FEC Record November 2012

Contents

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Regulations

Petition for Rulemaking on Disclosure of Electioneering Communications

On October 18, 2012, the Commission approved a Notice of Availability for a Petition for Rulemaking from the Center for Individual Freedom (CFIF). In that petition, the CFIF urges the Commission to revise its regulations on the reporting of electioneering communications at 11 CFR 104.20(c)(8) and (9). Public comments are due by December 26, 2012.

Petition for Rulemaking

CFIF petitions the Commission to conduct a "narrow and focused rulemaking" to update the Commission's regulations on reporting of electioneering communications to apply "the electioneering communications disclosure obligations of corporations and labor unions to any form of electioneering communication."

In 2007, the Supreme Court in *FEC v. Wisconsin Right to Life (WRTL II)* held that corporations and labor organizations were free to make electioneering communications, provided that they were not the "functional equivalent of express advocacy." In December 2007, the Commission amended its electioneering communications regulations to conform to the Court's ruling.

In 2010, the Supreme Court in another case, *Citizens United v. FEC*, expanded its holding in *WRTL II* to permit corporations to engage in any uncoordinated electioneering communication, including those that were the functional equivalent of express advocacy. The Commission's electioneering disclosure regulations were not amended following that decision and therefore still refer to electioneering communications made "pursuant to 11 CFR 114.15," which is the post-WRTL II regulation permitting corporate and union electioneering communications that are not the functional equivalent of express advocacy. Further, the CFIF states, in a ruling in *Van Hollen v. FEC*, the U.S. District Court for the District of Columbia "resurrected a 2003 version of the regulation that…did not account for the critical developments in either *WRTL II* or *Citizens United*." fn1

CFIF requests that the Commission initiate a rulemaking to account for **any** electioneering communication made by a corporation or labor organization, thereby removing the distinction between electioneering communications that are the functional equivalent of express advocacy and those that are not. Specifically, CFIF requests that the Commission delete the phrase "pursuant to 11 CFR 114.15" from the regulations at 11 CFR 104.20(c)(8) and (9).

Public Comment Period

The Commission requests public comment on CFIF's Petition for Rulemaking. Statements in support of or in opposition to the Petition must be submitted on or before December 26, 2012, and all comments must be in writing. Comments may be submitted electronically via the Commission's website at www.fec.gov/fosers (click "Submit Comments on Ongoing Rulemakings" or look up REG 2012-01), and commenters are encouraged to submit their comments electronically to ensure timely receipt and consideration. If submitted on paper, comments must be sent to: Federal Election Commission, Attn: Robert M. Knop, Assistant General Counsel, 999 E Street, NW, Washington, DC 20463. All comments must include the full name and postal service address of a commenter, and of each commenter if filed jointly, or they will not be considered. Comments will be posted on the Commission's website at the conclusion of the comment period.

Stay of Pending Court Case

In light of the Commission's publication of the Notice of Availability, the U.S. District Court for the District of Columbia stayed proceedings in *Van Hollen v. FEC*, pending the Commission's consideration of the Petition for Rulemaking by CFIF. The court ordered that the Commission file a status report by December 21, 2012.

1. FOOTNOTE: On September 18, 2012, the U.S. Court of Appeals for the District of Columbia Circuit reversed the order of the District Court in Van Hollen and remanded the case with instructions to refer the matter to the Commission for further consideration. Subsequently, the District Court asked the Commission to file a status report to inform the court whether it would pursue a rulemaking to revise its regulations or continue to defend its existing regulations. On October 4, 2012, the Commission filed a status report informing the court that it planned to defend its current rules.

(Posted 10/26/12; By: Myles Martin)

Resources:

- *Federal Register* Notice of Rulemaking Petition: Electioneering Communications Reporting (October 26, 2012)
- Text of Petition for Rulemaking from the Center for Individual Freedom

Advisory Opinions

AO 2012-32 Committee and Candidates Must Wait for Multicandidate Status

A committee may not make contributions to candidates in excess of $2,500 per election until it has qualified as a multicandidate committee, nor may candidates accept such contributions.

