



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE END OF TUE # 1108

Date Filmed 2/26/80 Camera No. --- 2

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FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

February 1, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Terry J. Stallman, Treasurer  
District 20 - Democratic Non-Partisan  
League Party  
Thompson, North Dakota 58278

RE: MUR 1108

Dear Mr. Stallman:

On May 1, 1979, the Commission found reason to believe that your committee may have violated 2 U.S.C. §433 and §434 of the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the above captioned matter. However, after considering the circumstances of this matter, the Commission has determined to take no further action and to close the file with regard to this matter.

This matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that making expenditures and/or contributions in excess of \$1,000 in connection with federal election activities during a calendar year without registering and reporting is a violation of 2 U.S.C. §433 and §434 and you should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Carolyn Weeder at (202) 523-4529.

Sincerely,

Charles N. Steele  
General Counsel

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1. [Illegible text]

2. [Illegible text]

3. [Illegible text]

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7. [Illegible text]

8. [Illegible text]

9. [Illegible text]

10. [Illegible text]

11. [Illegible text]

1 6 4 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1108  
District 20 of the Democratic )  
Non-Partisan League )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 30, 1980, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1108:

1. Take no further action with regard to District 20 of the Democratic Non-Partisan League Party's possible violation of 2 U.S.C. §433 and §434 by failing to register and report as a political committee.
2. Close the file.
3. Approve and send the letter as attached to the First General Counsel's Report dated January 25, 1980.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

1/30/80

Date

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

Received in Office of the Commission Secretary: 1-25-80, 12:18  
Circulated on 48 hour vote basis: 1-28-80, 11:00

100-81643

January 25, 1980

MEMORANDUM TO: Marjorie W. Immons  
FROM: Elissa L. Carr  
SUBJECT: MUR 1108

Please have the attached First GC Report on MUR 1108 distributed to the Commission on a 48 hour tally basis.

Thank you.

001181544

## FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL  
BY OGC TO COMMISSION 12/25/79

MUR NO. 1108  
STAFF MEMBER(S) \_\_\_\_\_

Weeder/Ponder

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: District 20 of the Democratic Non-Partisan League Party

RELEVANT STATUTE: 2 U.S.C. § 433, § 434

INTERNAL REPORTS CHECKED: North Dakota Democratic Non-Partisan League Party FEC Committee Reports

FEDERAL AGENCIES CHECKED: None

## SUMMARY OF ALLEGATIONS

On December 21, 1979 the Reports Analysis Division referred to the Office of General Counsel the matter in which District 20 of the Democratic Non-Partisan League Party (the "District 20 Committee") may have violated 2 U.S.C. § 433 and § 434 by failing to register and report as a political committee.

Reports filed with the Commission by the North Dakota Democratic Non-Partisan League Party ("the State Party") disclosed that the District 20 Committee, an unregistered committee, made two contributions in 1977 aggregating \$1050.00. Letters were sent to the District 20 Committee on October 17, 1978, May 23, 1979 and June 25, 1979 advising them that they may be considered a political committee pursuant to the FECA. On September 11, 1979 the Commission notified the District 20 Committee of a reason to believe finding after they failed to respond.

## FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 433 and § 434 require any organization which has received contributions or made expenditures in excess of \$1,000 during a calendar year in connection with federal election activities to register and report as a political committee. In 1977 the District 20 Committee made transfers which were \$50 in excess of the limitation. However, the following circumstance merits consideration.

In 1978 the State Party requested an advisory opinion which specifically addressed the problem of transfers exceeding \$1,000 from its district committees. In response, the Commission offered guidelines whereby the district committees would not be required to register as political committees when transfers were in excess

of \$1,000 during a calendar year. Specifically, the advisory opinion reads as follows:

If, however, the State Party were to establish a separate Federal campaign committee with a segregated Federal account (See 11 C.F.R. §102.6(a)(2)(i)), as you [the State Party] have recommended, a district committee could transfer up to \$1,000 in a calendar year to the State Party's separate Federal account and any amount transferred to the State Party in excess of \$1,000 could be placed in an account the funds from which are not used to influence Federal elections, i.e. one which is used for state and/or local elections. Under this procedure, district committees which did not wish to be considered "political committees" would be able to maintain that status. 1/

The Commission issued the advisory opinion in April 1979, since which time the District 20 Committee has made no transfers exceeding \$1,000.

In view of the above discussion and the minimal amount in violation, the Office of General Counsel recommends taking no further action regarding District 20 of the Democratic Non-Partisan League Party's possible violation of 2 U.S.C. § 433 and § 434 by failing to register and report as a political committee. Accordingly, this Office recommends to close the file on this matter and to approve and send the attached letter.

#### RECOMMENDATIONS

1. Take no further action with regard to District 20 of the Democratic Non-Partisan League Party's possible violation of 2 U.S.C. § 433 and § 434 by failing to register and report as a political committee.
2. Close the file.
3. Approve and send the attached letter.

#### Attachments

RAD Referral  
Letter to Terry J. Stallman, Treasurer; District 20 of the  
Democratic NPL Party

1/ See Advisory Opinion 1978-91 (included within the attached RAD Referral).

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REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM                     N/A                     TO                     N/A                    

TOTAL RECEIPTS \$                     N/A                     TOTAL EXPENDITURES \$                     N/A                    

CASH ON HAND \$                     N/A                     DEBTS \$                     N/A                    

**HISTORY:**

RESULTS OF REVIEW:

3SV1/78-73 (10/17/78)

3SV1/78-73 (5/23/79)

3SV2/78-73 (9/11/79)

*ATTACHMENT*

1  
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COMMUNICATIONS WITH CANDIDATE/COMMITTEE:

Memorandum to Files: Greevy (4/16/79)

Memorandum to Files: Greevy (6/25/79)

Telecon: Stolaruk with Stallman (11/7/79)

*ATTACHMENT*

2  
4  
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REASON(S) FOR REFERRAL:

No response to 3SV1/78-73 or 3SV2/78-73

*ATTACHMENT*

OTHER PENDING ACTIONS INITIATED BY RAD:

NONE

*ATTACHMENT*

OTHER RELEVANT INFORMATION:

NONE

*ATTACHMENT*

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:

NONE

6481648

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

D 533  
RAD 5-11-79

REPORTS ANALYSIS REFERRAL SHEET

DATE 5/21/79 ANALYST Lisa Stolaruk  
TO: Office of General Counsel TEAM CHIEF Bobby Werfel  
THROUGH: STAFF DIRECTOR ASD COMPLIANCE REVIEW PS  
FROM: Lisa Stolaruk ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE COMMITTEE: District 20 Democratic MPL Party  
TREASURER: Mr. Terry J. Stallman  
ADDRESS: Thompson, North Dakota 58278

AFFILIATE(S): Not Available

ALLEGATION(S): Failure to register and report as a political committee  
CITE: 2 U.S.C. 433 & 434  
ATTACHMENT(S) 1

DATE INITIATED: 10/17/78 (surface violation re-sent on 5/23/79)

