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<b>NON-FILER POLICY AND PROCEDURES</b>		

## NON-FILER PROCEDURES

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## NON-FILER PROCEDURES

### I. *Authorized Committee*

#### A. General Non-Filer Notification and Publication Criteria

The following are general non-filer procedures which will be applied to principal campaign committees (PCCs) having reporting obligations during election and non-election years.

1. Only an authorized committee designated as a principal campaign committee (PCC) of a candidate for an upcoming election will receive notification and publication for the failure to file a report provided the financial activity of a candidate's campaign exceeds \$5,000 in contributions **or** \$5,000 in expenditures during the election cycle.
2. A PCC of a candidate from a previous election may be notified and the PCC's name may be published for failure to file a report if it appears that current campaign expenditures **or** contributions are in excess of \$5,000 **and** are intended for an upcoming election and no other committee has been officially designated as the PCC for that election.
3. A PCC will not be sent a notice of non-filing nor be named as a non-filer on a press release **if** confirmation is received from the PCC stating that the report was sent by registered, certified or overnight (trackable) mail no later than the date specified by the Federal Election Commission as authorized by the Federal Election Campaign Act (the Act) for the posting of such report, with the certified, registered or tracking number and the date the report was received and/or posted.
4. Saturday will be considered a business day for non-filer letter notification purposes as long as it is not a legal federal holiday. For committees that opt to receive non-filer notices on paper, Saturday will be considered a business day as long as the U.S. Postal Service continues Saturday mail delivery.
5. A PCC may be considered a non-filer if the summary page or detailed summary page(s) of a required report has been received which indicates the receipt of itemized contributions or itemized expenditures, however, no supporting schedules were filed with the report.

#### B. Authorized Committee During an Election Year

1. Congressional Committee

a. Prior Notice

(i) Quarterly Reports

Prior notice will be sent to registered PCCs.

(ii) 12-day Pre-Election and 30-day Post-General Election Reports

Prior notice for a nominating election (i.e., caucus, convention, primary or runoff) or the general election will be sent to registered PCC's.

(iii) Year-End Report

Prior notice will be sent to registered PCCs.

(iv) Dates of Prior Notice

Prior notice will be sent approximately 24 days prior to the due date for the quarterly and 12-day pre-election reports. Prior notice for the year-end report will be sent approximately 35 days prior to the due date of the report. Prior notice for the 30-day post-general report will be included in the 12-day pre-general report prior notice.

Prior notice sent to registered PCCs in states having two nominating elections (i.e., primary followed by runoff and convention followed by a primary election) will include filing requirements for all elections and be sent approximately 24 days prior to the due date for the first nominating election in that state. For those situations where the mailing date of a possible runoff election report occurs prior to the date of a primary election, prior notice will also inform the PCCs that the 12-day pre-runoff election report should be mailed by certified, registered or overnight mail on the filing date of the 12-day pre-runoff election report.

b. Notification of Failure to File

(i) Nominating Election (including Convention, Caucus, Primary and Runoff Election)

### Quarterly Report Preceding a Nominating Election and 12-day Pre-Election Report

A PCC will be notified of its failure to file the quarterly report preceding a nominating election and/or the 12-day pre-election report when:

- the PCC is supporting or designated by a candidate for the upcoming election, or
- the PCC from a previous election has made apparent expenditures or received contributions for the upcoming election and the candidate has not designated a new PCC for the upcoming election, and
- the PCC fails to file the required report.

#### (ii) General Election

### Quarterly Report Preceding a General Election and 12-Day Pre-General Report.

A PCC will be notified of its failure to file the quarterly report preceding a general election and/or the 12-day pre-general report when:

- the PCC is supporting or designated by a candidate in the general election, or
- the PCC from a previous election has made apparent expenditures or received contributions for the upcoming election and the candidate has not designated a new PCC for the upcoming election, or
- the PCC of a candidate is certified by the State as the winner of a primary or recognized by the State as a party's nominee for Federal office and is unopposed in the general election, and
- the PCC fails to file the required report(s).

#### (iii) Notification of Failure to File

A non-filer notice will be sent after 3:00 p.m. on the first business day after the due date for a pre-election report. A non-filer notice for the quarterly report due prior to an election will be sent on the fifth business day after the due date if a report was not received by close of business on the previous business day.

