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## Commission

### Message from Chair Ellen Weintraub



On behalf of my fellow Commissioners, I would like to welcome you to a new year, a new election cycle and a new volume of the FEC Record.

Each year, the Commission faces many challenges and opportunities as we administer the federal campaign finance laws. This year should prove to be no different, and I would like to take this opportunity to highlight a few of the agency's ongoing objectives.

One of our most important objectives is providing timely, accurate and user-friendly disclosure of campaign finance information. Our new online disclosure portal features an improved interface and a new, easy-to-use search tool called the Candidate and Committee Viewer designed to offer flexible and comprehensive access to our data. We have also updated our Electronic Filing RSS feed to notify subscribers when a particular filer(s) submits a report. These and other initiatives demonstrate our continued commitment to public disclosure.

The Commission is also committed to providing timely compliance information through our educational outreach programs. With candidates and committees already looking forward to the 2014 elections, we will offer a "Candidate 101" workshop for new campaigns next month, then begin our regular series of seminars, webinars and conferences designed to help candidates, committees and other filers comply with the Federal Election Campaign Act and FEC regulations. We hope you can attend one or more of these events, either in person or online.

Through these programs and others, we will continue to strive to provide the public with the transparency, integrity and fairness that are essential to the federal campaign process. I welcome suggestions from any member of the public on how we can better do our job. It is an honor to serve as Chair of the FEC, and I look forward to working with my colleagues and our outstanding staff in the year ahead.

*(Posted 1/10/2013)*

**Resources:**

- [Campaign Finance Disclosure Portal](#)
- [Educational Outreach](#)

### **Commission Elects Officers for 2013**

The Federal Election Commission has elected Ellen L. Weintraub as Chair and Donald F. McGahn II as Vice Chairman for 2013.

Commissioner Weintraub took office on December 9, 2002, after receiving a recess appointment. She was renominated and confirmed unanimously by the United States Senate on March 18, 2003. Commissioner Weintraub previously served as Chair in 2003. Commissioner McGahn was nominated and confirmed unanimously by the United States Senate on June 24, 2008. He was elected Chairman on July 10, 2008 and served in that capacity until December 31 of that year.

Prior to her appointment to the Commission, Commissioner Weintraub was Of Counsel to Perkins Coie LLP and a member of its Political Law Group. Commissioner Weintraub had previously practiced as a litigator with the New York firm of Cahill Gordon & Reindel.

Before joining Perkins Coie, Commissioner Weintraub was Counsel to the Committee on Standards of Official Conduct for the U.S. House of Representatives (the House Ethics Committee). There, Commissioner Weintraub focused on implementing the Ethics Reform Act of 1989. She was Editor in Chief of the House Ethics Manual and a principal contributor to the Senate Ethics Manual.

Commissioner Weintraub received her B.A., *cum laude*, from Yale College and her J.D. from Harvard Law School.

Commissioner McGahn took office on July 9, 2008. Prior to his appointment to the Commission, Commissioner McGahn served as head of McGahn & Associates PLLC, a Washington-based law practice specializing in election law. Commissioner McGahn also served as General Counsel to the National Republican Congressional Committee and as Counsel for the Illinois Republican Party.

Before joining the NRCC, Commissioner McGahn practiced law at Patton Boggs LLP in Washington, DC. Commissioner McGahn has been recognized for his significant *pro bono* work for the Lawyers' Committee for Civil Rights Under Law. Prior to Patton Boggs LLP, Commissioner McGahn served as a judicial law clerk to the Honorable Charles R. Alexander of the Court of Common Pleas in Pennsylvania.

Commissioner McGahn attended the United States Naval Academy, the University of Notre Dame, Widener University School of Law and the Georgetown University Law Center.

(Posted 12/21/2012)

**Resources:**

- [December 20, 2012 Press Release](#)
- [FEC Commissioners](#)

## Regulations

### **Notice of Proposed Rulemaking on Limited Liability Partnerships**

On December 6, 2012, the Commission approved a Notice of Proposed Rulemaking (NPRM) regarding the treatment of limited liability partnerships (LLPs) for purposes of the Federal Election Campaign Act (the Act). The Commission is considering amending its rules governing partnerships to address LLPs that have elected corporate tax treatment under the regulations of the Internal Revenue Service (IRS). Under the Commission's proposed rules, those LLPs would be treated as corporations for purposes of the Act. The Commission requests public comment on the proposed rules. Comments must be submitted in writing on or before February 11, 2013.

### **Background**

Under the Act, partnerships are generally subject to the same limitations as individuals on the amounts of contributions they may make to federal candidates and political committees (currently \$2,500 per election to candidates; \$30,800 per calendar year to national party committees; and \$5,000 per calendar year to other political committees. The overall biennial limit does not apply to partnerships.).