Background

The Tea Party Leadership Fund ("TPLF") is a nonconnected political committee that registered with the Commission on May 9, 2012. It represents that it has made contributions to seven candidates and has received contributions from at least 4,500 persons to its contribution account and from more than 70 persons to its non-contribution account.

TPLF represents that it has already contributed $2,500 each to the campaigns of House Candidate Sean Bielat and Senate Candidate John Raese. TPLF asked the Commission if it may make additional contributions of $2,500 to the campaigns of Mr. Bielat and Mr. Raese without violating the Federal Election Campaign Act (the "Act") and Commission regulations.

Analysis

The Act provides that "no person shall make contributions to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed $2,[500]." 2 U.S.C. §441a(a)(1)(A); see also 11 CFR 110.1(b). The Act also provides that "no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000." 2 U.S.C. §441a(a)(2)(A); see also 11 CFR 110.2(b). And the Act also provides that no candidate or political committee shall knowingly accept any contribution that is in violation of the applicable contribution limits. 2 U.S.C. §441a(f); see also 11 CFR 110.9.

The Act defines a "multicandidate political committee" for purposes of the contribution limits of section §441a(a)(2) as "a political committee which has been registered under section 433 of this title for a period of not less than six months, which has received contributions from more than 50 persons, and, except for any state political party organization, has made contributions to five or more candidates for federal office." 2 U.S.C. §441a(a)(4); see also 11 CFR 100.5(e)(3) (defining "multicandidate committee").

TPLF has not yet qualified as a multicandidate committee. Although it has received contributions from more than 50 persons and made contributions to more than five candidates, it has not been registered with the FEC as a political committee for a period of six months. As a result, TPLF is subject to the contribution limits of section 441a(a)(1)(A), and may not make contributions to any candidate with respect to any election which, in the aggregate, exceed $2,500. Moreover, candidates such as Mr. Bielat and Mr. Raese may not knowingly accept contributions from TPLF that are in excess of $2,500 per election.

Date Issued: October 10, 2012; Length: 4 pages.

(Posted 10/12/12; By: Alex Knott)

Resources:

- Advisory Opinion 2012-32 [PDF; 4 pages]
- Commission Discussion of AO 2012-32

Alternative Disposition for AOR 2012-25

On October 12, 2012, the Commission considered two draft responses to an Advisory Opinion Request involving a proposal by American Future Fund, American Future Fund Political Action, David McIntosh, and David McIntosh for Indiana to take part in a joint fundraising. The Commission voted on both drafts, but neither received the four affirmative votes required to render an opinion. Thus, the Commission concluded its consideration of the request without issuing an Advisory Opinion.

(Posted 11/1/12; By: Alex Knott)

Resources:

- Advisory Opinion Request 2012-25
- Commission Discussion of AOR 2012-25

Litigation

McCutcheon et al. v. FEC

On September 28, 2012, the U.S. District Court for the District of Columbia dismissed a lawsuit brought by plaintiffs Shaun McCutcheon and the Republican National Committee (RNC) challenging the Federal Election Campaign Act's (the Act's) biennial limit on individual contributions. The plaintiffs had contended the limit was unconstitutionally low and not supported by a sufficient governmental interest.

Background

The Act imposes separate limits on the amounts that individuals may contribute to federal candidates and other political committees. Some of these limits are indexed for inflation. Currently, an individual may contribute up to $2,500 per election to federal candidates, up to $30,800 per calendar year to a national party committee and up to $5,000 per calendar year to any non-party political committee.

Additionally, the Act imposes an overall limit on the aggregate amount individuals may contribute in a two-year period. Under the inflation-adjusted limits effective January 1, 2011, through December 31, 2012, an individual may contribute no more than a total of $46,200 to all federal candidates, and no more than $70,800 to federal political action committees and political party committees. Combining those amounts, the aggregate biennial limit in 2011-2012 for an individual is $117,000.

