

(continued from page 1)

empted communications paid for by any 501(c)(3) non-profit organizations. The court stated that, although Internal Revenue Code (IRC) prohibits 501(c)(3) organizations from participating or intervening in political campaigns, the Commission, in creating its exemption, had not explained why it felt the Internal Revenue Service (IRS) restriction was sufficient.

The court also ruled that the Commission exceeded its statutory authority when it limited the definition of “publicly distributed” to communications aired “for a fee.” The U.S. Court of Appeals for the District of Columbia Circuit affirmed the District Court’s holding regarding the “for a fee” provision.

The Commission issued a Notice of Proposed Rulemaking to modify the EC regulations to comply with the District Court’s ruling and address other related concerns. See the October 2005 *Record*, page 6.

Final Rules

In creating its final rules, the Commission took into account public comments and testimony from a public hearing on the proposed rules.

501(c)(3) Organizations. In response to the court’s concerns, the Commission found that the record in this rulemaking did not demonstrate that the IRC and the Act are perfectly compatible. In the final rules, the Commission eliminated the 501(c)(3) exemption, effectively subjecting those organizations to the ban on corporate-financed ECs.

“For a Fee.” In order to qualify as an EC a communication must be “publicly distributed.” The Commission had defined “publicly distributed” as “aired, broadcast, cablecast or otherwise disseminated *for a fee*” 11 CFR 100.29(b)(3)(i) (emphasis added). The District Court said that this provision was either inconsistent with the statute or it exceeded the

Commission's exemption authority. In its final rules, the Commission removed "for a fee" from the regulatory definition, so that any communication "aired, broadcast, cablecast or otherwise disseminated through the facilities of a television station, radio station, cable television system or satellite system," if not otherwise exempted, is subject to the EC regulations.

Some commenters were concerned that removing the "for a fee" provision could dissuade 501(c)(3) organizations from distributing Public Service Announcements (PSA) that include federal candidates, which may be aired during EC periods: 30 days before a primary election and 60 days before a general election. These commenters noted that 501(c)(3) organizations have little or no control over when their PSAs will air; therefore, a PSA featuring a federal candidate could be broadcast during the EC periods.

In response to this concern, the Commission encourages organizations to provide broadcasters with an expiration date or some indication that the PSAs which include federal candidates should not be run during the EC periods. Additionally, broadcasters should check PSAs which include federal candidates to ensure that they are not publicly distributed during those periods.

State and Local Candidates. In its initial EC rulemaking, the Commission created another limited exemption for communications by state and local candidates. The Commission decided to retain this exemption, but clarified the regulation.

Films, Books and Plays. The Commission decided not to take action at this time on a Petition for Rulemaking that requested an exemption from the EC regulations for the promotion and advertising of "political documentary films, books, plays and similar means of expression." The Commission will address

this issue after it has completed all Rulemakings required by the *Shays* decision.

Additional Information

The revised EC regulations were promulgated in the December 21, 2005 *Federal Register* (70 FR 75713) and are available on the FEC web site at http://www.fec.gov/law/cfr/ej_compilation/2005/notice_2005-29.pdf.

— Carlin E. Bunch

Advisory Opinions

Advisory Opinion 2005-19 Radio Program Qualifies for Press Exemption

An incorporated production company may broadcast a radio program that references clearly identified federal candidates, even if it airs within 30 days of a primary election or 60 days of a general election in the jurisdiction in which those candidates are running, because its proposed activities fall within the press exemption. The bans on corporate contributions, expenditures and electioneering communications would not apply.

Background

Commission regulations define an "electioneering communication" (EC) as any broadcast, cable, or satellite communication that:

- Refers to a clearly identified candidate for federal office;
- Is publicly distributed within 60 days before a general, special or runoff election for the office sought by the candidate, or within 30 days before a primary or preference election; and
- Is targeted to the relevant electorate, in the case of a candidate for Senate or the House of Representatives. 2 U.S.C. 434(f)(3) and 11 CFR 100.29(a).

A communication is targeted to the relevant electorate if it can be received by 50,000 or more persons in a House candidate's district or Senate candidate's state.