MANNER IN WHICH REVIEW WAS INITIATED:  
 Normal Review  Other:  Special Project  
ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM N/A TO N/A  
TOTAL RECEIPTS \$ N/A TOTAL EXPENDITURES \$ N/A  
CASH ON HAND \$ N/A DEBTS \$ N/A

HISTORY:

RESULTS OF REVIEW: N/A ATTACHMENT 1  
10/17/78-79 (10/17/78) 3  
11/17/78-79 (5/23/79) 3  
05/21/79-79 (2/11/79) 3

COMMUNICATIONS WITH CANDIDATE COMMITTEE: N/A ATTACHMENT 6  
Memorandum to Tolson, Dewey (4/11/79)  
Memorandum to Tolson, Dewey (6/21/79)  
Memorandum to Tolson, Dewey (11/7/79)

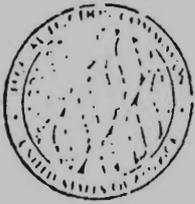
REASONS FOR REFERRAL: N/A ATTACHMENT

OTHER PENDING ACTIONS INITIATED BY RAD: N/A ATTACHMENT

OTHER RELEVANT INFORMATION: N/A ATTACHMENT

PREVIOUS HOUSING REFERRALS FROM RAD: N/A

0017181649



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20543

October 17, 1978

Mr. Terry J. Stallman  
District 20 - Democratic NPL Party  
Thompson, ND 58278

Dear Mr. Stallman:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by North Dakota Democratic Non-Partisan League Party indicates that your organization may have made contributions which total in excess of \$1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of \$1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

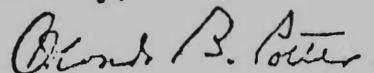
If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed \$1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Lisa Stolaruk in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-1474.

Sincerely,



Orlando B. Potter  
Staff Director

Certified Mail  
Return Receipts Requested

Enclosures

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Rebates, and Transfers for Line  
 Number 16, 17 and/or 18 of FEC Form 3  
 (See instructions on back)

(Use separate schedule(s) for each numbered line)

| Name of Candidate or Committee in full   |   | Date (month, day, year) | Amount of each receipt this period |
|--|---|-------------------------|------------------------------------|
| North Dakota Democratic Non-Partisan League Party  |   |                         |                                    |
| Full Name, mailing address and ZIP code<br>Lorraine Edland, Treasurer, District 23<br>Cooperstown, ND 58425  |   | 1-04-77                 | \$ 401.27                          |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Robert Wilham, Treasurer, District 4<br>Norma, ND 58766   |   | 1-04-77                 | 400.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>J. Darlene Turitto, Treasurer, Democratic Women, Bismarck<br>1010 E. Owens Avenue<br>Bismarck, ND 58501 |   | 2-07-77                 | 600.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Mrs. Ruby Nesvig, Treasurer, Dist. 20, Democratic Women<br>Buxton, ND 58218                             |   | 2-18-77                 | 400.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Pat Sand, Treasurer, District 26<br>Ellendale, ND 58436   |   | 2-18-77                 | 500.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Terry J. Stallman, Treasurer, District 20<br>Thompson, ND 58278   |   | 3-21-77                 | 500.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . \$ |                         |                                    |
| Subtotal of receipts this page (optional) . . . . .  |   |                         | \$ 2,801.27                        |
| Total this period (last page this line number only) . . . . .  |   |                         | \$                                 |

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73 SEP 6 AM 8:40

Candidate or Committee in full

North Dakota Democratic Non-Partisan League Party

|   |  |                                    |  |
|---|--|------------------------------------|--|
| Name, mailing address and ZIP code<br>Eldine Tisch, Treasurer, District 27 - Democratic NPL Party<br>Lidgerwood, ND 58053 |  | Date (month, day, year)<br>4-06-77 | Amount of receipt this period<br>\$ 600.00 |
|---|--|------------------------------------|--|

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|--|------------|
| Principal place of business                                    | Occupation |
| <input type="checkbox"/> Check if Contributor is self-employed |            |
| Aggregate Year-to-date \$ 600.00                               |            |

|  |  |                                    |   |
|--|--|------------------------------------|---|
| Name, mailing address and ZIP code<br>Dennis D. Dourille (For Lloyd Omdahl) for Congress Committee<br>2624 4th Avenue North<br>Grand Forks, ND 58278 |  | Date (month, day, year)<br>4-26-77 | Amount of receipt this period<br>3,145.00 |
|--|--|------------------------------------|---|

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| Principal place of business                                    | Occupation |
| <input type="checkbox"/> Check if Contributor is self-employed |            |
| Aggregate Year-to-date \$                                      |            |

|  |  |                                    |   |
|--|--|------------------------------------|---|
| Name, mailing address and ZIP code<br>Gerry J. Stallman, Treasurer, District 20 - Democratic NPL Party<br>Thompson, ND 58278 |  | Date (month, day, year)<br>5-13-77 | Amount of receipt this period<br>550.00 |
|--|--|------------------------------------|---|

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| Principal place of business                                    | Occupation |
| <input type="checkbox"/> Check if Contributor is self-employed |            |
| Aggregate Year-to-date \$ 1,050.00                             |            |

|   |  |                                    |   |
|---|--|------------------------------------|---|
| Name, mailing address and ZIP code<br>Alph Rebenitsch, Treasurer, District 35 - Democratic NPL Party<br>Reien, ND 58525 |  | Date (month, day, year)<br>6-15-77 | Amount of receipt this period<br>400.00 |
|---|--|------------------------------------|---|

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| Principal place of business                                    | Occupation |
| <input type="checkbox"/> Check if Contributor is self-employed |            |
| Aggregate Year-to-date \$ 400.00                               |            |

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|---|--|------------------------------------|---|
| Name, mailing address and ZIP code<br>Lorraine Edland, Treasurer, District 23 - Democratic NPL Party<br>Cooperstown, ND 58425 |  | Date (month, day, year)<br>6-22-77 | Amount of receipt this period<br>1,000.00 |
|---|--|------------------------------------|---|

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|--|------------|
| Principal place of business                                    | Occupation |
| <input type="checkbox"/> Check if Contributor is self-employed |            |
| Aggregate Year-to-date \$ 1,401.24                             |            |

|                                    |  |                         |                               |
|------------------------------------|--|-------------------------|-------------------------------|
| Name, mailing address and ZIP code |  | Date (month, day, year) | Amount of receipt this period |
|------------------------------------|--|-------------------------|-------------------------------|

|  |            |
|--|------------|
| Principal place of business                                    | Occupation |
| <input type="checkbox"/> Check if Contributor is self-employed |            |
| Aggregate Year-to-date \$                                      |            |

Total of receipts this page (optional) \$ 5,695.00

Total of this period (last page this line number only) \$ 5,695.00

The original packet mailed and the green certified card for this correspondence has not been received.