Alabama resident Shaun McCutcheon would like to contribute more than the current biennial limit permits, and the RNC would like to receive contributions from individuals like Mr. McCutcheon that would exceed the aggregate limits.

The plaintiffs challenge both the $46,200 aggregate limit on candidate contributions and the $70,800 aggregate limit on other contributions as violating the First Amendment. They ask for a preliminary injunction to enjoin the FEC from enforcing the aggregate limits.

Court Decision

Previously, in *Buckley v. Valeo* (1976), the Supreme Court held that limits on contributions implicate fundamental First Amendment interests, but that such limits may be imposed as long as they are closely drawn to match a sufficiently important governmental interest. The plaintiffs argue in this case that the biennial limits are effectively limitations on *expenditures*, which are subject to a higher "strict scrutiny" standard of review.

The court rejected this assertion, instead stating that "the difference between contributions and expenditures is the difference between giving money to an entity and spending that money directly on advocacy. Contribution limits are subject to lower scrutiny because they primarily implicate the First Amendment rights of association, not expression, and contributors remain able to vindicate their associational interest in other ways." As such, the court held that aggregate limits do not regulate money spent to influence the national political discourse; instead, "the regulated money goes into a pool from which another entity draws to fund its advocacy."

The court further stated that the government may justify aggregate contribution limits as a means of preventing corruption or the appearance of corruption, or as a means of preventing circumvention of contribution limits imposed to further the government's anti-corruption interest. The aggregate limits are able to prevent evasion of the base contribution limits.

The court rejected the plaintiffs' claims that the contribution limits were unconstitutionally low and overbroad, writing, "…it is not the judicial role to parse legislative judgment about what limits to impose." The court noted that there are no "danger signs" that the contribution limits were not narrowly tailored to achieve the governmental interest in preventing corruption or the appearance of corruption. The aggregate contribution limits affect what an individual may contribute directly to committees; those individuals still remain free to volunteer, join political associations and engage in independent expenditures.

Accordingly, the court denied the plaintiffs' motion for preliminary injunction and granted the FEC's motion to dismiss.

The text of the District Court's opinion is available here.

U.S. District Court for the District of Columbia, Case 1:12-cv-01034

(Posted 10/2/12; By: Myles Martin)

Resources:

- *McCutcheon et al. v. FEC* Ongoing Litigation Page

Hassan v. FEC

On September 28, 2012, the U.S. District Court for the District of Columbia dismissed a suit brought against the Commission by Abdul Karim Hassan. The plaintiff had sought a judgment that the Presidential Election Campaign Fund Act is unconstitutional and invalid, and that the requirement in Article II of the U.S. Constitution that the President be a natural born citizen has been effectively repealed or otherwise undermined by the Fifth and Fourteenth Amendments.

Background

The Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act provide for public funding of eligible candidates running for President. See 26 U.S.C. 9001-9013 and 9031-9042, respectively.

Mr. Hassan, a Guyana native who is a naturalized U.S. citizen, asserts that he is a candidate for the Democratic nomination for the U.S. Presidency in 2012 and 2016. Last year, in Advisory Opinion (AO) 2011-15, the Commission concluded that Mr. Hassan's constitutional ineligibility to hold the office of President renders him ineligible to receive primary matching funds under the Primary Matching Payment Account Act. Assuming he would similarly be found ineligible for general election funding, Mr. Hassan filed suit on December 8, 2011, with the U.S. District Court for the District of Columbia, challenging the Presidential Election Campaign Fund Act on Constitutional grounds, and asking for a three-judge panel to hear the case.