Corporations are generally prohibited from making or financing ECs. However, the EC definition exempts communications that appear in "a news story, commentary, or editorial distributed through the facilities of any broadcast, cable, or satellite television or radio station." If these facilities are owned or controlled by a political party, political committee or candidate, additional restrictions apply. 11 CFR 100.29(c)(2).

Analysis

Emil Franzi operates Paradigm Shift Productions, a for-profit corporation that produces and purchases airtime for *The Inside Track*, a political talk show. Mr. Franzi hosts on an Arizona radio station. Paradigm Shift sells advertising time on the program to recoup its costs. On the show, Mr. Franzi plans to interview Arizona House and Senate candidates, accept comments and questions from callers and discuss candidates. The program will reach a potential audience of 400,000 people, including at least 50,000 people in both Arizona's Seventh and Eighth Congressional Districts. The broadcasts would air within 30 days of the Arizona primary election and/or 60 days of the general election.

While broadcasts that mention Arizona Senate candidates or Seventh and Eighth District House candidates would appear to otherwise satisfy the definition of EC, the Commission determined that *The Inside Track* qualifies for the press exemption.

The Commission has applied a two-step analysis to determine whether the press exemption applies. First the Commission asks whether the entity engaging in the activity

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Advisory Opinions

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is a press entity. (See, for example, AOs 2005-16, 2004-07, 2003-34, 2000-13 and 1998-17.) Second, in determining the scope of the exemption, the Commission considers whether the press entity is owned or controlled by a political party, political committee, or candidate, and whether the press entity is acting as a press entity in conducting the activity at issue.

Paradigm Shift Productions is a business that regularly produces a radio program disseminating news stories, commentary and/or editorials. It buys airtime to broadcast the program and resells some of that airtime for third party advertisements. Paradigm Shift Productions is not owned or controlled by any political entity, and is acting in its legitimate press function when distributing the radio program. As such, it qualifies for the press exemption and may finance the programs described in its request. The proposed activities would not violate the Act's prohibition on corporate contributions and expenditures because of the similar press exemption contained in 2 U.S.C. 431(9)(B)(i). See also 11 CFR 100.73 and 11 CFR 100.132.

Concurring Opinion

On January 3, 2006, Commissioners Scott Thomas and Danny McDonald issued a concurring opinion.

Date Issued: December 8, 2005

Length: 8 pages

— Carlin E. Bunch

Reports

California Special Election Reporting: 50th District

The Special General Election to fill the U.S. House seat in California's 50th Congressional District left vacant by Randy "Duke" Cunningham will be held on April 11, 2006.

California Special Election Reporting Dates 50th Congressional District

If only the Special General is held (4/11/06), committees must file:

Report	Close of Books	Reg./Cert. & Overnight Mailing Date	Filing Date
Pre-General	3/22/06	3/27/06	3/30/06
April Quarterly	3/31/06	4/15/06	4/15/06 ¹
Post-General	6/30/06	5/11/06	5/11/06
July Quarterly	6/30/06	7/15/06	7/15/06 ¹

Committees involved in both the Special General (4/11/06) and Special Runoff (6/6/06) must file:

Report	Close of Books	Reg./Cert. & Overnight Mailing Date	Filing Date
Pre-General	3/22/06	3/27/06	3/30/06
April Quarterly	3/31/06	4/15/06	4/15/06 ¹
Pre-Runoff	5/17/06	5/22/06	5/25/06
Post-Runoff & July Quarterly ²	6/30/06	7/15/06	7/15/06 ¹

If two elections are held, a committee involved in only the Special General (4/11/06) must file:

Report	Close of Books	Reg./Cert. & Overnight Mailing Date	Filing Date
Pre-General	3/22/06	3/27/06	3/30/06
April Quarterly	3/31/06	4/15/06	4/15/06

¹ Notice that this deadline falls on a holiday or a weekend. Filing dates are not extended when they fall on nonworking days.

² Committees should file a consolidated Post-Runoff and July Quarterly Report by the filing date of the July Quarterly Report.

Under California law, a majority winner in a special election is declared elected. Should no candidate achieve a majority vote, a Special Runoff Election will be held on June 6, 2006, among the top vote-getters of each qualified political party, including qualified independent candidates.