*May 4/16/79*

1759

PS Form 3811 April 1977

3-11-79-73

SENDER CERTIFIED MAIL RETURN TO SENDER  
Add your address if you wish to return to sender

1 The following service is requested. Check one:  
Show to whom and date delivered \_\_\_\_\_  
Show to whom date and address of delivery \_\_\_\_\_  
RESTRICTED DELIVERY \_\_\_\_\_  
Show to whom and date delivered \_\_\_\_\_  
RESTRICTED DELIVERY \_\_\_\_\_  
Show to whom date and address of delivery \$ \_\_\_\_\_  
(CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO  
*Dist to Demo NPL*

3 ARTICLE DESCRIPTION REGISTERED NO CERTIFIED NO INSURED NO

(Always obtain signature of addressee or agent)

I have received the article described above  
SIGNATURE  Addressee  Authorized agent

4 DATE OF DELIVERY POSTMARK

5 ADDRESS (Complete on your request)

6 UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

5-123

PS Form 3811 April 1977 - 0-243-016

(3)



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

May 23, 1979

*your record not covered  
copies sent 6/25*

Terry J. Stallman, Treasurer  
District 20 - Democratic NPL Party  
Thompson, ND 58273

Dear Mr. Stallman:

On October 17, 1978, the Commission sent a letter to you notifying you that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434. The Commission, however, at this time has no indication that you received this letter.

A copy of the letter mailed to you on October 17, 1978, is therefore attached. Please read this letter and act in accordance with its recommendations.

Further, please be advised that on November 13, 1978, the Commission received a request for an advisory opinion from the recipient of the transfers made by your committee. The recipient, North Dakota Democratic Non-Partisan League Party, requested an opinion concerning application of the Federal Election Campaign Act of 1971, as amended, to the reporting of funds received by the North Dakota Democratic Non-Partisan League Party from local legislative district committees. Attached for your information is a copy of the advisory opinion issued to the committee.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Lisa Stolaruk in our Reports Analysis Division at (800)424-9530.

Sincerely,

*Orlando B. Potter*

Orlando B. Potter  
Staff Director

Certified Mail  
Return Receipt Requested

Enclosures

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April 11, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1978-91

Mr. Art Rude  
North Dakota Democratic-NPL Party  
1902 E. Divide Avenue  
Bismarck, North Dakota 58501

Dear Mr. Rude:

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This is in response to your letter of November 8, 1978, as supplemented by letter of January 28, 1979, requesting an advisory opinion on behalf of the North Dakota Democratic-NPL Party ("the State Party") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the reporting of funds received by the State Party from local legislative district committees ("the district committees").

You have described three proposed procedures for handling funds received by the State Party and request an advisory opinion as to whether each is proper under the Act and Commission regulations. The three proposals relate to: (1) contributions received directly by the State Party; (2) funds received in the form of transfers of proceeds from fundraising events held by local legislative district committees; and (3) transfers exceeding \$1,000 in a calendar year to the State Party from local legislative district committees. Each proposal will be treated separately after summarizing the factual situation presented in your request.

Your request indicates that the State Party is organized by legislative districts and that each district is represented on a Policy Committee which determines the budget and financing

of the State Party. Each district committee shares in the financial responsibility by raising a "quota" of funds on behalf of the State Party from individual contributions and fundraising events within the district. You state that when individual contributions are received by the State Party they are receipted, credited to that individual's home district quota, and itemized on the State Party's report to the Commission.<sup>1/</sup> In addition to these individual itemized contributions, other funds are collected within each district which result from various fundraising events, e.g. political dinners. With respect to the proceeds of these events, the district committee officers make a determination regarding local campaign needs and, at their discretion, forward surplus proceeds to the State Party. Each sum forwarded is credited to the particular district committee's quota. You indicate that in all cases the ticket prices for these events were under \$100 and that, therefore, a precedent had been established by the State Party of reporting these funds as "unitemized transfers from committee",<sup>2/</sup> regardless of the total amount transferred, which in several instances exceeded \$1000 annually and occasionally exceeded \$1000 in a quarterly reporting period. You state that recently the Commission notified several of the district committees whose reported transfers exceeded \$1000 during 1978 that they may be "political committees subject to the registration, reporting and contribution limitation requirements of the Act". You seek Commission approval of certain methods of reporting funds received from the districts which will obviate the need, in most cases, for the district committees to register and report as political committees under the Act.

<sup>1/</sup> Your supplemental response indicates that the State Party is currently organized pursuant to 11 CFR 102.6(a)(2)(ii); that is, it has a single account from which it makes contributions to and expenditures on behalf of both Federal and non-Federal candidates and which reports to the Commission all State Party financial activity. You indicate, however, that you have recommended to the State Party's Executive Committee that it establish a separate Federal account pursuant to 11 CFR 102.6(a)(2)(i).

<sup>2/</sup> An examination of reports filed with the Commission by the State Party indicates that these funds have been reported on line 13(a) of FEC Form 3 as "transfers in from affiliated committees" and itemized on Schedule A as having been received from an individual who is identified as the treasurer of the particular district committee.

Contributions received directly by the State Party

You propose to continue current practice with respect to individual itemizable contributions; that is, they will be submitted directly to the State Party, receipted properly, and itemized on the State Party's reports to the Commission. The Commission concludes that this procedure is acceptable as long as any person at the district level who receives such contributions on behalf of the State Party meets the requirements of 2 U.S.C. §432(b) and 11 CFR 102.8, which provide that every person who receives a contribution in excess of \$50 for a political committee shall provide a detailed account thereof to the committee's treasurer within 5 days of receipt of such contribution, including the amount, identification of the contributor, the date on which the contribution was received and, where the contribution exceeds \$100, the occupation and principal place of business of the contributor. Also, 11 CFR 103.3 requires that all contributions received by the State Party be deposited in a designated campaign depository of the State Party within 10 days of their receipt.

Transfers of proceeds from district committee fundraisers

You state that the proceeds of district fundraising events, which consist of small, unitemizable contributions, will be forwarded directly to the State Party and reported to the Commission as "transfers in from affiliated committees". As noted above, the State Party has, in the past, usually reported these transfers as coming from an individual who is identified as the treasurer of a particular district committee. Part 104.2(b)(4) of Commission regulations requires each report filed by a political committee to disclose the identification of each political committee or other political organization from which the reporting committee received any transfer of funds in any amount during the reporting period, together with the amounts and dates of all transfers. Accordingly, the State Party should continue to itemize each transfer from a district committee on Schedule A, but should clearly identify the district committee (by number, as has been done in the past, or otherwise) from which the funds have been received, rather than the individual who may act on behalf of a particular committee.