Corporations are prohibited from making contributions to federal candidates, but may choose to establish separate segregated funds (SSFs) for this purpose. An SSF may solicit voluntary contributions from its sponsoring corporation's "restricted class," which is generally composed of the corporation's executive and administrative personnel, stockholders and the families of both groups. 11 CFR 114.1(c) and 114.5(g). The SSF may then use its funds to make contributions directly to federal candidates and other committees, subject to the limitations of the Act.

Currently, the Commission's regulation governing partnerships is codified at 11 CFR 110.1(e). It requires that contributions made by partnerships to federal political committees be attributed both to the partnership and to each participating partner, either 1) in direct proportion to his or her share of the partnership profits; or (2) by agreement of the partners, as long as only the profits of the partners to whom the contribution is attributed are reduced (or losses increased) in proportion to the contribution attributed to each of them. No portion of a contribution made by a partnership may be attributed to a partner that is a corporation. 11 CFR 110.1(e)(2). The regulation does not specifically address partnerships forming SSFs.

The Commission's regulations make no distinction between different types of partnerships such as LLPs, which are a form of general partnership that provide partners with protection against personal liability for certain partnership obligations. Under IRS rules, a partnership may opt for treatment as an association (i.e., elect corporate tax treatment), without regard to its status under state law. A partnership that chooses treatment as an association "contributes all of its assets and liabilities to the association in exchange for stock in the association, and immediately thereafter, the partnership liquidates by distributing the stock of the association to its partners." 26 CFR 301.7701-3(g)(1)(i).

The Commission proposes to amend its rules on partnership so that LLPs that opt for treatment as associations under IRS rules would essentially be treated as corporations under the Act and Commission regulations. As such, these corporate LLPs would be prohibited from making contributions directly to federal candidates. Instead, under the proposed rules they would be free to establish SSFs for the purpose of making contributions to federal candidates and other political committees.

### **Proposed New 11 CFR 110.21**

The Commission proposes to move its current partnership regulation from 110.1(e) and create a new section 110.21. The new section would combine the Commission's existing partnership regulation with a rule addressing the treatment of corporate LLPs. Proposed section 110.21(a) would provide that all partnerships *except* corporate LLPs shall attribute contributions made by the partnership to both the partnership and each individual partner. Proposed 110.21(b) would state that the requirement in current section 110.1(e) that the amount limitations apply to partnership contributions, *except* for corporate LLPs. Proposed section 110.21(c) would address corporate LLPs by defining a limited liability partnership and stating that LLPs that elect corporate tax treatment by the IRS shall be considered as corporations under the Act and Commission regulations. Further, under the proposed 110.21(c), the restricted class of such an LLP shall consist solely of those persons who receive stock in the association, as well as their families.

The Commission seeks comment on these proposed rules and whether it is appropriate to allow a corporate LLP to pay the costs associated with establishing, administering and soliciting on behalf of its SSF and if so, whether these payments should be attributed among the individual partners either by explicit agreement or in proportion to their partnership share. The Commission also requests comments that address solicitations of contributions to a partnership SSF and the composition of a corporate LLP's restricted class. Specifically, the Commission asks if it should consider the executive and administrative personnel to be within the restricted class. The proposed rule only includes those persons who receive stock in the association and their families to be part of the restricted class.


## Public Comments

Written comments must be submitted on or before February 11, 2013, either electronically or on paper. However, the Commission highly encourages submitting comments electronically to ensure timely receipt and consideration. Electronic comments may be submitted via the Commission's website at <http://www.fec.gov/fosers>.

Paper comments should be sent to the Federal Election Commission, Attn: Robert M. Knop, Assistant General Counsel, 999 E Street, N.W., Washington, DC 20463. All comments must include the full name and postal service address of the commenter, and of each commenter if filed jointly, or they will not be considered. The Commission will post all comments to its website at the conclusion of the comment period.

*(Posted 12/14/12; By: Myles Martin)*

### Resources:

- [Commission consideration of NPRM](#) 
- [Federal Register notice](#) (77 Fed. Reg. 74121, December 13, 2012)
- FEC Brochure: [Partnerships](#)

## Advisory Opinions

### **AO 2012-34: Former Candidate's Campaign May Give Unlimited Contributions to Super PAC**

A former Senate candidate's campaign committee may use its leftover funds to contribute \$10,000 or more to an independent expenditure-only committee.

#### **Background**

Mike Haridopolos was a candidate in Florida's 2012 senatorial primary, but withdrew prior to the August 14 election. He was not a candidate in the 2012 general election and does not hold any federal office. As of June 30, 2012, his campaign committee, Friends of Mike H, reported more than \$1 million in cash on hand.

The campaign would like to contribute \$10,000 or more to Freedom PAC, a nonconnected political committee that makes only independent expenditures (commonly referred to as a Super PAC). Freedom PAC does not make contributions to federal candidates or political committees. Freedom PAC also asked whether it may accept a contribution of \$10,000 or more from Friends of Mike H.