Analysis

On September 28, 2012, the district court granted the Commission's motion to dismiss the suit and denied the plaintiff's motion for a three-judge court. In its opinion, the court found that Hassan did not have standing to bring his claims. In particular, the court held that in order to allege a sufficient injury, and thus demonstrate standing, the plaintiff would have had to show that he is the nominee of a political party or that his nomination was imminent. Based on Mr. Hassan's limited campaign activity, the court ruled that he had failed to make the necessary showing and therefore lacked standing. The court also noted that the U.S. Court of Appeals for the Second Circuit had recently concluded that Mr. Hassan lacked standing in a similar case. See *Hassan v. United States*, 441 F. App'x 10, 11-12 (2nd Cir. 2011), cert. denied, 132 S. Ct. 1016 (2012).

Regarding the plaintiff's claims involving the natural born citizen requirement, the district court noted that Mr. Hassan had unsuccessfully brought suit on these same claims in five other jurisdictions, and agreed with those five other court decisions that the natural born citizen requirement to become President has not been implicitly repealed by the Fifth and Fourteenth Amendments.

The text of the court's opinion is available at http://www.fec.gov/law/litigation/hassan_dc_memo_opinion.pdf.

United States District Court for the District of Columbia, Civil Action No. 11-2189 (EGS) (September 28, 2012)

(Posted 10/4/12; By: Dorothy Yeager)

Resources:

- *Hassan v. FEC* Ongoing Litigation Page

Van Hollen v. FEC

On October 4, 2012, the Commission filed a status report with the U.S. District Court for the District of Columbia to inform the court of its decision not to initiate a rulemaking to amend its regulations governing the disclosure of electioneering communications, but instead to continue to defend the current regulation at 11 CFR 104.20(c)(9).

Previously, on March 30, 2012, the district court had held that the FEC's regulations did not provide for adequate disclosure of funds received by corporations and labor unions making electioneering communications. On September 18, 2012, the U.S. Court of Appeals for the District of Columbia Circuit reversed that decision, stating that the district court had erred in holding that Congress "spoke plainly" when it enacted 2 U.S.C. §434(f) of the Bipartisan Campaign Reform Act.

The appeals court remanded the case with instructions to "refer the matter to the FEC for further consideration." On September 20, 2012, the district court directed the Commission to inform the court by October 12, 2012, whether the Commission "intends to pursue rulemaking or defend its current regulation." The Commission responded by filing its status report on October 4, 2012.

Subsequent to the Commission filing its status report, the Center for Individual Freedom ("CFIF"), an intervenor-defendant in the case, filed a petition asking the Commission to conduct a "narrow rulemaking" to amend the regulation to address issues raised by the D.C. Circuit. On October 9, the district court ordered the parties to notify the court of any decision by the FEC on CFIF's petition.

(Posted 10/16/12; By: Myles Martin)

Resources:

- *Van Hollen v. FEC* Ongoing Litigation Page

Beam v. Hunter

On October 9, 2012, the U.S. Court of Appeals for the 7th Circuit affirmed the District Court's decision ordering Jack and Renee Beam (the plaintiffs/appellants) to pay $8,300 to the Commission for litigation costs resulting from the Beams' lawsuit against the Commission.

Background

In 2005, the U.S. Department of Justice began an investigation into whether individuals connected with the law firm of Fieger, Fieger, Kenney, Johnson & Giroux, P.C. had violated the Federal Election Campaign Act (the Act) by reimbursing law firm employees and family members who made contributions to the John Edwards 2004 Presidential campaign. Jack Beam was "Of Counsel" to the law firm. In September 2006, the Commission notified the plaintiffs that the Commission had found reason to believe that they had committed civil violations of the Act by being part of the contribution reimbursement scheme. See the April 2007 *Record*, page 5. The Commission ultimately entered into a Conciliation Agreement with the Fieger law firm, but took no further action against any of the alleged conduits .

In 2007, the Beams filed a complaint in district court against the Commission and the Department of Justice which was dismissed and amended twice. See the May 2008 *Record*, page 3. The final amended complaint alleged in part that the Commission had obtained information about the Beams in violation of the Right to Financial Privacy Act of 1976, 12 U.S.C. 3401-22 (the RFPA). The plaintiffs contended that the Department of Justice had transferred their banking records to the Commission without the certifications required by the RFPA. All other claims the Beams made in the case were dismissed.