Transfers exceeding \$1000 from district committees

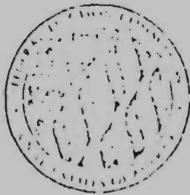
With respect to your third proposal, that no district committee will transfer in excess of \$1000 in a calendar year to the State Party unless it registers and reports as a "political committee", the Commission notes that as long as the State Party maintains a single account for the purpose of making contributions to or expenditures on behalf of both Federal and non-Federal candidates, any district committee which transfers in excess of \$1000 to the State Party in any calendar year would qualify as a "political committee" subject to registration and reporting under the Act. If, however, the State Party were to establish a separate Federal campaign committee with a segregated Federal account (See 11 CFR 102.6(a)(2)(i)), as you have recommended, a district committee could transfer up to \$1000 in a calendar year to the State Party's separate Federal account and any amount transferred to the State Party in excess of \$1000 could be placed in an account the funds from which are not used to influence Federal elections, i.e. one which is used for state and/or local elections. Under this procedure, district committees which did not wish to be considered "political committees" would be able to maintain that status. In this regard, however, the Commission emphasizes the responsibility of the State Party, as well as all Federal committees which receive transfers from unregistered political organizations, to request assurance from the transferring district committee that the contributions originated from sources which are permissible under the Act.<sup>3/</sup> (See 2 U.S.C. §§441a, 441b, 441c, 441e and 441f).

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

Joan D. Aikens  
Chairman for the  
Federal Election Commission

<sup>3/</sup>The Commission notes that North Dakota law does not prohibit union contributions to candidates for State office and committees supporting such candidates. Union, as well as corporate, contributions are prohibited under 2 U.S.C. §441b unless made from a separate segregated fund.



FEDERAL ELECTION COMMISSION

1155 E STREET NW  
WASHINGTON, DC 20543

October 17, 1978

Mr. Terry J. Stallman  
District 20 - Democratic NPL Party  
Thompson, ND 58278

Dear Mr. Stallman:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by North Dakota Democratic Non-Partisan League Party indicates that your organization may have made contributions which total in excess of \$1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to federal candidates and committees supporting Federal candidates), aggregating in excess of \$1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed \$1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Lisa Stolaruk in our Reports Analysis Division at (800)424-9133. Our local number is (202)523-1474.

Sincerely,



Orlando B. Potter  
Staff Director

Certified Mail  
Return Receipts Requested

Enclosures

6

Itemized Receipts,  
Contributions, Ticket Purchases, Loans,  
Rebates, and Transfers for Line  
Numbers 15, 16, 17 and/or 18 of FEC Form 3  
(See Instructions on back)

| Name of Candidate or Committee in full:  |   | Date (month, day, year) | Amount of each receipt (this period) |
|--|---|-------------------------|--------------------------------------|
| North Dakota Democratic Non-Partisan League Party  |   |                         |                                      |
| Full Name, mailing address and ZIP code<br>Lorraine Edland, Treasurer, District 23<br>Cooperstown, ND 58425  |   | 1-04-77                 | \$ 401.24                            |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▶ \$ |                         |                                      |
| Full Name, mailing address and ZIP code<br>Robert Wilham, Treasurer, District 4<br>Norma, ND 58766   |   | 1-04-77                 | 400.00                               |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▶ \$ |                         |                                      |
| Full Name, mailing address and ZIP code<br>J. Darlene Turitto, Treasurer, Democratic Women, Bismarck<br>1010 E. Owens Avenue<br>Bismarck, ND 58501 |   | 2-07-77                 | 600.00                               |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▶ \$ |                         |                                      |
| Full Name, mailing address and ZIP code<br>Mrs. Ruby Nesvin, Treasurer, Dist. 20, Democratic Women<br>Buxton, ND 58218                             |   | 2-18-77                 | 400.00                               |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▶ \$ |                         |                                      |
| Full Name, mailing address and ZIP code<br>Pat Sand, Treasurer, District 26<br>Ellendale, ND 58436   |   | 2-18-77                 | 500.00                               |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▶ \$ |                         |                                      |
| Full Name, mailing address and ZIP code<br>Terry J. Stallman, Treasurer, District 20<br>Thompson, ND 58278   |   | 3-21-77                 | 500.00                               |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▶ \$ |                         |                                      |
| Subtotal of receipts this period (continued)   |   |                         | \$ 2,101.24                          |
| Total this period (last page this line number only)  |   |                         | \$                                   |

CONTRIBUTIONS, TICKET PURCHASES, LOANS,  
 Rebates and Transfers for Line  
 Numbers 15, 16, 17 and/or 18 of FEC Form 3101  
 (See Instructions on back)

LINE NUMBER 18(a)  
 (Use separate schedules for each numbered line)

Candidate or Committee in full

77 88  
 SEP 6 AM 8:40

North Dakota Democratic Non-Partisan League Party

| Full Name, mailing address and ZIP code   | Date (month, day, year) | Amount of each receipt this period |
|---|-------------------------|------------------------------------|
| Elaine Tisch, Treasurer, District 27 - Democratic NPL Party<br>Lidgerwood, ND 58053   | 4-06-77                 | \$ 600.00                          |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$ 600.00   |                         |                                    |
| Dennis D. Dourille (For Lloyd Omdahl) for Congress Committee<br>2624 4th Avenue North<br>Grand Forks, ND 58278                                    | 4-26-77                 | 3,145.00                           |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$          |                         |                                    |
| Terry J. Stallman, Treasurer, District 20 - Democratic NPL Party<br>Thompson, ND 58278  | 5-13-77                 | 550.00                             |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$ 1,050.00 |                         |                                    |
| Ralph Hebenitsch, Treasurer, District 35 - Democratic NPL Party<br>Breien, ND 58525   | 6-15-77                 | 400.00                             |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$ 400.00   |                         |                                    |
| Lorraine Edland, Treasurer, District 23 - Democratic NPL Party<br>Cooperstown, ND 58425   | 6-22-77                 | 1,000.00                           |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$ 1,401.24 |                         |                                    |
| Subtotal of receipts this page (optional)   |                         | \$ 5,695.00                        |
| Total this period (last page this line number only)   |                         | \$ 5,695.00                        |



RAD Legn Bus 35V 1/78-73

• See Note 1. Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.

1 The following service is requested (check one):  
 Show to whom and date delivered  
 Show to whom, date, and address of delivery  
 RESTRICTED DELIVERY  
 Show to whom and date delivered  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery  
 (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO  
 St. Ignace  
 Dist 20  
 ND

3 ARTICLE DESCRIPTION

| REGISTERED NO | CERTIFIED NO | INSURED NO |
|---------------|--------------|------------|
|               |              |            |

(Always obtain signature of addressee or agent)

I have received the article described above:  
 SIGNATURE  Addressee  Authorized agent

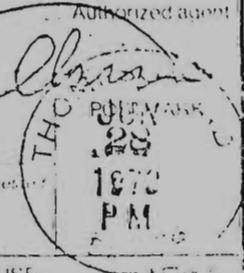
4 *[Signature]*  
 DATE OF DELIVERY  
 6-28-79

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE

*[Signature]*

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL



6/26



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 11, 1979

Terry J. Stallman, Treasurer  
District 20 - Democratic NPL Party  
Thompson, ND 58278

Dear Mr. Stallman:

On May 23, 1979, you were notified that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434. A copy of our letter of May 23, 1979, was sent to you on June 25, 1979. Our records indicate that the copy was received by you on June 28, 1979.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter and demonstrate why no action should be taken against you. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Lisa Stolaruk, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-4048.