## Analysis


Under the Federal Election Campaign Act (the Act) and Commission regulations, candidates may use campaign funds for any lawful purpose—including making contributions to other political committees—but may not convert any campaign funds to personal use. 11 CFR 113.2. Friends of Mike H plans to use some of its funds to make a contribution to Freedom PAC, a registered independent expenditure-only committee. Based on the facts of the request, there is no indication that the proposed contribution would result in the conversion of campaign funds to personal use or any other unlawful purpose.

The amount of the proposed contribution will be \$10,000 or more. Generally, contributions to nonconnected political committees are limited under the Act to \$5,000 per year. 2 U.S.C. §441a (a)(1). Courts have held, however, that the Act's amount limitations are unconstitutional as applied to contributions that will be used solely to finance independent activity. See [SpeechNow.org v. FEC](#), 599 F.3d 686, 696 (D.C. Cir. 2010) (*en banc*); [EMILY's List v. FEC](#), 581 F.3d 1, 11 (D.C. Cir. 2009); see also Advisory Opinion 2010-11 ([Commonsense Ten](#)) (concluding that political committees may make unlimited contributions to independent expenditure-only committees). Consistent with these decisions, Friends of Mike H may contribute \$10,000 or more of its excess funds to Freedom PAC.

Date Issued: December 6, 2012; 4 pages.

(Posted 12/13/12: By: Alex Knott)

## Resources:

- [Commission consideration of AO 2012-34](#) 
- [Information on Super PACs](#)

## AO 2012-35 – Wireless Group May Forward Text Contributions

An e-commerce transaction company may receive small-dollar contributions initiated via text message and paid for by credit or debit card, deduct its fee and forward the net amount to its political committee customers.

## Background

Global Transaction Services Group, Inc. ("GTSG") is an incorporated technology company that processes mobile payments to wireless customers. GTSG would like to enable wireless users to make contributions of \$50 or less to political committees initiated via text messages. Contributors would be asked to verify their legal eligibility and intention to contribute, then the company would charge the donor's credit or debit card, deduct its fee and forward the net amount to the recipient committee. The company will not allow a donor to contribute more than \$50 to any committee during a calendar year.

## Analysis

GTSG's request raises three issues under the Act and Commission regulations relating to the receipt and forwarding of contributions for political committees: (1) whether the contributions received for political committees are timely forwarded; (2) whether contributor information must be forwarded for contributions of \$50 or less; and (3) whether the requestor will properly account for political contributions deposited by GTSG before they are forwarded to recipient political committees.

Under the Act and Commission regulations, persons receiving credit or debit card contributions on behalf of a campaign committee must forward the funds to the committee within 10 days of the cardholder authorizing the charge. 2 U.S.C. §432(b)(1); 11 CFR 102.8(a). Contributions to other committees must be forwarded within 10 days if the amount is greater than \$50 or within 30 days if the contribution is \$50 or less. 2 U.S.C. §432(b)(2)(A); 11 CFR 102.8(b)(1); see also [AO 2012-17](#) (Red Blue T LLC, ArmourMedia, Inc. and m-Qube, Inc.) (citing [AO 1990-04](#) (American Veterinary Medical Association and AVMA Political Action Committee)). If a donor gives more than \$50, the recipient committee must receive and record the name, address, date and amount of the contribution. 2 U.S.C. §432(b)(1) and (2)(B); 11 CFR 102.8(a) and (b)(2). Additionally, corporate intermediaries—like GTSG—must charge for their services and must account for the contributed funds separately to ensure they avoid making a prohibited corporate contribution. See 2 U.S.C. §441b; 11 CFR 114.2(b); [AOs 2012-30](#) (Revolution Messaging, LLC) and [1999-22](#) (Aristotle Publishing, Inc.).

GTSG's proposal complies with all of these requirements. The company will forward all contributions to its political committee customers within seven days, within the established timelines. Additionally, GTSG proposes to forward to the recipient political committees, among other information, the wireless user's ten-digit phone number, name, address, and last four digits of his or her credit or debit card. This proposal satisfies the Act and Commission regulations. Finally, GTSG will track contributions using the short code and unique keyword associated with each recipient committee and will deposit contributions into separate bank accounts. These measures avoid the possibility of a prohibited corporate contribution.

Date Issued: December 20, 2012; 6 pages

*(Posted 1/3/13; By: Alex Knott)*

### Resources:

- [Commission consideration of Advisory Opinion 2012-35](#)
- [Advisory Opinion 2012-35](#)
- [Article: Contributions by Text Message](#)

## **AO 2012-36: Green Party of Connecticut**

The Green Party of Connecticut (the GPC) qualifies as a state party committee under the Federal Election Campaign Act (the Act) because: (1) the Green Party of the United States (GPUS) qualifies as a political party; (2) the GPC is part of the official GPUS structure; and (3) the GPC is responsible for the day-to-day operations of the GPUS at the state level in Connecticut.