#### c. Publication

The name of any PCC previously notified of its failure to file the quarterly report preceding an election and/or a 12-day pre-election report will be published if the required report is not received by close of business on the fourth business day after the date of notification. 2 U.S.C. 437g(b)

A recommendation to publish will be circulated to the Commission on a 2-hour no-objection basis. A press release containing the names of the non-filers should be issued no later than close of business on the fifth business day after the date of the notification for a non-filer report if **no objections** are received from the Commissioners by the voting deadline.

2. Presidential Committee

a. Prior Notice

(i) Monthly Reports

The PCC of a Presidential candidate (including an exploratory committee) required to file monthly reports will be sent prior notice. The monthly notice will be included in the prior notice sent to Presidential PCCs filing quarterly reports.

(ii) Quarterly and 12-day Pre-Election Reports (Including Caucus, Primary, and Convention Elections)

The PCC of a Presidential candidate (including an exploratory committee) filing quarterly reports will be sent prior notice. The prior notice will remind a quarterly filer a) of its obligation to file monthly reports if and when it exceeds the \$100,000 threshold for filing monthly reports, and b) that a 12-day pre-election report is required for each state presidential election in which the candidate seeks delegates or popular votes in that election.

(iii) 12-day Pre-General and 30-day Post-General Election Reports.

The PCCs of Presidential candidates will be sent prior notice for the 12-day pre-general report. It will include the 30-day post-general report prior notice.

(iv) Year-End Reports

The PCCs of Presidential candidates (including Exploratory committees) will be sent prior notice.

(v) Dates of Prior Notice

Prior notice will be sent approximately 24 days prior to the due date for the quarterly reports. Prior notice will be sent approximately 35 days prior to the due date for the year-end report. Prior notice for the monthly and 12-day pre-election (caucus, convention or primary) reports will be included in the quarterly and year-end report prior notices. Prior notice for the 12-day pre-general report will be sent approximately 24 days prior to the due date of the 12-day pre-general report. It will include the 30-day post-general report prior notice.

b. Notification of Failure to File

The PCC of a Presidential candidate (including an exploratory committee) filing quarterly reports will not routinely be notified if it fails to file a report.

The PCC of a Presidential candidate required to file monthly reports will be notified of its failure to file the monthly, 12-day pre-general, 30-day post-general or year-end report when the required report is not filed.

A non-filer notice will be sent after 3:00 p.m. on the first business day after the due for the 12-day pre-general report. A non-filer notice for all other reports will be sent on the fifth business day after the due date if the report is not received by close of business of the previous day.

c. Publication

The name of any PCC previously notified of its failure to file a monthly, 12-day pre-general, 30-day post-general or year-end report may be published if a report is not received by close of business on the fourth business day after the date of notification. 2 U.S.C. 437g(b)

A recommendation to publish will be circulated to the Commission on a 2-hour no-objection basis. A press release containing the names of the non-filers should be issued no later than close of business on the fifth business day following the date of notification

for a non-filer report if **no objections** are received from the Commissioners by the voting deadline.

C. Congressional Committee Involved in a Special Election (including a Special Convention, Primary, Runoff or General Election)

1. Prior Notices

Prior notice will be sent to any candidate whose name appears on the special election state ballot or who is seeking nomination/election and to the candidate's registered PCC. Normally, prior notice will not be sent nor will a 12-day pre-election report be required if a special election is held within 20 days of the setting of such date.

Prior notice will be sent the later of one of the following dates.

- a. Within one work day of receipt of the Commission's Secretary's Notification of Commission approval of the special election reporting dates, or
- b. Within one work day of the receipt of the state ballot list, or
- c. Approximately 24 days prior to the due date of the report.

2. Notification of Failure to File

A PCC will be notified of its failure to file a 12-day pre-election report after 3:00 p.m. on the first business day after the due date when:

- the PCC is supporting or designated by a candidate for the upcoming election, or
- the PCC from a previous election has made apparent expenditures or received contributions for the upcoming election and the candidate has not designated a new PCC for the upcoming election, and
- the PCC fails to file the required report.