During a discovery deposition, a Commission attorney indicated that he had seen the Beams' financial information on a compact disc that the Department of Justice had provided to the Commission. Later, the attorney discovered the error and explained the mistake. Following a bench trial on plaintiffs' RFPA claim, the district court judge decided in favor of the Commission, and the plaintiffs did not appeal that decision.

The Commission sought an award of litigation costs pursuant to 28 U.S.C. 1920 and Federal Rule of Civil Procedure 54(d)(1). The district court awarded the Commission $8,300.64 in costs. The plaintiffs appealed the award of costs.

Court Decision

The appellate court affirmed the district court's decision, holding that the district court did not abuse its discretion in awarding costs to the Commission. Federal Rule of Civil Procedure 54(d)(1) presumptively gives the prevailing party the right to recover its costs. The court stated that the prevailing party is the party that obtains a favorable judgment, which in this case was the Commission.

The court, further, upheld the district court's decision that the Commission did not engage in any litigation misconduct that would justify a denial of an award of costs. The court held that the district court judge's determination that the Commission attorney had simply made an honest mistake was not clearly erroneous. The court stated that since the plaintiffs apparently never had a solid basis to believe that the Commission had received their financial records without the certifications required by the RFPA, the plaintiffs must bear responsibility for the unnecessary litigation they pursued, and it was within the district court's discretion to require them to pay the Commission's litigation costs.

U.S. Court of Appeals for the Seventh Circuit, 11-3386.

(Posted 10/16/12; By: Molly Niewenhous)

Resources:

- *Beam v. Hunter* Ongoing Litigation Page

Tea Party Leadership Fund, et al. v. FEC

On October 17, 2012, Tea Party Leadership Fund ("TPLF") and other plaintiffs filed suit against the Commission in the U.S. District Court for the District of Columbia challenging the Federal Election Campaign Act's (the Act) six-month registration period for multicandidate committee status. Among other things, the plaintiffs contend that the $2,500 per candidate, per election limit for committees during this period infringes upon their First Amendment rights.

Background

Under the Act and Commission regulations a multicandidate committee is one that has been registered for at least six months, has received contributions from more than 50 persons and has made contributions to at least five candidates for federal office. 2 U.S.C. §441a(a)(4); 11 CFR 100.5(e)(3). Multicandidate committees may contribute up to $5,000 per election to a federal candidate, while committees that do not meet the three criteria may contribute only $2,500 per election, under the current limits.

TPLF is a nonconnected "hybrid PAC" that has made contributions to at least five federal candidates and has received contributions from more than 50 donors, but registered with the Commission on May 9, 2012, just over five months before filing suit. The committee has already contributed $2,500 each to the campaigns of House Candidate Sean Bielat and Senate Candidate John Raese, who are also plaintiffs in the case, and would like to give another $2,500 to each of their campaigns.

In AO 2012-32, the Commission concluded TPLF had not met the six-month registration requirement for multicandidate status and thus could not make contributions to any candidate aggregating more than $2,500 per election. The Commission also instructed the candidates, Mr. Bielat and Mr. Raese, that it would be illegal to knowingly accept contributions from TPLF in excess of that limit.

Challenge

The plaintiffs' suit argues that the six-month registration period to become a "multicandidate political committee" is unnecessary, and TPLF should be permitted contribute an additional $2,500 to each candidate. The plaintiffs contend that there would be no corrupting influence created by allowing the group to contribute more funds immediately. TPFL further maintains that the Act abridges its freedom of speech and association guaranteed under the First Amendment. The plaintiffs seek injunctive relief and a declaratory judgment that the multicandidate provisions are unconstitutional.