### **Background**

The Act defines a "state committee" as an organization that, by virtue of the bylaws of a "political party," is part of the official party structure and is responsible for the day-to-day operations of the political party at the state level, as determined by the Commission. 2 U.S.C. §431(15); 11 CFR 100.14(a). A "political party" is an "association, committee, or organization which nominates a candidate for election to any federal office whose name appears on the election ballot as the candidate of such association, committee, or organization." 2 U.S.C. §431(16); 11 CFR 100.15.

The determination of a state party organization's status as the state committee of a political party depends on three elements. First, the national party of which the state party organization is a part must itself be a "political party." Second, the state party organization must be part of the official structure of the national party. Third, the state party organization must be responsible for the day-to-day operations of the national party at the state level. See [AOs 2010-13](#) (Libertarian Party of Florida), [2009-16](#) (Libertarian Party of Ohio), [2008-16](#) (Libertarian Party of Colorado) and [2007-06](#) (Libertarian Party of Indiana).

### **Analysis**

The Commission must first assess whether the national party qualifies as a "political party" under the Act and Commission regulations. 2 U.S.C. §431(15) and (16); 11 CFR 100.14 and 100.15. In advisory opinions from 2001 forward, the Commission has recognized the Green Party as a political party and the GPUS as the national committee of the Green Party. See [AO 2001-13](#) (Green Party of the United States); see also [AOs 2008-13](#) (Pacific Green Party of Oregon) and [2003-27](#) (Missouri Green Party). The Commission is aware of no changes that would alter that conclusion.

Second, the GPC must qualify as part of the official structure of the national party. 2 U.S.C. §431(15); 11 CFR 100.14(a). In past advisory opinions, the Commission has considered supporting documentation indicating that the state party is part of the official party structure. The GPUS's bylaws and rules state that the GPC is an active, accredited State party with five delegates on the GPUS's National Committee. The GPUS also allocated ten delegates to the GPC for the 2012 Presidential nominating convention. The GPC is therefore part of the GPUS official structure under its bylaws. 11 CFR 100.14. Additionally, email from Budd Dickinson, the GPUS Secretary, to Christopher Reilly, GPC Deputy Treasurer, affirms that GPC is part of the GPUS official party structure. See [AO 2008-16](#); [2008-13](#); [2007-06](#).



Third, the GPC must maintain responsibility for the day-to-day operations of the national party at the state level. 2 U.S.C. §431(15); 11 CFR 100.14(a). In previous advisory opinions, the Commission has evaluated this element by considering two criteria:

- Whether the organization has placed a “candidate” on the ballot (thereby qualifying as a “political party”); and
- Whether the bylaws or other governing documents of the state party organization indicate activity commensurate with the day-to-day functions and operations of a political party at the state level.

Placing a “candidate” on the ballot is required because the requesting organization’s existence as a political party is prerequisite for state committee status. A state party organization must actually obtain ballot access for one or more “candidates,” as defined in the Act. See 2 U.S.C. §431(2), §431(15) and §431(16); 11 CFR 100.3(a), 100.14(a) and 100.15. The GPC has satisfied this requirement by obtaining state ballot access for Ralph Nader in the 2000 election cycle, and by placing two candidates on the ballot for the House of Representatives: Charles Pillsbury in 2002 and Ken Krayske in 2010. Reports filed with the commission indicate that all three of the foregoing received contributions and made expenditures in excess of \$5,000, thus satisfying the Act’s definition of “candidate.” 11 CFR 100.3(a). Accordingly, the GPC qualifies as a “political party” under the Act and Commission regulations.

The Commission also determined that the GPC Bylaws establish specific responsibilities for the GPC’s officers and committees and, taken together, delineate activity commensurate with the day-to-day functions and operations of a political party on the state level, thus satisfying the second criterion. 11 CFR 100.14(a).

Because all three elements of the definition of “state committee” are satisfied, the Commission determined that the GPC qualifies as a state committee of a political party under the Act and Commission regulations.

Date Issued: December 6, 2012; Length: 5 pages

*(Posted 12/11/12; By: Christopher Berg)*

**Resources:**


- [Advisory Opinion 2012-36](#) [PDF; 4 pages]
- [Commission Discussion of AO 2012-36](#) 

## Alternative Disposition of Advisory Opinion Request 2012-37

On December 20, 2012, the Commission considered an Advisory Opinion Request (AOR) from Yamaha Motor Corporation, U.S.A. regarding its proposed establishment of a separate segregated fund (SSF) and the solicitation of the restricted classes of Yamaha's service centers and dealers for contributions to that SSF. The Commission was unable to approve a response by the required four affirmative votes, and concluded its consideration of the request without issuing an Advisory Opinion.

*(Posted 12/21/2012; By: Myles Martin)*

### Resources:

- [Commission consideration of AOR 2012-37](#) 
- [Advisory Opinion Request 2012-37 \(Yamaha Motor Corporation, U.S.A.\)](#)

## Reporting

### Reports Due in 2013

This article on filing requirements for 2013 is supplemented by the reporting tables linked at [http://www.fec.gov/info/report\\_dates\\_2013.shtml](http://www.fec.gov/info/report_dates_2013.shtml).