3. Publication

The name of any PCC previously notified of its failure file a 12-day pre-election report for a special election will be published if the required report is not received by close of business on the fourth business day after the date of notification. 2 U.S.C. 437g(b)

A recommendation to publish will be circulated to the Commission on a 2-hour no-objection basis. A press release containing the names of the non-filers should be issued no later than close of business on the fifth business

day after the date of notification for a non-filer report if **no objections** are received from the Commissioners by the voting deadline.

D. Authorized Committee During a Non-Election Year

1. Congressional Committee

a. Prior Notice

Prior Notice will be sent to registered PCCs required to file quarterly and year-end reports. Prior notice will be sent approximately 24 days prior to the due date for the quarterly report and 35 days prior to the due date of the year-end report.

b. Notification of Failure to File and Publication

A PCC which fails to file a quarterly or year-end report may be routinely notified of its failure to file, however, the name of the PCC will not be published under these procedures.

2. Presidential Committee

a. Prior Notice

A Presidential PCC (including an exploratory committee) will receive prior notice for quarterly, monthly and year-end reports.

Prior notice for quarterly reports will be sent approximately 24 days prior to the due date of the required report. Prior notice for monthly reports will be included in the quarterly report prior notices. Prior notice for the year-end report will be sent approximately 35 days prior to the due date of the report.

b. Notification of Failure to File

A PCC of a candidate who participated in a past election will routinely be sent notification for failure to file a required report. A PCC of a candidate who is certified by the Commission to receive Federal matching payments for a future campaign will receive notification of failure to file beginning with the first report due after Commission certification.

A PCC failing to file a monthly, quarterly or year-end report may be notified of its failure to file the required report after 3:00 p.m. on the 15<sup>th</sup> to 20<sup>th</sup> business day after the due date, if its report is not received by close of business on the previous day.

c. Publication

The name of any PCC previously notified of its failure to file a monthly, quarterly or year-end report may be published if the report is not received by close of business on the fourth business day after the date of notification. 2 U.S.C. 437g(b)

A recommendation to publish will be circulated to the Commission on a 2-hour no-objection basis. A press release containing the names of the non-filers should be issued no later than close of business on the fifth business day after the date of notification for the non-filer report if **no objections** are received from the Commissioners by the voting deadline.

II. *Unauthorized Committee*

A. Unauthorized Committee During an Election Year

1. Prior Notice

a. Quarterly Reports

An unauthorized committee will be sent prior notice for the quarterly, 12-day pre-general, 30-day post-general and year end reports. All prior notices except for the year-end prior notice will inform an unauthorized committee that if it makes contributions or expenditures (including independent expenditures) in connection with an election which have not been previously reported, a 12-day pre-election report must be filed.

b. Monthly Reports

An unauthorized committee filing monthly will be sent prior notice on two occasions. The first prior notice will include the filing requirements for the entire year. The second prior notice will include the filing requirements for the September through October monthly reports, the 12-day pre-general report, the 30-day post-general report and the year-end report.

c. Dates of Prior Notice

Prior notice for quarterly reports will be sent approximately

24 days prior to the due date of the quarterly reports. Prior notice for the 12-day pre-general report will be sent approximately 24 days prior to the due date of the 12-day pre-general report and will include the 30 day post-general report prior notice. Prior notices for monthly reports will be sent in January and August of the election year. Prior notice will be sent approximately 24 days prior to the due date for the monthly report. Prior notice will be sent approximately 35 days prior to the due date of the year end report. One prior notice for the year-end report will be sent to all committees (regardless of filing status). It will also include the filing requirements for monthly reports at the beginning of the succeeding non-election year and the filing requirements for the semi-annual report in the succeeding non-election year.

2. Notification of Failure to File and Publication

An unauthorized committee may be routinely notified if it fails to file a report, however, it will not be published.

B. Unauthorized Committee During a Non-Election Year

1. Prior Notice

a. Quarterly Reports

An unauthorized committee will be sent prior notice for the mid-year and year-end reports.

b. Monthly Reports

An unauthorized committee will be sent prior notice for monthly and year-end reports.

c. Dates of Prior Notice

Prior notice will be sent approximately 35 days prior to the due dates of the mid-year and year-end reports. One prior notice for the mid-year and year-end reports will be sent to all committees (regardless of filing status). Prior notice for monthly reports will be sent in January (including filing requirements for the entire year) and June (including the filing requirements for the July through December monthly reports) which will be included in the mid-year prior notice. The year-end report notice will also include the filing

requirements for the monthly and quarterly reports due in the succeeding election year.