(Posted 10/26/12; By: Alex Knott)

Resources:

- *Tea Party Leadership Fund, et al. v. FEC* Ongoing Litigation Page

Hispanic Leadership Fund v. FEC

On October 4, 2012, the U.S. District Court for the Eastern District of Virginia issued its Memorandum Opinion and Order in *Hispanic Leadership Fund, Inc. v. FEC*. The court found that three of the Hispanic Leadership Fund's (HLF) five proposed advertisements reference a clearly identified federal candidate and are thus electioneering communications. The court also found that the electioneering communications provisions of the Federal Election Campaign Act (the Act) are not unconstitutional as applied to HLF's proposed advertisements.

Background

Under the Act and Commission regulations, an electioneering communication is any broadcast, cable or satellite communication that 1) references a clearly identified candidate for federal office; 2) is publicly distributed within certain time periods before an election; and 3) is targeted to the relevant electorate. 2 U.S.C. §434(f)(3)(A)(i); 11 CFR 100.29(a). A candidate is "clearly identified" if the candidate's name, nickname, photograph, or drawing appears in the communication, or the identity of the candidate is otherwise apparent through an "unambiguous reference" such as "the President," "your Congressman," or "the incumbent," or through an unambiguous reference to his or her status as a candidate such as "the Democratic presidential nominee" or "the Republican candidate for Senate in the State of Georgia." 11 CFR 100.29(b)(2). *See also* 2 U.S.C. §431(18); 11 CFR 100.17.

On April 18, 2012, American Future Fund (AFF) sought an advisory opinion asking whether eight proposed television advertisements referenced "clearly identified federal candidate [s]" under the Act. Although the Commission rendered a decision on three of the advertisements, it was unable to approve a response by four affirmative votes regarding the remaining advertisements, which used terms such as "this Administration," and "the White House" (with visual depictions of the White House), and included an unidentified audio clip of President Obama's voice. (See AO 2012-19.)

On August 10, 2012, HLF filed a complaint inthe U.S. District Court for the Eastern District of Virginia. HLF wanted to produce advertisements similar to those proposed by AFF, but alleged that the advertisements were not produced due to the FEC's "failure to correctly apply [the Act] and controlling precedent" to the five advertisements in the AFF advisory opinion. HLF stated that its proposed advertisements referred to "the administration" or "this administration;" used the phrase "the White House" or contained images of the White House; or contained an audio clip of President Obama's voice without any other reference to the President. HLF claimed that its proposed advertisements were not electioneering communications because they did not reference a clearly identified federal candidate.

Analysis and Decision

Regarding whether or not HLF's advertisements referenced a clearly identified federal candidate under the Act, HLF argued that the court should adopt a non-context-specific standard that asked whether the terms in the advertisements were explicit and unambiguous without regard to the context of the term's usage. However, the court rejected this argument as contrary to the Act and concluded that it must "look both to the context of the reference as well as to the meaning of the reference itself." The court determined that the ordinary meaning of the statutory phrase "apparent by unambiguous reference" is that "the identity of the federal candidate would be apparent, i.e., clear to a reasonable, objective person viewing the advertisement in the context of the reference."

In applying its context-specific standard, the district court found that three of the advertisements referred to clearly identified candidates and were thus electioneering communications. Within the context of an advertisement about national executive branch policy, the court found that the terms "the White House" and "the Administration," along with references to the policies and actions of the President and images of the White House, were unambiguous references to a clearly identified federal candidate because they could only be reasonably understood to refer to the current President. It also found that an advertisement that referred to "the parents of government run healthcare" together with a textual reference to "the White House" was also a clear reference to President Obama.

In contrast, the court found that the advertisement that included an unidentified audio clip of President Obama was not an electioneering communication. The court concluded that since there were no other references to the President in the advertisement and because the voice was unidentified, an objective listener may not recognize the voice as President Obama's. The court also concluded that an advertisement that directed viewers to call "the White House" to express their opinions about oil supply policy without any other reference to President Obama was not an electioneering communication.

Finally, the court rejected HLF's as-applied challenges to the Act's electioneering communication disclosure provisions ruling that the challenges erroneously allege a misapplication of the statute when three of the advertisements were, in fact, electioneering communications. The court denied HLF's request for an injunction and declared that the electioneering provisions at 2 U.S.C §434 are constitutional as-applied to HLF's proposed advertisements.