Sincerely,

*John W. McCarry*  
Commissioner

Certified Mail  
Return Receipt Requested

6-1A4U 35U2/78-73

SENDER Complete items 1, 2, and 3  
Add your address in the RETURN TO space on  
reverse

- 1 The following service is requested (check one)
- Show to whom and date delivered
  - Show to whom, date, and address of delivery
  - RESTRICTED DELIVERY  
Show to whom and date delivered
  - RESTRICTED DELIVERY  
Show to whom, date, and address of delivery \$
- (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO: *Stellman*  
*Dist 20 News NPL*

3 ARTICLE DESCRIPTION

| REGISTERED NO | CERTIFIED NO  | INSURED NO |
|---------------|---------------|------------|
|               | <b>943842</b> |            |

(Always obtain signature of addressee or agent)

I have received the article described above  
SIGNATURE:  Addressee  Authorized agent

4 DATE OF DELIVERY: *9-15-79*

ADDRESS: *Stellman*

15  
SEP 17  
P

6 UNABLE TO DELIVER BECAUSE

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

9/11

DATE: 8X88 11/6/79

TIME: 2:00

COMMITTEE: District 23 Dem. NPL

PERSON SPOKEN TO: Arnold Gronneberg

FEC'R: Lisa Stolaruk

SUBJECT: M letter

Called Mr. Gronneberg this afternoon to find out ~~whether~~ whether the committee intends to register and report. He said that he forwarded all of the materials to the ND Dem NPL Party, so that they could make out the reports. He was told by them that the reports had already been sent to the FEC. However, we have not received anything as of this date. I recommended that he get back in touch with the headquarters to find out what the status is.

DATE: 11/7/79

TIME: 9:00

COMMITTEE: District 20 Dem. NPL

PERSON SPOKEN TO: x Terry Stallman, Treasurer

FEC'R: Lisa Stolaruk

SUBJECT: M letter

I called Mr. Stallman, and he returned my call this morning. I explained to him why the committee got the M letter, and what to do to resolve the situation. Since the committee was only \$50 over ~~their~~ their limitation for 1977, I recommended that he ask the state Dem. NPL Party to either transfer the \$50 to their state/local account or ask for a refund. Mr. Stallman asked me to write a letter to him with that information, so that he could forward it to the State Party. I informed him of RAD's policy with respect to writing letters, and told him that it was his responsibility to follow through. He is very reluctant to do anything about it. I told him to write a letter to the Commission for the public record, explaining that he is trying to resolve the problem.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Terry J. Stallman, Treasurer  
District 20 - Democratic Non-Partisan  
League Party

RE: MUR 1108

Dear Mr. Stallman:

On May 1, 1979, the Commission found reason to believe that your committee may have violated 2 U.S.C. §433 and §434 of the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the above captioned matter. However, after considering the circumstances of this matter, the Commission has determined to take no further action and to close the file with regard to this matter.

This matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that making expenditures and/or contributions in connection with election activities during a calendar year without registering and reporting is a violation of 2 U.S.C. §433 and §434 and you should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Carolyn [redacted] at (202) 523-4529.

Charles N. Steele  
General Counsel

6708

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING

REPORTS ANALYSIS REFERRAL SHEET

1  
7  
6  
9  
8  
.  
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1  
0  
0

DATE \_\_\_\_\_ ANALYST Lisa Stolaruk  
TO: Office of General Counsel TEAM CHIEF Bobby Werfel  
THROUGH: STAFF DIRECTOR ADP COMPLIANCE REVIEW RS/  
FROM: 10/17/78 ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

CANDIDATE/COMMITTEE: District 20 Democratic NPL Party  
TREASURER: Mr. Terry J. Stallman  
ADDRESS: Thompson, North Dakota 58278

AFFILIATE(S): Not Available

ALLEGATION(S): Failure to register and report as a political committee  
CITE: 2 U.S.C. 433 & 434  
ATTACHMENT(S) 1

DATE INITIATED: 10/17/78 (surface violation re-sent on 5/23/79)

MANNER IN WHICH REVIEW WAS INITIATED:  
 Normal Review       Other:  
 Special Project: ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM \_\_\_\_\_ N/A \_\_\_\_\_ TO \_\_\_\_\_ N/A \_\_\_\_\_

TOTAL RECEIPTS \$ \_\_\_\_\_ N/A \_\_\_\_\_ TOTAL EXPENDITURES \$ \_\_\_\_\_ N/A \_\_\_\_\_

CASH ON HAND \$ \_\_\_\_\_ N/A \_\_\_\_\_ DEBTS \$ \_\_\_\_\_ N/A \_\_\_\_\_

HISTORY:

RESULTS OF REVIEW:

ATTACHMENT

2SV1/78-73 (10/17/78)

1

3SV1/78-73 (5/23/79)

3

3SV2/78-73 (9/11/79)

5

COMMUNICATIONS WITH CANDIDATE/COMMITTEE:

ATTACHMENT

Memorandum to Files: Greevy (4/16/79)

2

Memorandum to Files: Greevy (6/25/79)

4

Telecon: Stolaruk with Stallman (11/7/79)

6

REASON(S) FOR REFERRAL:

ATTACHMENT

No response to 3SV1/78-73 or 3SV2/78-73

OTHER PENDING ACTIONS INITIATED BY RAD:

ATTACHMENT

NONE

OTHER RELEVANT INFORMATION:

ATTACHMENT

NONE

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:

NONE



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20543

October 17, 1978

Mr. Terry J. Stallman  
District 20 - Democratic NPL Party  
Thompson, ND 58278

Dear Mr. Stallman:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by North Dakota Democratic Non-Partisan League Party indicates that your organization may have made contributions which total in excess of \$1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of \$1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed \$1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Lisa Stolaruk in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-1474.

Sincerely,



Orlando B. Potter  
Staff Director

Certified Mail  
Return Receipts Requested

Enclosures

7

| Name of Candidate or Committee in full   |   | Date (month, day, year) | Amount of each receipt this period |
|--|---|-------------------------|------------------------------------|
| North Dakota Democratic Non-Partisan League Party  |   |                         |                                    |
| Full Name, mailing address and ZIP code<br>Lorraine Edland, Treasurer, District 23<br>Cooperstown, ND 58425  |   | 1-04-77                 | \$ 401.24                          |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▷ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Robert Wihham, Treasurer, District 4<br>Norma, ND 58766   |   | 1-04-77                 | 400.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▷ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>J. Darlene Turitto, Treasurer, Democratic Women, Bismarck<br>1010 E. Owens Avenue<br>Bismarck, ND 58501 |   | 2-07-77                 | 600.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▷ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Mrs. Ruby Nesvig, Treasurer, Dist. 20, Democratic Women<br>Buxton, ND 58218                             |   | 2-18-77                 | 400.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▷ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Pat Sand, Treasurer, District 26<br>Ellendale, ND 58436   |   | 2-18-77                 | 500.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▷ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Terry J. Stallman, Treasurer, District 20<br>Thompson, ND 58278   |   | 3-21-77                 | 500.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date . . . . . ▷ \$ |                         |                                    |
| Subtotal of receipts this page (optional) . . . . . ▷  |   |                         | \$ 2,001.24                        |
| Total this period (last page this line number only) . . . . . ▷  |   |                         | \$                                 |