2. Notification of Failure to File and Publication

An unauthorized committee may be routinely notified if it fails to file a report, however, the name of the committee will not be published.

*III. Convention Committee and Convention Host Committee*

A. Prior Notice

1. Convention Committee Established by a National Party Committee under 11 CFR 9008.3(b)(2).

Prior notice will be sent approximately 24 days prior to the due dates of the following reports.

- a. Quarterly and post-convention reports required to be filed in the year in which a presidential nominating election is held, and
- b. Quarterly reports required to be filed in the year(s) preceding and subsequent to the year in which a presidential nominating election is held.

2. Convention Host Committee and Organizations Required to Register under 11 CFR 9008.51(b).

Prior notice will be sent approximately 24 days prior to the due dates of the following reports.

- a. Quarterly reports and a post convention report (due on the earlier of: 60 days following the last day of the convention; or 20 days prior to the presidential general election) required to be filed in the year in which a presidential nominating election is held, and
- b. Quarterly reports required to be filed in the year(s) subsequent to the year in which a presidential nominating election is held.

B. Notification of Failure to File and Publication

A convention committee and a convention host committee will not routinely be notified if it fails to file a required report and the name of the committee will not be published.

*IV. General Responsibilities and Procedures*

A. Prior Notice

1. Contents of Prior Notices

In addition to the monthly, quarterly, mid-year, year-end and pre- and post-election reporting dates, the Information Division (INFO) will include in Prior Notices other relevant filing dates, such as those pertaining to independent expenditures, last minute contributions, and electioneering communications.

2. Authorized Committee

a. Congressional Committee

1) Election Year

a) 12-day Pre-Election Report (except General Election)

The Public Disclosure Division (PDD) will obtain from all states as soon as possible the identities of all individuals:

--- on the ballot in an upcoming election,

--- seeking nomination in an upcoming election and

--- not on the ballot and unopposed in an upcoming election.

PDD will forward the individual's identities to the Reports Analysis Division (RAD), the Press Office, INFO, and the Secretary of the Senate. PDD will assign an identification number to any individual not registered with the Commission. INFO will prepare and send prior notice through electronic mail or other methods, as deemed appropriate for all registered committees.

- b) Quarterly, 12-day Pre-General and Year-End Reports.

INFO will prepare and send the prior notice via electronic mail or other methods, as deemed appropriate for registered committees.

- 2) Non-Election Year

INFO will prepare and send the prior notice via electronic mail or other methods, as deemed appropriate for registered committees.

- b. Presidential Committee

INFO will prepare and send the prior notice via electronic mail or other methods, as deemed appropriate for registered committees.

- c. Special Election

PDD will obtain from a state the date of any special election. Within 48 hours of obtaining the date, PDD in conjunction with INFO will recommend to the Commissioners the reports, reporting dates, coverage dates and any possible waivers of reports required for that special election. INFO will prepare a draft notice for publication in the Federal Register which will provide the established reporting dates within 5 days of the establishment of the election date. Recommendations by PDD and INFO, after being reviewed by OGC, will be forwarded by INFO and PDD through the Staff Director and circulated by the Commission Secretary on a 24-hour no-objection basis. Upon approval by the Commissioners, the Commission Secretary will notify all Commission offices, to include INFO and PDD. OGC will forward the approved notice to the Federal Register within one work day of receipt of the Commission Secretary's notification of the Commission approval.

PDD will obtain from a state as soon as possible the identities of all individuals:

--- on the ballot in the special election,

--- seeking nomination in the special election and

--- not on the ballot and unopposed in the special election.

PDD will forward the individuals' identities to RAD, INFO, the Press Office, and the Secretary of the Senate. PDD will assign an identification number to any individual not registered with the Commission. INFO will notify **all** candidates and committees of the required filing dates, through electronic mail, or other methods as deemed appropriate.

3. Unauthorized Committee

For all registered committees, filing either monthly or quarterly reports, INFO will prepare and send the prior notice via electronic mail or other methods, as deemed appropriate.