Candidate committees involved in one or both of these elections must follow the reporting schedule on page 4. Please note that the reporting period for the Post-General election report spans two election cycles. For this report only, authorized committees must use the Post-Election Detailed Summary Page (FEC Form 3) rather than the normal Detailed Summary Page.

PACs and party committees that file on a quarterly schedule and participate in one or both of these elections must follow the same schedule on page 4, unless they file on a monthly schedule. PACs and party committees that file monthly should continue to file according to their regular filing schedule.

Method of Filing

Reports filed electronically must be submitted before midnight on the filing date. A committee that is required to file electronically but instead files on paper reporting forms will be considered a nonfiler and may be subject to enforcement action, including administrative fines.

Reports filed on paper and sent by registered or certified mail must be postmarked by the mailing date. Please note that a certificate of mailing is *not* an acceptable method. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with an on-line tracking system and scheduled for next business day de-

livery service. Reports filed by any other means must be received by the Commission's close of business on the filing date.

48-Hour Contribution Notices

Note that 48-hour notices are required of authorized committees that receive contributions of \$1,000 or more between March 23 and April 8, for the Special General Election; and between May 18 and June 3, for the Special Runoff Election, if that election is held.

24- and 48-Hour Reports of Independent Expenditures

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate at or above \$1,000 between March 23 and April 9, for the Special General, and between May 18 and June 4, for the Special Runoff, if that election is held. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more at other times during a calendar year.

Electioneering Communications

The 60 day electioneering communications¹ period in connection with the Special General Election runs from February 10 through April 11, 2006. The electioneering communications period for the Special Runoff Election, if that election is held, runs from April 7 through June 6, 2006.

— Elizabeth Kurland

¹ *Individuals and other groups not registered with the FEC who make electioneering communications costing more than \$10,000 total during the calendar year must disclose this activity to the Commission within 24 hours of the distribution of the communication. See 11 CFR 100.29 and 104.20. For more information, see the December 2003 Record, page 5.*

New Litigation

Liffrig v. FEC

On November 30, 2005, Michael G. Liffrig filed suit in the U.S. District Court of North Dakota requesting that the court relieve him from further FEC reporting requirements, set aside FEC efforts to collect civil penalties from him, order the Commission to dismiss an administrative complaint filed against his campaign and to create a procedure to dismiss complaints more quickly.

Mr. Liffrig was a candidate for Senate in North Dakota during the 2004 election cycle. Mr. Liffrig alleges in his complaint that his committee, Liffrig for Senate, has been fined by the Commission pursuant to its Administrative Fines program for failing to file reports and has had an administrative complaint filed against it.

According to the court complaint, Mr. Liffrig also alleges that the FEC should not be permitted to require the filing of further financial reports because his campaign is over and that the Court should order the administrative complaint to be dismissed because it is without merit and politically motivated.

— Carlin E. Bunch

Court Cases

EMILY's List v. FEC

On December 22, 2005, the U.S. Court of Appeals for the District of Columbia Circuit upheld the district court's refusal to grant EMILY's List's request for preliminary injunctive relief. The suit challenges Commission regulations regarding the treatment of funds raised through certain solicitations and the rules

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Court Cases

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on federal/nonfederal allocation by political action committees. See the April 2005 *Record*, page 1.

The appeals court found that the district court had not abused its discretion in denying injunctive relief. The district court had considered whether EMILY's List has a substantial likelihood of success on the merits, whether it would suffer irreparable injury absent an injunction, and whether an injunction would substantially injure other interested parties or further the public interest. In light of the evidence of irreparable harm shown submitted by EMILY's List and its likelihood of prevailing on the merits, the appeals court affirmed the district court's decision.

— *Carlin E. Bunch*

Compliance

MUR 5635: No-Risk Contract Results in Corporate Contributions

On January 4, 2006, the Commission announced conciliation agreements with Conservative Leadership Political Action Committee (CLPAC); American Target Advertising, Inc. (ATA); The Viguerie Company; ConservativeHQ.com; Edward J. Adams, former Chief Financial Officer for ATA; and Benjamin Hart, a former creative consultant at ATA, in which they agreed to pay more than \$100,000 and to change their business practices to prevent future violations of the Federal Election Campaign Act (the Act).