The full text of the court's Memorandum Opinion and Order may be found at: http://www.fec.gov/law/litigation/hlf_dcva_opinion.pdf; http://www.fec.gov/law/litigation/hlf_dcva_order.pdf.

U.S. District Court for the Eastern District of Virginia: Case 1:12cv893.

(Posted 10/26/12; By: Zainab Smith)

Resources:

- *Hispanic Leadership Fund v. FEC* Ongoing Litigation Page

Public Funding

Commission Certifies Federal Matching Funds for Jill Stein

The Commission has certified Jill Stein's presidential campaign eligible for $160,389.13 in federal matching funds for the 2012 primary election. The certification is based on the agency's review of the campaign's recent matching fund submission, and allows the U.S. Treasury Department to transfer federal funds to Jill Stein for President. To date, the Commission has certified the Green Party nominee eligible for a total of $260,389.13 in matching funds.

Stein is the third candidate to be declared eligible for federal matching funds in 2012. The Commission has certified $351,961.10 in federal matching funds to former Reform Party candidate Charles E. "Buddy" Roemer III and $303,751.20 to Libertarian Party candidate Gary Earl Johnson for the primary.

Roemer, the first 2012 presidential candidate to be declared eligible by the Commission to receive federal matching funds, ended his presidential campaign on May 31. He will be eligible for additional matching funds to the extent that he has debt and additional contributions eligible for matching. Johnson also became eligible for matching funds in May.

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

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

(Posted 10/1/12; By: Alex Knott)

Resources:

- FEC Press Release
- Press Office Backgrounder on Presidential Election Campaign Fund
- Brochure: Public Funding of Presidential Elections
- Brochure: The $3 Tax Checkoff

Statistics

FEC Summarizes First 18 Months of Campaign Activity for the 2012 Election Cycle

Federal candidates, parties and political action committees (PACs) collected more than $4 billion and spent more than $2.9 billion between January 1, 2011 and June 30, 2012. Independent expenditures and electioneering communication spending totaled $170.4 million during the 18-month period.

Presidential candidates reported raising $601.9 million and spending $407.9 million from January 1, 2011 through June 30, 2012. These candidates' combined cash-on-hand was $132.9 million and their debts totaled $15.1 million as of June 30, 2012.

The receipt totals for presidential candidates includes matching funds received for primary election contributions. As of June 30, 2012, the Commission certified payments for primary matching funds to t presidential campaigns, $351,961.10 to one and $230,058.91 to another, for a total of $582,020.01. The presidential nominee of each major party may become eligible to receive a public grant of $91,241,400 for the general election campaign. As of the close of this 18-month period, no candidates had received general election grant money.

Congressional Candidates

The 1,848 candidates running for House and Senate seats in the 2012 election cycle reported raising a total of $1.2 billion and spending $786.8 million between January 1, 2011 and June 30, 2012. House and Senate candidates reported combined debts totaling $113.5 million and a cumulative cash-on-hand of $602.3 million during the same period.

The 242 candidates running in the 33 2012 Senate races reported total receipts of $441.5 million, spending of $278.2 million, debts of $37.5 million and cash-on-hand totaling $205.5 million, during the 18-month period. Campaign committees of the 1,606 House candidates reported total receipts of $769 million, disbursements of $508.6 million, debts of $75.9 million and a combined cash-on-hand of $396.7 million.

Political Party Committees

National, state and local political party committees reported $960.1 million in federal receipts, $626.3 million in disbursements, debts of $19.4 million, and a combined cash-on-hand of $289.2 million for the cycle as of June 30, 2012. Of those totals, other party committees* reported receipts of $3.9 million, disbursements of $3.8 million, debts of approximately $168,000, and a combined cash-on-hand of approximately $490,000 during the same 18-month period.