673

(See Instructions on back)

77 828  
 23 SEP 6 AM 8:40

Candidate or Committee in full

North Dakota Democratic Non-Partisan League Party

|  |            |                                    |   |
|--|------------|------------------------------------|---|
| Full Name, mailing address and ZIP code<br>Elaine Tisch, Treasurer, District 27 - Democratic NPL Party<br>Lidgerwood, ND 58053 |            | Date (month, day, year)<br>4-06-77 | Amount of each receipt this period<br>\$ 600.00 |
| Principal place of business  | Occupation |                                    |   |
| <input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ..... \$ 600.00                       |            |                                    |   |

|   |            |                                    |  |
|---|------------|------------------------------------|--|
| Full Name, mailing address and ZIP code<br>Dennis D. Dourille (For Lloyd Omdahl) for Congress Committee<br>2624 4th Avenue North<br>Grand Forks, ND 58278 |            | Date (month, day, year)<br>4-26-77 | Amount of each receipt this period<br>3,145.62 |
| Principal place of business   | Occupation |                                    |  |
| <input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ..... \$   |            |                                    |  |

|   |            |                                    |  |
|---|------------|------------------------------------|--|
| Full Name, mailing address and ZIP code<br>Perry J. Stallman, Treasurer, District 20 - Democratic NPL Party<br>Thompson, ND 58278 |            | Date (month, day, year)<br>5-13-77 | Amount of each receipt this period<br>550.00 |
| Principal place of business   | Occupation |                                    |  |
| <input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ..... \$ 1,050.00                        |            |                                    |  |

|   |            |                                    |  |
|---|------------|------------------------------------|--|
| Full Name, mailing address and ZIP code<br>Ralph Rebenitsch, Treasurer, District 35 - Democratic NPL Party<br>Brien, ND 58525 |            | Date (month, day, year)<br>6-15-77 | Amount of each receipt this period<br>400.00 |
| Principal place of business   | Occupation |                                    |  |
| <input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ..... \$ 400.00                      |            |                                    |  |

|  |            |                                    |  |
|--|------------|------------------------------------|--|
| Full Name, mailing address and ZIP code<br>Lorraine Edland, Treasurer, District 23 - Democratic NPL Party<br>Cobperstown, ND 58425 |            | Date (month, day, year)<br>6-22-77 | Amount of each receipt this period<br>1,000.00 |
| Principal place of business  | Occupation |                                    |  |
| <input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ..... \$ 1,401.24                         |            |                                    |  |

|   |            |                         |                                    |
|---|------------|-------------------------|------------------------------------|
| Full Name, mailing address and ZIP code   |            | Date (month, day, year) | Amount of each receipt this period |
| Principal place of business   | Occupation |                         |                                    |
| <input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ..... \$ |            |                         |                                    |

|   |            |
|---|------------|
| Total of receipts this page (optional) .....              | \$5,695.62 |
| Total this period (last page this line number only) ..... | \$5,695.62 |

2

The original packet mailed and the green certified card for this correspondence has not been received.

*By 4/16/79*

7  
6  
9  
1  
8

PS Form 3811 Apr 1977

3501/78-73

● SENDER Complete items 1, 2 and 3. RETURN TO space on reverse. Add your address in the reverse.

1 The following service is requested (check one)

Show to whom and date delivered  C

Show to whom, date, and address of delivery  C

RESTRICTED DELIVERY  C

Show to whom and date delivered  C

RESTRICTED DELIVERY  C

Show to whom, date, and address of delivery \$  C

(CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO

*Dist 20 Demo NPL*

3 ARTICLE DESCRIPTION REGISTERED NO CERTIFIED NO INSURED NO

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE  Addressee  Authorized agent

4 DATE OF DELIVERY POSTMARK

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

*5/23*

☆GPO 1977-0 249 595

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

The original packet mailed and the green certified card for this correspondence has not been received.

By 4/16/79

8 1 6 7 7



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

May 23, 1979

your card not received  
copies sent 6/25

Terry J. Stallman, Treasurer  
District 20 - Democratic NPL Party  
Thompson, ND 58273

Dear Mr. Stallman:

On October 17, 1978, the Commission sent a letter to you notifying you that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434. The Commission, however, at this time has no indication that you received this letter.

A copy of the letter mailed to you on October 17, 1978, is therefore attached. Please read this letter and act in accordance with its recommendations.

Further, please be advised that on November 13, 1978, the Commission received a request for an advisory opinion from the recipient of the transfers made by your committee. The recipient, North Dakota Democratic Non-Partisan League Party, requested an opinion concerning application of the Federal Election Campaign Act of 1971, as amended, to the reporting of funds received by the North Dakota Democratic Non-Partisan League Party from local legislative district committees. Attached for your information is a copy of the advisory opinion issued to the committee.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Lisa Stolaruk in our Reports Analysis Division at (800)424-9530.

Sincerely,

*Orlando B. Potter*

Orlando B. Potter  
Staff Director

Certified Mail  
Return Receipt Requested

Enclosures

8  
6  
7  
8

April 11, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1978-91

Mr. Art Rude  
North Dakota Democratic-NPL Party  
1902 E. Divide Avenue  
Bismarck, North Dakota 58501

Dear Mr. Rude:

This is in response to your letter of November 8, 1978, as supplemented by letter of January 28, 1979, requesting an advisory opinion on behalf of the North Dakota Democratic-NPL Party ("the State Party") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the reporting of funds received by the State Party from local legislative district committees ("the district committees").

You have described three proposed procedures for handling funds received by the State Party and request an advisory opinion as to whether each is proper under the Act and Commission regulations. The three proposals relate to: (1) contributions received directly by the State Party; (2) funds received in the form of transfers of proceeds from fundraising events held by local legislative district committees; and (3) transfers exceeding \$1,000 in a calendar year to the State Party from local legislative district committees. Each proposal will be treated separately after summarizing the factual situation presented in your request.

Your request indicates that the State Party is organized by legislative districts and that each district is represented on a Policy Committee which determines the budget and financing

81679

of the State Party. Each district committee shares in the financial responsibility by raising a "quota" of funds on behalf of the State Party from individual contributions and fundraising events within the district. You state that when individual contributions are received by the State Party they are receipted, credited to that individual's home district quota, and itemized on the State Party's report to the Commission.<sup>1/</sup> In addition to these individual itemized contributions, other funds are collected within each district which result from various fundraising events, e.g. political dinners. With respect to the proceeds of these events, the district committee officers make a determination regarding local campaign needs and, at their discretion, forward surplus proceeds to the State Party. Each sum forwarded is credited to the particular district committee's quota. You indicate that in all cases the ticket prices for these events were under \$100 and that, therefore, a precedent had been established by the State Party of reporting these funds as "unitemized transfers from committee",<sup>2/</sup> regardless of the total amount transferred, which in several instances exceeded \$1000 annually and occasionally exceeded \$1000 in a quarterly reporting period. You state that recently the Commission notified several of the district committees whose reported transfers exceeded \$1000 during 1978 that they may be "political committees subject to the registration, reporting and contribution limitation requirements of the Act". You seek Commission approval of certain methods of reporting funds received from the districts which will obviate the need, in most cases, for the district committees to register and report as political committees under the Act.