Background

Under the Act, a "contribution" is any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any federal election. Contributions are subject

to limits; a political action committee (PAC) may accept up to \$5,000 per year from an individual, another PAC or party committee. Corporations may not make a contribution — monetary or in-kind — in connection with any federal election, nor may any PAC or individual accept such contributions.

No-Risk Contract. ATA — a direct mail marketing company chaired by Richard Viguerie — is owned by The Viguerie Company, a corporation that specializes in fundraising for nonprofit entities. Mr. Viguerie also serves as the moderator on an internet web site ConservativeHQ.com.

CLPAC is a small nonconnected PAC that averages \$40,000 in receipts and disbursements per year. In reports it filed with the FEC, CLPAC stated that as of June 30, 2000 it had \$464 cash on hand. Six days later, CLPAC engaged in a "no-risk" contract with ATA for an \$8 million direct mail, telemarketing and internet fundraising campaign during the four months before the 2000 election. Several million pieces of mail were sent in connection with that fundraising effort advocating the defeat of Democratic Presidential and Senatorial candidates.

ATA contracted with other vendors, including The Viguerie Company and ConservativeHQ.com, to conduct the campaign. They also arranged for Adams and Hart to make postage loans to advance the money needed to pay for postage for the campaign's mailings. The contract between CLPAC and ATA was a "no-risk" contract, which relieved the PAC of debt responsibility if receipts failed to cover the cost of the campaign. Pursuant to the contract, ATA retained the mailing list that it generated during the campaign. When the fundraising generated only about \$4 million, as of December 31, 2000, ATA forgave the resulting CLPAC debt and negotiated with the other vendors, including Con-

servativeHQ.com and The Viguerie Company to reduce or eliminate all the PAC's outstanding debts. In addition, ATA disbursed \$465,000 to CLPAC, which the PAC used to fund independent expenditures in connection with the Presidential and New York Senate campaigns. The debt write-offs and the \$465,000 disbursement resulted in prohibited contributions from ATA, The Viguerie Company and ConservativeHQ.com to CLPAC.

Conciliation Agreement

In addition to paying \$100,000, CLPAC, ATA, The Viguerie Company, and ConservativeHQ.com agreed to cease and desist from using "no-risk" contracts and postage lending in connection with federal elections. They neither admitted nor denied making or accepting corporate or excessive contributions, however, they agreed not to contest the Commission's findings of violations. Adams and Hart admitted to making excessive contributions to CLPAC by lending it money to pay for postage and agreed to make no more postage loans to political committees and to pay civil penalties totaling \$14,000.

— *Carlin E. Bunch*

Sharpton Repayment Agreement

On December 9, 2005, Alfred C. Sharpton agreed to repay the \$100,000 in public funds he had received in 2004 under the Presidential Primary Matching Payment Account Act (Matching Fund Act), plus interest.

To qualify for public funding, Presidential candidates must first raise \$5,000 or more from individuals in each of at least 20 states. Candidates must also agree to limit spending from personal funds to \$50,000 and abide by campaign spending limits. Once they have established eligibility, candidates may receive public funds to match

contributions from individuals up to \$250 per individual.

On March 11, 2004, the Commission certified that Rev. Sharpton's committee was eligible to receive an initial \$100,000 in matching funds. Since the committee's disclosure reports revealed that Rev. Sharpton was close to exceeding the \$50,000 personal expenditure limitation, the Commission opened an investigation to resolve whether he had exceeded this limitation. On March 20, 2004, the Sharpton committee filed a disclosure report containing information suggesting that the candidate had exceeded the \$50,000 personal expenditure limitation. As a result, the Commission suspended further matching fund payments to the Sharpton committee, pending an administrative review.

During that review, the Commission determined that Rev. Sharpton knowingly and substantially exceeded his personal expenditure prior to his application for matching funds. All matching funds received by Rev. Sharpton were in excess of his entitlement because Rev. Sharpton was never eligible to receive matching funds. 26 U.S.C. § 9038(b)(1). The Commission determined that Rev. Sharpton must repay the \$100,000 plus interest to the U.S. Treasury.

According to the agreement, Rev. Sharpton will make four installment payments (of principal and interest) to the U.S. Treasury.