Political Action Committees (PACs)

As of June 30, 2012, 5,991 federal PACs reported total receipts of $1.3 billion, disbursements of more than $1 billion, debts of $8.8 million and a combined cash-on-hand of $575.3 million.

Contributions by PACs to federal candidates seeking office in 2011 and 2012 totaled $292.4 million as of June 30, 2012. PAC contributions to Senate, House and presidential candidates totaled $55.9 million, $235.2 million and $1.3 million, respectively. Independent expenditure-only committees are prohibited from making contributions to candidates.

Independent Expenditures

From January 1, 2011 through June 30, 2012, independent expenditures reported to the Commission totaled $161.1 million. Independent Expenditure-Only Committees accounted for $128.2 million of all independent expenditure filings the FEC received, while Committees with Non-Contribution Accounts accounted for $8 million. Independent expenditures made by persons other than political committees totaled $9.9 million. Independent expenditures by other PACs and party committees totaled $9.6 million and $5.5 million, respectively.

Independent expenditures reported to the Commission in connection with the 2012 presidential election totaled approximately $115.6 million as of June 30, 2012, with approximately $98.9 million reported by independent expenditure-only committees, $7.6 million reported by committees with non-contribution accounts and $4 million reported by other PACs.

Independent expenditures advocating the election of presidential candidates totaled $41.2 million, while $74.4 million was spent to oppose presidential candidates. Independent expenditures reported in connection with congressional races totaled $45.5 million. Independent expenditure-only committees and party committees were the two largest sources of these expenditures, reporting $5.6 million and $5.4 million, respectively.

Independent expenditure-only committees reported total receipts of $305.4 million, disbursements of $200.4 million, $2.6 million in debt, and a combined cash-on-hand of $108.9 million.

Electioneering Communications

Filers reported $9.3 million in electioneering communications as of June 30, 2012. An electioneering communication is a broadcast, cable or satellite communication that refers to a clearly identified federal candidate and is distributed within 30 days prior to a primary election or 60 days prior to a general election. These communications do not expressly advocate the election or defeat of a federal candidate.

Data summary tables for reports submitted to the Commission through June 30, 2012 are listed below for:

Presidential candidate committees link;

Historical presidential candidateslink;

Congressional candidate committeeslink;

PACslink;

PAC summary datalink;

Independent expenditureslink;

Political party committeeslink; and

Electioneering communicationslink.

(Posted 10/31/12; By Alex Knott)

Resources:

- FEC Press Release
- Campaign Finance Disclosure Portal

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* Other party committees include the Libertarian National Committee, Libertarian National Congressional Committee, Green Party of the United States, Green Senatorial Campaign Committee, Constitution Party National Committee, and the Reform Party of the United States of America.

Outreach

Winding Down the Campaign Reporting Roundtable

On November 14, 2012, the Commission will hold a roundtable workshop to help candidate committees prepare to file their 30-Day Post-General (30G) Report and wind down their campaigns. The workshop will include information on raising funds to retire campaign debt, settling debts for less than the full amount owed, filing the Post-Election Detailed Summary Page and terminating a committee. Attendees representing registered committees will have an opportunity to meet their Campaign Finance Analyst after the session.

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

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

Registration Information. The registration fee is $25 to attend in-person or $15 to participate online. A full refund will made for all cancellations received before 5 p.m. EST on Friday, November 9; no refund will be made for cancellations received after that time. Complete registration information is available on the FEC's website at http://www.fec.gov/info/outreach.shtml#roundtables and from Faxline, the FEC's automated fax system (202/501-3413, request document 590).

Registration Questions

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

Roundtable/Webinar Schedule

Wednesday, November 14
1:00-2:30 p.m. (EST)
FEC Headquarters, 999 E Street NW, Washington, DC 20463

(Posted 10/4/12; By: Kathy Carothers)

Resources:

- FEC Educational Outreach Opportunities
- FEC Reporting Dates
- FECFile Software
- FEC *Campaign Guide for Congressional Candidates* (see Chapter 14, Winding Down the Campaign)