1/ Your supplemental response indicates that the State Party is currently organized pursuant to 11 CFR 102.6(a)(2)(ii); that is, it has a single account from which it makes contributions to and expenditures on behalf of both Federal and non-Federal candidates and which reports to the Commission all State Party financial activity. You indicate, however, that you have recommended to the State Party's Executive Committee that it establish a separate Federal account pursuant to 11 CFR 102.6(a)(2)(i).

2/ An examination of reports filed with the Commission by the State Party indicates that these funds have been reported on line 13(a) of FLC Form 3 as "transfers in from affiliated committees" and itemized on Schedule A as having been received from an individual who is identified as the treasurer of the particular district committee.

Contributions received directly by the State Party

You propose to continue current practice with respect to individual itemizable contributions; that is, they will be submitted directly to the State Party, receipted properly, and itemized on the State Party's reports to the Commission. The Commission concludes that this procedure is acceptable as long as any person at the district level who receives such contributions on behalf of the State Party meets the requirements of 2 U.S.C. §432(b) and 11 CFR 102.8, which provide that every person who receives a contribution in excess of \$50 for a political committee shall provide a detailed account thereof to the committee's treasurer within 5 days of receipt of such contribution, including the amount, identification of the contributor, the date on which the contribution was received and, where the contribution exceeds \$100, the occupation and principal place of business of the contributor. Also, 11 CFR 103.3 requires that all contributions received by the State Party be deposited in a designated campaign depository of the State Party within 10 days of their receipt.

Transfers of proceeds from district committee fundraisers

You state that the proceeds of district fundraising events, which consist of small, unitemizable contributions, will be forwarded directly to the State Party and reported to the Commission as "transfers in from affiliated committees". As noted above, the State Party has, in the past, usually reported these transfers as coming from an individual who is identified as the treasurer of a particular district committee. Part 104.2(b)(4) of Commission regulations requires each report filed by a political committee to disclose the identification of each political committee or other political organization from which the reporting committee received any transfer of funds in any amount during the reporting period, together with the amounts and dates of all transfers. Accordingly, the State Party should continue to itemize each transfer from a district committee on Schedule A, but should clearly identify the district committee (by number, as has been done in the past, or otherwise) from which the funds have been received, rather than the individual who may act on behalf of a particular committee.

Transfers exceeding \$1000 from district committees

With respect to your third proposal, that no district committee will transfer in excess of \$1000 in a calendar year to the State Party unless it registers and reports as a "political committee", the Commission notes that as long as the State Party maintains a single account for the purpose of making contributions to or expenditures on behalf of both Federal and non-Federal candidates, any district committee which transfers in excess of \$1000 to the State Party in any calendar year would qualify as a "political committee" subject to registration and reporting under the Act. If, however, the State Party were to establish a separate Federal campaign committee with a segregated Federal account (See 11 CFR 102.6(a)(2)(i)), as you have recommended, a district committee could transfer up to \$1000 in a calendar year to the State Party's separate Federal account and any amount transferred to the State Party in excess of \$1000 could be placed in an account the funds from which are not used to influence Federal elections, i.e. one which is used for state and/or local elections. Under this procedure, district committees which did not wish to be considered "political committees" would be able to maintain that status. In this regard, however, the Commission emphasizes the responsibility of the State Party, as well as all Federal committees which receive transfers from unregistered political organizations, to request assurance from the transferring district committee that the contributions originated from sources which are permissible under the Act. (See 2 U.S.C. §§441a, 441b, 441c, 441e and 441f).

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

Joan D. Aikens  
Chairman for the  
Federal Election Commission

8/The Commission notes that North Dakota law does not prohibit union contributions to candidates for State office and committees supporting such candidates. Union, as well as corporate, contributions are prohibited under 2 U.S.C. §441b unless made from a separate segregated fund.



FEDERAL ELECTION COMMISSION

1201 STREET, N.W.  
WASHINGTON, D.C. 20543

October 17, 1978

Mr. Terry J. Stallman  
District 20 - Democratic NPL Party  
Thompson, ND 58278

Dear Mr. Stallman:

This letter is prompted by the Commission's interest in assisting committees who wish to comply with the Federal Election Campaign Act. Our review of the receipts reported by North Dakota Democratic Non-Partisan League Party indicates that your organization may have made contributions which total in excess of \$1,000 during the calendar year. Enclosed is a copy(s) of the report(s) in which your contribution(s) is listed.

The act defines "political committee" to mean any organization, or other group of persons which receives contributions or makes expenditures (which includes contributions to Federal candidates and committees supporting Federal candidates), aggregating in excess of \$1,000 during a calendar year. It would appear that your organization may qualify as a "political committee" subject to registration, reporting, and contribution limitation requirements of the Act.

If you agree that your organization is a political committee, please submit a Statement of Organization on FEC-Form 1, in accordance with 2 U.S.C. 433. In addition, your committee will be required to file disclosure reports in accordance with 2 U.S.C. 434 on FEC Form 3.

If you agree that your organization has made contributions or expenditures which qualify you as a "political committee", but you do not wish to be considered as a "political committee", you must request refund(s) from the candidate(s) and/or political committee(s) to which you have contributed. As an alternative, political committees to which you made contributions may transfer all or part of the contributions to accounts which are not used to influence Federal elections. Refunds or transfers must be made in such amounts that the total remaining contributions made by you do not exceed \$1,000 during a calendar year.

If you believe that your organization is not a political committee, or that the Commission is otherwise in error, please submit a statement which would clarify this matter for the public record. We have also enclosed relevant informational materials and forms for the registration of and reporting by the political committee. Please examine the enclosed materials.

Please notify the Commission within thirty (30) days from the date on this letter of your decision on this matter. If you have any questions, please contact Lisa Stolaruk in our Reports Analysis Division at (800)424-9530. Our local number is (202)523-1474.