### Year-End Reports Covering 2012 Activity

All committees must file a 2012 year-end report due January 31, 2013, that covers activity through December 31, 2012. The Commission will host [reporting workshops](#) for PACs and party committees on January 16 and for candidates on January 23 to help filers prepare their reports.

### Reports Covering 2013 Activity

To find out which reports your committee must file in 2013, check the [Guide to 2013 Reporting](#). Then check the bulleted links to tables for various categories of reporting dates. Please note that committees active in special elections in 2013 may have to file additional special election reports, as explained below. All FEC reporting dates are also available on the Commission's website at [http://www.fec.gov/info/report\\_dates.shtml](http://www.fec.gov/info/report_dates.shtml).

### Notification of Filing Deadlines

In addition to publishing this article, the Commission notifies committees of filing deadlines on its website, via its automated Faxline and through reporting reminders called prior notices. Prior notices are distributed exclusively by electronic mail. For that reason, it is important that every committee update its [Statement of Organization \(FEC Form 1\)](#) to disclose a current email address. To amend Form 1, electronic filers must submit Form 1 filled out in its entirety. Paper filers should include only the committee's name, address, FEC identification number and the updated or changed portions of the form.

## **Treasurer's Responsibilities**

The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Federal Election Campaign Act ("the Act") and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail ([see below](#)), or electronically, must be received by the Commission's (or the Secretary of the Senate's) close of business on the deadline, or, if the deadline falls on a weekend or holiday, the close of business on the last business day before the deadline.

## **Late Filing**

The Act does not permit the Commission to grant extensions of filing deadlines under any circumstances. Filing late reports may result in enforcement action by the Commission. The Commission pursues compliance actions against late filers and nonfilers under the Administrative Fine Program and on a case-by-case basis. For more information on the Administrative Fine Program, visit the FEC website at <http://www.fec.gov/af/af.shtml>.

## **Filing Electronically**

Under the Commission's mandatory electronic filing regulations, individuals and organizations that receive contributions or make expenditures, including independent expenditures, in excess of \$50,000 in a calendar year—or have reason to expect to do so—must file all reports and statements with the FEC electronically. [\[fn1\]](#) Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Standard/Daylight Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission's validation program by the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines. 11 CFR 104.18(e).

Senate committees and other committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but, in addition to their official report filed with the Secretary of the Senate, the committees may file an unofficial copy of their reports with the Commission in order to speed disclosure.

The Commission's electronic filing software, FECFile, is free and can be downloaded from the FEC's website. FECFile Version 8.0.1.8 is available for download at <http://www.fec.gov/electfil/updatelist.html>. All reports filed after June 26, 2012, must be filed in Format Version 8.0.1.8. Reports filed in previous formats will not be accepted. Filers may also use commercial or privately developed software as long as the software meets the Commission's format specifications, which are available on the Commission's website. Committees using commercial software should contact their vendors to ensure their software meets the latest specifications.

## **Timely Filing for Paper Filers**

*Registered and Certified Mail.* Reports sent by registered or certified mail must be post-marked on or before the mailing deadline to be considered timely filed. A committee sending its reports by certified or registered mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by certified mail. See 2 U.S.C. §434(a)(5) and 11 CFR 100.19 and 104.5(e).

*Overnight Mail.* Reports filed via overnight mail [fn2] will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. A committee sending its reports by Express or Priority Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. See 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e). See also, generally, 11 CFR 100.19.

*Other Means of Filing.* Reports sent by other means—including first class mail and courier—must be received by the FEC (or the Secretary of the Senate) before close of business on the filing deadline. See 11 CFR 100.19 and 104.5(e). Paper forms are available for downloading at the FEC’s website (<http://www.fec.gov/info/forms.shtml>) and from FEC Faxline, the agency’s automated fax system (202/501-3413). The 2013 Reporting Schedule is also available on the FEC’s website ([http://www.fec.gov/info/report\\_dates\\_2013.shtml](http://www.fec.gov/info/report_dates_2013.shtml)), and from Faxline. For more information on reporting, call the FEC at 800/424-9530 or 202/694-1100.

### **Authorized Committees of Candidates**

*House and Senate Candidates.* All campaigns that have a reporting obligation must file quarterly reports in 2013. 11 CFR 104.5(a)(1). Generally, an individual becomes a candidate for federal office, thus triggering registration and reporting obligations, when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a)(1). See also 11 CFR 100.3(a)(2) and (3). Principal campaign committees of candidates who ran in past elections or are running in future elections must also file quarterly reports in 2013. A committee that wishes to stop filing reports with the FEC must file a termination report with the Commission or the Secretary of the Senate Public Records Office, as appropriate. See 11 CFR 102.3. Committees must continue filing reports until the Commission notifies them in writing that their termination report has been accepted.