— *Carlin E. Bunch*

Alternative Dispute Resolution

ADR Program Update

The Commission recently resolved six additional cases under the Alternative Dispute Resolution (ADR) program. The respondents,

the alleged violations of the Federal Election Campaign Act (the Act) and the final disposition of the cases are listed below.

1. The Commission reached an agreement with American Federation of State, County & Municipal Employees Public Employees Organized for Political and Legislative Equality (AFSCME PEOPLE), regarding missing itemizations for membership and fundraising disbursements made from its non-federal account and failing to report some debt. Under the Act and Commission regulations, disbursements to pay administrative and solicitation costs must be from either funds "subject to the prohibitions and limitations of the Act," (i.e., "federal funds") or an allocation of federal funds and funds that are not "subject to the prohibitions and limitations of the Act" (i.e., "non-federal funds").

In this case, *no* impermissible funds were used to make the disbursements as the committee's non-federal account was financed entirely from funds subject to the prohibitions and limitations of the Act. In fact, as a separate segregated fund, AFSCME PEOPLE's connected organization could have paid these expenses from its treasury funds and no disclosure would have been required. Ultimately, AFSCME PEOPLE adopted this approach. The committee also modified its procedures for disclosing debts and obligations, as a result of the Commission's findings. (ADR 227*)

2. The Commission reached an agreement with American College of Cardiology PAC, Michael A. Votaw, treasurer, regarding their failure to file a 48-hour independent expenditure report. The respondents acknowledged an inadvertent violation of the Act, due to their inexperience. They agree to pay a \$1,000 civil penalty and—in an effort to avoid future violations—to appoint a compliance officer who will attend

an FEC seminar within 12 months. (ADR 257*)

3. The Commission reached an agreement with Democratic Executive Committee of Florida, Rudy Parker, treasurer, regarding their misstatements of financial activity. The respondents acknowledged an inadvertent violation of the Act. They filed amended reports to correct the misstatements for the years 2001 and 2002. In an effort to avoid similar errors in the future, they agree to hire a compliance specialist and a comptroller/accountant and to send a representative to an FEC seminar within 12 months. (ADR 260*)

4. The Commission rejected an agreement with Taff for Congress, and Kimberly S. Stewart, treasurer, resolving a failure to include a disclaimer in calls from a computer-generated telephone-bank. The Commission rejected the proposed settlement agreement to avoid a potential conflict between ADR and Commission enforcement due to Taff's criminal indictment on other campaign-related matters. (ADR 271)

5. The Commission reached an agreement with Citizens for Claudia Bermudez for Congress, Brion Wilkes, treasurer, regarding misstatements of financial activity. The committee amended its October Quarterly and 30-day Post General Election reports, to reflect the significant increase in its disbursements during those periods. The respondents agreed to terminate the committee and to pay a \$500 civil penalty. (ADR 279*)

6. The Commission reached an agreement with No Vote Left Behind, Natasha George, treasurer, regarding delinquent filing of 48-hour independent expenditure reports. The respondents acknowledge the violations, and attribute them to an inexperienced volunteer staff. The

* *This case was internally generated.*

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Compliance

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respondents agreed to pay a \$2,500 civil penalty, develop a compliance manual and attend an FEC seminar within 12 months. (ADR 283*)

— Carlin E. Bunch

Statistics

Senate Fundraising Figures

During the first nine months of 2005, candidates for the 33 Senate seats being contested in 2006 have reported raising \$126.6 million with \$132 million cash-on-hand.

It is difficult to compare Senate races across different election cycles because of differences in the size and level of competition in states, variations in retirement of certain Senators, and other unique factors. However, incumbent candidates currently running in 2006 raised \$90.4 million, while in 2004 incumbents raised \$65.6 million during the first nine months of 2003.

Forty-two Democratic candidates raised \$73.7 million, which consisted of \$58.6 million from individuals, and \$9.2 million from PACs. Forty-three Republican candidates raised \$52.9 million, which consisted of \$37.2 million from individuals and \$11.7 million from PACs.

Of those candidates challenging an incumbent for a Senate seat, Democrats raised \$11.6 million thus far in 2005, compared to \$3.9 million in the same period in 2003. For the same period, Republicans raised \$8.5 million in 2005 compared to \$4.5 million in 2003. It is important to note that there are 16 Republican incumbents running for reelection in 2006, compared with 14 in 2004, and 14 Democratic incumbents in both 2004 and 2006.