4. Convention Committee and Convention Host Committee

INFO will prepare and send prior notice for quarterly and post-convention reports for **all** Convention and Convention Host Committees, through electronic mail, or other methods as deemed appropriate.

B. Notification of Failure to File

RAD will determine which PCCs have not filed reports within the time frames established for each particular report. RAD will coordinate this activity with the Secretary of the Senate to assure that all PCCs that have failed to file the particular report receive notification via electronic mail, or other trackable means as deemed appropriate. The Staff Director will be informed of any deviation in the time frames or dates of notification.

C. Publication

RAD, in coordination with the Secretary of the Senate, will identify those PCCs which have not filed the required report by the publication cutoff date and time frame. RAD will prepare and circulate the publication list to the Commissioners via the Staff Director on a 2-hour no-objection basis on the fifth business day after the date of notification. The vote will be scheduled for either a 12:00 noon or a 4:00 p.m. vote deadline. A 4:00 p.m. vote deadline will be required on those occasions when a legal federal holiday falls during the mailing period of a publishable non-filer notice. **If no objections are received by the voting deadline, a press**

release will be prepared and issued. After receiving Commission certification, RAD will forward the list of names of PCCs to the Press Office. The Press Office will prepare and distribute the press release of the names of those PCCs which failed to file the required report.

This Directive was revised and approved on May 25, 2012.

  
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Alec Palmer  
Staff Director

**APPENDIX 1**  
**FOR AUTHORIZED COMMITTEES**  
**ELECTION AND NON-ELECTION YEAR**  
**NOTIFICATION, CIRCULATION AND PUBLICATION POLICY**  
**BY REPORT TYPE**

<b>Report Type</b>	<b>Date for Sending Prior Notice</b>	<b>Cutoff Time and Date for Notification of Failure to File</b>	<b>Date and Time for Notification of Failure to File</b>	<b>Cutoff Time and Date for Publication</b>	<b>Circulation of Publication List</b>	<b>Date of Publication</b>
<b>12-day Pre-Election</b>	At least 24 days before due date	3:00 p.m. – First business day after due date	Close of Business – First business day after due date	Close of Business – Fourth business day after notification	Fifth business day after notification	If no objections by the Commissioners are received by voting deadline.
<b>Quarterly and Year End</b>	At least 24 and 35 days before due date, respectively	Close of Business – Fourth business day after due date	Fifth business day after due date	Close of Business – Fourth business day after notification	Fifth business day after notification	If no objections by the Commissioners are received by voting deadline.
<b>30-day Post-General (Presidential only)</b>	At least 24 days before due date of the 12-day pre-general	Close of Business – Fourth business day after due date	Fifth business day after due date	Close of Business – Fourth business day after notification	Fifth business day after notification	If no objections by the Commissioners are received by voting deadline.
<b>Monthly (Presidential only)</b>	At least 24 days before due date of quarterly	Close of Business – Fourth business day after due date	Fifth business day after due date	Close of Business – Fourth business day after notification	Fifth business day after notification	If no objections by the Commissioners are received by voting deadline.

report	day after due date	day after notification	Commissioners are received by voting deadline.
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**APPENDIX 2**  
**COMMISSION NON-FILER ACTION BY FILER TYPE**  
**(Does not include Presidential Convention and Convention Host Committees)**

Committee Type	ELECTION YEAR			NON-ELECTION YEAR		
	Prior Notice	Non-Filer Notice	Publication	Prior Notice	Non-Filer Notice	Publication
Presidential Monthly	YES	YES	YES	YES	YES	YES
Presidential Quarterly	YES	NO	NO	YES	NO **	NO **
Senate *	YES	YES	YES	YES	NO	NO
House *	YES	YES	YES	YES	NO	NO
Non-Party Monthly	YES	NO	NO	YES	NO	NO
Non-Party Quarterly	YES	NO	NO	YES	NO	NO
Party Monthly	YES	NO	NO	YES	NO	NO
Party Quarterly	YES	NO	NO	YES	NO	NO

\* Applies only to 12-day pre-election and quarterly reports prior to election.

\*\* Committees certified by the Commission to receive matching funds in an upcoming election will receive notification and may be published for failure to file a required report.