*Presidential Candidates.* All Presidential committees must file on either a monthly or a quarterly schedule in 2013. Presidential committees able to change their reporting schedule and that wish to do so are required to notify the Commission in writing. 11 CFR 104.5(b)(2). Electronic filers must file this request electronically. After filing this notice of change in filing frequency with the Commission and receiving an approval notice from the Commission, all future reports must follow the new filing schedule.

### **State, District and Local Party Committees**

State, district and local party committees that engage in reportable “federal election activity” must file on a monthly schedule. 11 CFR 300.36(c)(1). Committees that do not engage in reportable “federal election activity” may file on a semi-annual basis in 2013. 11 CFR 104.5(c)(1)(i).

### **National Party Committees**

National committees of political parties must file on a monthly schedule in all years. 2 U.S.C. §434(a)(4)(B) and 11 CFR 104.5(c)(4).

### **Political Action Committees**

PACs (separate segregated funds, nonconnected committees, hybrid committees and independent expenditure only committees) that filed on a quarterly basis during 2012 file on a semi-annual basis in 2013. 11 CFR 104.5(c)(2). Monthly filers continue on the monthly schedule. PACs may change their filing schedule, but must first notify the Commission in writing. Electronic filers must file this request electronically. A committee may change its filing frequency only once a year, and after giving notice of change in filing frequency to the Commission and receiving an approval notice, all future reports must follow the new filing frequency. 11 CFR 104.5(c).

### **Where to File**

Committee treasurers must file campaign finance reports with the appropriate federal office, as discussed below. State filing requirements also apply to campaign finance reports filed by the principal campaign committees of candidates seeking office in Guam, Puerto Rico and the Northern Mariana Islands and to reports filed by PACs and party committees that support these candidates. 2 U.S.C. §439(a)(2)(B).

*House Candidate Committees.* Principal campaign committees of House candidates file with the FEC. 11 CFR 105.1.

*Senate Candidate Committees.* Principal campaign committees of Senate candidates file with the Secretary of the Senate. 11 CFR 105.2.

*Presidential Committees.* Principal campaign committees of Presidential candidates file with the FEC. 11 CFR 105.3.

*Candidate Committees with More Than One Authorized Committee.* If a campaign includes more than one authorized committee, the principal campaign committee files, with its own report, a consolidated report of receipts and disbursements (FEC Form 3Z) showing its own activity as well as the activity of all other authorized committees of the candidate. 11 CFR 104.3(f).

*PACs and Party Committees.* Generally, PACs and party committees file with the FEC. However, committees that support only Senate candidates file with the Secretary of the Senate, as do the national Senatorial campaign committees. 11 CFR 105.2 and 11 CFR 105.4.

*Joint Fundraising Committees.* Joint fundraising committees supporting only Senate candidates file with the Senate. All other joint fundraising committees file with the FEC. Please note that joint fundraising committees supporting only federal candidates file on Form 3 and follow the reporting schedule for authorized committees. 11 CFR 102.13(c). Joint fundraising committees supporting both federal candidates and other party or non-party political committees (such as PACs) file on Form 3X and follow the reporting schedule for unauthorized committees. 11 CFR 104.5(a) and (c).

### **Independent Expenditures**

Political committees and other persons who make independent expenditures may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. Note that aggregations of independent expenditures must be calculated as of the first date on which a communication that constitutes an independent expenditure is publicly disseminated, and as of the date that any such communication with respect to the

same election is subsequently publicly disseminated. 2 U.S.C. §§434(b), (d) and (g) and 11 CFR 100.19(d), 104.4(b), (c) and (f) and 109.10(c) and (d).

Political committees must use [FEC Form 3X, Schedule E](#), to file 48- and 24-hour reports. Persons and other entities that are not political committees must use [FEC Form 5](#).

Political committees must report independent expenditures that do not trigger the 48- or 24-hour reporting thresholds on their regularly scheduled campaign finance reports. These independent expenditure reports are not required when a party committee or PAC makes a contribution directly to a candidate.

Persons and other entities that are not political committees must disclose independent expenditures in a quarterly report filed on FEC Form 5 once the expenditures exceed \$250 in a calendar year in connection with an election. 11 CFR 104.4(b)(1) and 109.10(b). Form 5 filers are not required to file quarterly reports for periods in which they have not made any independent expenditures. However, they must file quarterly reports for periods in which they made expenditures aggregating over \$250 in a calendar year for a given election, regardless of whether or not they have already reported that activity in a 48- or 24-hour report.

For a chart of 2013 48- and 24-hour reporting periods for independent expenditures, consult the FEC website at [http://www.fec.gov/info/charts\\_ie\\_dates\\_2013.shtml](http://www.fec.gov/info/charts_ie_dates_2013.shtml).