Candidates running for open seats raised only \$16 million in 2005 compared to the same period in 2003 where \$39.1 million was raised.

Top 50 Senate Campaigns by Receipts

January 1, 2005 through September 30, 2005

Senator	State	Party	Incumbent/ Challenger/ Open	Receipts
Clinton, Hillary Rodham	NY	DEM	I	\$15,390,066
Santorum, Richard J.	PA	REP	I	\$7,615,215
Allen, George	VA	REP	I	\$5,777,002
Nelson, Bill	FL	DEM	I	\$5,428,733
Cantwell, Maria	WA	DEM	I	\$5,113,019
Talent, James Matthes	MO	REP	I	\$4,999,511
Kennedy, Edward Moore	MA	DEM	I	\$4,977,099
Casey, Bob	PA	DEM	C	\$4,218,903
Stabenow, Debbie	MI	DEM	I	\$3,701,715
Lieberman, Joseph I.	CT	DEM	I	\$3,658,404
Kyl, Jon L.	AZ	REP	I	\$3,090,065
Feinstein, Dianne	CA	DEM	I	\$2,972,804
Burns, Conrad	MT	REP	I	\$2,880,447
Byrd, Robert C.	WV	DEM	I	\$2,688,578
Dewine, Richard Michael	OH	REP	I	\$2,254,596
Ensign, John Eric	NV	REP	I	\$2,144,405
Kennedy, Mark Raymond	MN	REP	O	\$2,121,763
Kohl, Herb	WI	DEM	I	\$2,037,421
Ford, Harold E., Jr.	TN	DEM	O	\$1,997,636
Nelson, E. Benjamin	NE	DEM	I	\$1,893,938
Cardin, Benjamin L.	MD	DEM	O	\$1,885,129
Corker, Robert P., Jr.	TN	REP	O	\$1,851,210
Conrad, Kent	ND	DEM	I	\$1,763,367
Klobuchar, Amy	MN	DEM	O	\$1,755,351
Whitehouse, Sheldon II	RI	DEM	C	\$1,746,498

Top 50 Senate Campaigns by Receipts

January 1, 2005 through September 30, 2005

Senator	State	Party	Incumbent/ Challenger/ Open	Receipts
Hatch, Orrin G.	UT	REP	I	\$1,695,291
Carper, Thomas R.	DE	DEM	I	\$1,600,208
Hutchison, Kay Bailey	TX	REP	I	\$1,585,294
Sanders, Bernard	VT	IND	O	\$1,577,951
Lugar, Richard G.	IN	REP	I	\$1,491,306
Snowe, Olympia J.	ME	REP	I	\$1,475,405
Butler, Keith Andre, Sr.	MI	REP	C	\$1,440,498
Harris, Katherine	FL	REP	C	\$1,316,677
Cox, Edward F.	NY	REP	C	\$1,307,958
Bingaman, Jeff	NM	DEM	I	\$1,253,433
Brown, Matthew A.	RI	DEM	C	\$1,210,506
Hilleary, William V.	TN	REP	O	\$1,060,278
Bryant, Edward G.	TN	REP	O	\$1,026,592
Pallone, Frank, Jr.	NJ	DEM	C	\$967,594
Wetterling, Patty	MN	DEM	O	\$965,855
Chafee, Lincoln D.	RI	REP	I	\$861,377
Doran, Kelly J.	MN	DEM	O	\$858,027
Kean, Thomas H., Jr.	NJ	REP	C	\$821,139
Thomas, Craig	WY	REP	I	\$767,423
Laffey, Stephen Patrick	RI	REP	C	\$743,038
Pederson, Jim	AZ	DEM	C	\$723,444
McGavick, Michael Sean	WA	REP	C	\$720,492
Lott, Trent	MS	REP	I	\$711,794
McCaskill, Claire	MO	DEM	C	\$681,205
Morrison, John	MT	DEM	C	\$646,488

This may be because there were twice as many candidates for open seats in 2003. Additionally, there was substantial early fundraising in 2003 for the open seat in Illinois.