All individuals, persons and committees, including Senate committees, must file their 24- and 48-hour reports and quarterly reports of independent expenditures with the Commission. 11 CFR 105.1 and 105.2. *See also* 11 CFR 104.4 and 109.10.

### **Committees Active in Special Elections**

Committees authorized by candidates running in any 2013 special election must file pre- and post-election reports in addition to regularly scheduled reports. 11 CFR 104.5(h). They are also required to comply with the 48-hour notice requirement for any contribution of \$1,000 or more per source (including loans) received shortly before an election. See 11 CFR 104.5(f).

PACs and party committees supporting candidates running in special elections may also have to file pre- and post-election reports unless they file on a monthly basis. 11 CFR 104.5(c)(3) and 104.5(h). All PACs, as well as individuals, corporations, labor organizations and all other persons, are subject to 48- and 24-hour reporting of independent expenditures made before an election. See 11 CFR 104.4(b) and (c) and 104.5(g).

When time permits, the *Record* will alert committees to special election reporting dates. For more information on 2013 special elections, visit the FEC website at [http://www.fec.gov/info/report\\_dates\\_2013.shtml#special](http://www.fec.gov/info/report_dates_2013.shtml#special).

### **Electioneering Communications**

Additionally, individuals and other persons who make disbursements for "electioneering communications" in connection with a special election that aggregate in excess of \$10,000 must file disclosure statements with the Commission within 24 hours of distribution of the communications to the public. See 11 CFR 100.29. A chart detailing the electioneering communication periods for 2013 special elections is available on the FEC website at [http://www.fec.gov/info/charts\\_ec\\_dates\\_2013.shtml](http://www.fec.gov/info/charts_ec_dates_2013.shtml).

### **Disclosure of Lobbyist Bundling Activity**

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with an election (including special elections) must simultaneously file [FEC Form 3L](#) if they receive two or more bundled contributions from any lobbyist/registrant or lobbyist/registrant PAC that aggregate in excess of the lobbyist bundling disclosure threshold during the election reporting period. 11 CFR 104.22(a)(5)(v).

The lobbyist bundling disclosure threshold for calendar year 2012 was \$16,700. This threshold amount may increase in 2013 based upon the annual cost of living adjustment (COLA). As soon as the adjusted threshold amount is available, the Commission will publish it in the Federal Register and post it on its website. 11 CFR 104.22(g) and 110.17(e) (2). For more information on these requirements, see the [March 2009 Record](#).

*(Posted 01/03/13; By: Katherine Carothers)*

### **FOOTNOTES:**

1 The regulation covers individuals and organizations required to file reports of contributions and/or expenditures with the Commission, including any person making an independent expenditure. 11 CFR 104.18(a). Disbursements for "electioneering communications" are not considered "expenditures" and thus do not count toward the \$50,000 threshold for mandatory electronic filing. See 11 CFR 104.18(a).

2 "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

### **Resources:**

- [FEC Forms and Instructions](#)
- [FECFile Filing Software](#)
- [Educational Outreach and FEC Reporting Training](#)
- [Resources for Committee Treasurers](#)
- [2013 Special Elections](#)

## **Illinois Special Election Reporting: 2nd District**

Illinois will hold special primary and general elections to fill the U.S. House seat in Illinois' 2nd Congressional District vacated by Representative Jesse Jackson, Jr. The Special Primary will be held on February 26, 2013, and the Special General will be held April 9, 2013.

Candidate committees involved in this election must follow the reporting schedule posted at [http://www.fec.gov/pages/report\\_notices/2013/il02.shtml](http://www.fec.gov/pages/report_notices/2013/il02.shtml). That schedule also applies to PACs and party committees that file on a semi-annual basis in 2013 and participate in this election. PACs and party committees that file monthly should continue to file according to their regular filing schedule. Please note that the FEC does not have authority to extend filing deadlines, even when they fall on weekends or holidays.

### **Filing Electronically**

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission's validation program by the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines.

### **Timely Filing for Paper Filers**

*Registered and Certified Mail.* Reports sent by registered or certified mail must be post-marked on or before the mailing deadline to be considered timely filed. A committee sending its reports by registered or certified mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by certified mail. 2 U.S.C. §434(a)(5) and 11 CFR 100.19 and 104.5(e).

*Overnight Mail.* Reports filed via overnight mail [[fn1](#)] will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. A committee sending its reports by Express or Priority Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. 2 U.S.C. §434(a)(5) and 11 CFR 100.19 and 104.5(e).

*Other Means of Filing.* Reports sent by other means—including first class mail and courier—must be received by the FEC before the Commission's close of business on the filing deadline. 11 CFR 100.19 and 104.5(e).

Forms are available for downloading and printing at the FEC's website (<http://www.fec.gov/info/forms.shtml>) and from FEC Faxline, the agency's automated fax system (202/501-3413).



## **48-Hour Contribution Notices**

A participating candidate's principal campaign committee must file a 48-hour notice each time it receives a contribution of \$1,000 or more between February 7, 2013, and February 23, 2013, for the Special Primary and between March 21, 2013, and April 6, 2013, for the Special General.