The chart on these pages lists the top 50 Senate campaigns ordered by receipts. For more statistics on Senate fundraising, such as the top 50 Senate campaigns ordered by cash-on-hand, contributions by PACs and other committees, as well as contributions by individuals refer to the November 10, 2005 press release at <http://www.fec.gov/press/press2005/20051110sen/20051110sen.html>.

Web Site

FEC Web Site Offers Podcasts

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

The audio files will be divided into tracks corresponding to each portion of the agenda for ease of use. To listen to the open meeting without subscribing to the podcasts, click the icon next to each agenda item. Although the service is free, anyone interested in listening to podcasts must download a copy of iTunes or comparable software; anyone interested in listening to the audio on the web page must have a copy of Windows Media Player, QuickTime or Real Player. Podcast subscribers will automatically receive the files as soon as they become available—typically one or two days after the meeting.

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Web Site

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Administrative Fines Calculator

The Commission has updated and improved the Administrative Fines calculator on its web site. The improvements will make it easier for filers to determine the amount of any possible fine and will provide information that may help them avoid filing late reports. The new calculator replaces two separate online calculators for reports due before and after the fine schedule changed in April 2003. It offers pop-ups to help users determine if they are late or nonfilers and to explain each factor used to calculate the fine.

All candidate committees should also be aware that the base fine for 48-Hour Notices has increased from \$100 to \$110.

Outreach

March Conference for Candidates and Party Committees

The Commission will hold a conference for House and Senate campaigns and political party committees March 15 and 16, 2006, in Washington, DC. Commissioners and staff will conduct a variety of technical workshops on federal campaign finance law designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law. The registration fee for this conference is \$385 for participants who register by February 16, and \$395 for registrations received after that date. Since this annual conference is very popular among the regulated community, there is a limit of two attendees per organization. For additional information, or to register for the conference, please visit the FEC web site at http://www.fec.gov/info/conference_materials/2006/dccp/dccp06.shtml.

The conference will be held at the Omni Shoreham Hotel, 2500 Calvert Street NW, Washington, DC 20008. Conference participants who make reservations on or before February 21 are eligible for a room rate of \$225/night (single or double). Self-parking at the hotel is \$22/day or valet parking is available for \$26/day. The hotel is located one and a half blocks from the Woodley Park/Zoo Metro Station on the Red Line. For more information about hotel reservations please visit the FEC web site listed previously. The FEC suggests that you wait to make your hotel and air reservations until you have received confirmation of your conference registration.

For More Information

Please direct all questions about conference registration and fees to Sylvester Management Corporation at 800/246-7277 or by e-mail at tonis@sylvestermanagement.com. For questions about the conference program, or to receive e-mail notification of upcoming conferences and workshops, call the FEC's Information Division at 800/424-9530 (press 6), locally at 202/694-1100, or send an e-mail to Conferences@fec.gov.

— Dorothy Yeager

Conferences Scheduled for 2006

Conference for House and Senate Campaigns and Political Party Committees

March 15-16, 2006
Omni Shoreham Hotel
Washington, D.C.

Conference for Trade Associations, Labor Organizations, Membership Organizations and their PACs

May 25-26, 2006
Hyatt Regency on Capitol Hill
Washington, D.C.

Correction

Reports Due for 2006

The Pre-Election Reporting Dates for 2006 Primary and Runoff Elections in South Dakota were inadvertently omitted from the January *Record*. The dates are as follows:

- Primary Election Date — 6/6
- Close of Books⁺ — 5/17
- Mailing Date⁺⁺ — 5/22
- Filing Date⁺⁺ — 5/25
- 48-Hour Notices (candidates only)* — 5/18 - 6/3
- Runoff Election Date — 6/20
- Close of Books⁺ — 5/31
- Mailing Date⁺⁺ — 6/8¹
- Filing Date⁺⁺ — 6/8
- 48-Hour Notices (candidates only)* — 6/1 - 6/17

— Carlin E. Bunch

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

⁺⁺ Reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes priority or express mail which has a delivery confirmation or an online tracking system and is scheduled for next business day delivery. Reports filed by any other means must be received by the Commission (or Secretary of the Senate for Senate committees) by the filing date.

* Filed by candidate committees only. 48-Hour Notices are required if the campaign committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more, during the applicable period.

¹ The mailing date is the same as the filing date because the computed mail date would fall one day before the election is held.

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