## **24- and 48-Hour Reports of Independent Expenditures**

Political committees and other persons who make independent expenditures may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. Political committees and other persons must file 24-hour reports of independent expenditures that aggregate at or above \$1,000 between February 7, 2013, and February 24, 2013 for the Special Primary and between March 21, 2013, and April 7, 2013, for the Special General. The 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to February 7, 2013, for the Special Primary. For the Special General, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to March 21, 2013.

## **Electioneering Communications**

The 30-day electioneering communications period in connection with the Special Primary Election runs from January 27, 2013 through February 26, 2013. The 60-day electioneering communications period in connection with the Special General Election runs from February 8, 2013, through April 9, 2013.

## **Disclosure of Lobbyist Bundling Activity**

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special election must simultaneously file FEC Form 3L if they receive two or more bundled contributions from any lobbyist/registrant or lobbyist/registrant PAC that aggregate in excess of \$16,700 during the special election reporting period. 11 CFR 104.22(a)(5)(v). For more information on these requirements, see the [March 2009 Record](#).

NOTE: The lobbyist bundling disclosure threshold for calendar year 2012 was \$16,700. This threshold amount may increase in 2013 based upon the annual cost of living adjustment (COLA). As soon as the adjusted threshold amount is available, the Commission will publish it in the Federal Register and post it on its website. See [11 CFR 110.17\(e\)\(2\)](#).

*1 "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.*

*(Posted 12/14/12; By: Katherine Carothers)*

#### **Resources:**

- [Illinois 2nd District Special Election Prior Notice](#)
- [Illinois 2nd District Special Election Compliance Page](#)
- [2013 Reporting Dates](#)

## Public Funding

### **Commission Certifies Federal Matching Funds for Two 2012 Presidential Campaigns**

The Commission has certified additional federal matching funds for the 2012 primary election to the presidential campaigns of Gary Johnson and Jill Stein. These certifications are based on the agency's review of the campaigns' most recent matching fund submissions.

The Commission has certified Gary Johnson's presidential campaign eligible for an additional \$202,025.78 in federal matching funds. The United States Treasury Department transferred the certified amount on December 18. To date, the Commission has certified the Libertarian nominee eligible for a total of \$510,260.98 in matching funds.

Previously, the Commission certified Jill Stein's presidential campaign eligible for an additional \$38,799.22 in federal matching funds. The United States Treasury Department transferred the certified amount on December 3. In total, the Commission has certified the Green Party nominee eligible for \$372,130.44 in matching funds.

Stein and Johnson are two of three candidates to be declared eligible for federal matching funds in 2012. The Commission has also certified \$351,961.10 in federal matching funds to Charles E. "Buddy" Roemer III for the primary.

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 12/21/12; By Dorothy Yeager)*

#### **Resources:**

- [December 20, 2012, FEC Press Release for Gary Johnson](#)
- [December 3, 2012, FEC Press Release for Jill Stein](#)
- [Press Office Backgrounder on Presidential Election Campaign Fund](#)
- [Brochure: Public Funding of Presidential Elections](#)
- [Brochure: The \\$3 Tax Checkoff](#)

## Outreach

### **FEC to Host Year-End Reporting and E-Filing Workshops**

The Commission will offer its annual Year-End Reporting and FECFile workshops in January 2013. The sessions for PACs and party committees will be held on January 16, both at the Commission and online as a webinar for those who cannot attend in-person. The workshops for candidates will be offered online only and will be held on January 23.

The reporting session will address common filing problems and provide answers to questions committees may have as they prepare to file their January 31 Year-End Reports. The electronic filing session will demonstrate the Commission's FECFile software and address questions filers may have concerning electronic filing.

*Webinar Information.* All workshops will be available to online attendees. Additional instructions and technical information will be provided to those who register for a webinar.

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

*Registration Information.* The registration fee is \$25 per workshop to attend in-person or \$15 to participate online. For the PAC and party workshops, a full refund will be made for all cancellations received before 5 p.m. EST on Friday, January 11; no refunds will be made for cancellations received after that time. For the candidate webinars, a full refund will be made for all cancellations received before 5 p.m. EST on Friday, January 18; no refunds 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](mailto: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](mailto:Conferences@fec.gov).

**Roundtable/Webinar Schedule****January 16, 2013**

FEC Headquarters (999 E Street, NW, Washington, DC 20463) and Online:

- Reporting for PACs and Party Committees, 1:00 - 2:30 PM EST
- FECFile & E-Filing for PACs and Party Committees, 2:45 - 4:15 PM EST

**January 23, 2013**

Online Only:

- Reporting for Candidate Committees, 1:00 - 2:30 PM EST
- FECFile & E-Filing for Candidate Committees, 2:45 - 4:15 PM EST

*(Posted 12/5/12; By: Molly Niewenhous)*

**Resources:**

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