Sincerely,



Orlando B. Potter  
Staff Director

Certified Mail  
Return Receipts Requested

Enclosures

0 1 2 3 4 5 6 7 8 9

Schedule A  
 1976  
 Federal Election Commission  
 122 K Street, N.W.  
 Washington, D.C. 20463

Itemized Receipts,  
 Contributions, Ticket Purchases, Loans,  
 Rebates, and Transfers for Line  
 Numbers 15, 16, 17 and/or 18 of FEC Form 3  
 (See Instructions on back)

Page 1 of 2 for  
 LINE NUMBER 19(a)  
 (Use separate schedule(s) for each  
 numbered line)

| Name of Candidate or Committee in full   |   | Date (month, day, year) | Amount of each receipt this period |
|--|---|-------------------------|------------------------------------|
| North Dakota Democratic Non-Partisan League Party  |   |                         |                                    |
| Full Name, mailing address and ZIP code<br>Lorraine Edland, Treasurer, District 23<br>Cooperstown, ND 58425  |   | 1-04-77                 | \$ 401.00                          |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ▶ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Robert Wihham, Treasurer, District 4<br>Norma, ND 58766   |   | 1-04-77                 | 400.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ▶ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>J. Darlene Turitto, Treasurer, Democratic Women, Bismarck<br>1010 E. Owens Avenue<br>Bismarck, ND 58501 |   | 2-07-77                 | 600.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ▶ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Mrs. Ruby Nesvig, Treasurer, Dist. 20, Democratic Women<br>Buxton, ND 58218                             |   | 2-18-77                 | 400.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ▶ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Pat Sand, Treasurer, District 26<br>Ellendale, ND 58436   |   | 2-18-77                 | 500.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ▶ \$ |                         |                                    |
| Full Name, mailing address and ZIP code<br>Terry J. Stallman, Treasurer, District 20<br>Thompson, ND 58278   |   | 3-21-77                 | 500.00                             |
| Principal place of business  | Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year-to-date ▶ \$ |                         |                                    |
| Subtotal of receipts this page (optional) ▶  |   |                         | \$ 2,801.00                        |
| Total this period (last page this line number only) ▶  |   |                         | \$                                 |

Contributions, Ticket Purchases, Loans,  
 Rebates and Transfers for Line  
 Numbers 15, 16, 17 and/or 18 of FEC Form 310N  
 (See instructions on back)

LINE NUMBER 18(a)  
 (Use separate schedule(s) for each numbered line)

Candidate or Committee in full

7728  
 23 SEP 6 AM 8:40

North Dakota Democratic Non-Partisan League Party

| Full Name, mailing address and ZIP code   | Date (month, day, year) | Amount of each receipt this period |
|---|-------------------------|------------------------------------|
| Elaine Tisch, Treasurer, District 27 - Democratic NPL Party<br>Lidgerwood, ND 58053   | 4-06-77                 | \$ 600.00                          |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$ 600.00   |                         |                                    |
| Dennis D. Dourille (For Lloyd Omdahl) for Congress Committee<br>2624 4th Avenue North<br>Grand Forks, ND 58278                                    | 4-26-77                 | 3,145.60                           |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$          |                         |                                    |
| Terry J. Stallman, Treasurer, District 20 - Democratic NPL Party<br>Thompson, ND 58278  | 5-13-77                 | 550.00                             |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$ 1,050.00 |                         |                                    |
| Ralph Rebenitsch, Treasurer, District 35 - Democratic NPL Party<br>Breien, ND 58525   | 6-15-77                 | 400.00                             |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$ 400.00   |                         |                                    |
| Lorraine Edland, Treasurer, District 23 - Democratic NPL Party<br>Cooperstown, ND 58425   | 6-22-77                 | 1,000.00                           |
| Principal place of business<br>Occupation<br><input type="checkbox"/> Check if Contributor is self-employed<br>Aggregate Year to date \$ 1,401.24 |                         |                                    |
| Subtotal of receipts this page (optional)   |                         | \$ 5,695.60                        |
| Total this period (last page this line number only)   |                         | \$ 5,695.60                        |

Memo to the File:

Greevy

6/25/79

District 20 Democratic NPL Party 3SV1/78-73

The original of this letter was mailed on 10/17/78. Neither the packet nor the certified card were received by the Commission.

On 5/23/79, a letter was sent to the committee referring to the earlier correspondance. The packet was not returned. The certified card was received but was not signed or dated.

I have sent a copy of all of this material to the committee on this day. It has been sent certified.

6 3 7

RANDLEY Aug 3501/78-73

SENDER: Complete items 1, 2, and 3. Add your address in the RETURN TO area on reverse.

1. The following service is requested (check one):  
 Show to whom and date delivered  
 Show to whom, date, and address of delivery  
 RESTRICTED DELIVERY  
 Show to whom and date delivered  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery, \$ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO  
 Stallman  
 Dist 20  
 NO

3. ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY  
 6-28-79  
 POSTMARK  
 THE 28 1978 PM

5. ADDRESS. Complete only if requested  
 6. UNABLE TO DELIVER BECAUSE  
 INITIALS  
 RM

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

6/26

☆GPO 1977



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 11, 1979

Terry J. Stallman, Treasurer  
District 20 - Democratic NPL Party  
Thompson, ND 58278

Dear Mr. Stallman:

On May 23, 1979, you were notified that you may have made contributions to a political committee which raised problems under 2 U.S.C. 433 and 434. A copy of our letter of May 23, 1979, was sent to you on June 25, 1979. Our records indicate that the copy was received by you on June 28, 1979.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of 2 U.S.C. 433 and 434.

The Commission will take no action against you until you have had a reasonable opportunity to respond to this letter and demonstrate why no action should be taken against you. This response should be mailed to the Commission within fifteen (15) days from the date of this letter.

If you have responded to the above or you require additional information, please contact Lisa Stolaruk, our Reports Analyst assigned to you on our toll free number (800)424-9530. Our local number is 523-4048.

Sincerely,

*John W. McCarry*  
Commissioner

Certified Mail  
Return Receipt Requested

Aug 1 KAD

3502/78-73

STANDARD - Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.

1. The following service is requested (check one):  
 Show to whom and date delivered C  
 Show to whom, date, and address of delivery C  
 RESTRICTED DELIVERY Show to whom and date delivered C  
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ C  
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO 35  
 Stollman  
 Dist 20 Memo NPL

3. ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
943842

(Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE  Addressee  Authorized agent

4. DATE OF DELIVERY 15  
 9-15-79 SEP 17

5. ADDRESS (Complete only if requested) 13.00  
P.L.

6. UNABLE TO DELIVER BECAUSE OFFICIAL INITIAL

RETURN RECEIPT BY REGISTERED, INSURED AND CERTIFIED MAIL

9/11

DATE: 11/7/79

TIME: 9:00

COMMITTEE: District 20 Dem. NPL

PERSON SPOKEN TO: x Terry Stallman, Treasurer

FEC'R: Lisa Stolaruk

SUBJECT: M letter

I called Mr. Stallman, and he returned my call this morning. I explained to him why the committee got the M letter, and what to do to resolve the situation. Since the committee was only \$50 over ~~their~~ their limitation for 1977, I recommended that he ask the state Dem. NPL Party to either transfer the \$50 to their state/local account or ask for a refund. Mr. Stallman asked me to write a letter to him with that information, so that he could forward it to the State Party. I informed him of RAD's policy with respect to writing letters, and told him that it was his responsibility to follow through. He is very reluctant to do anything about it. I told him to write a letter to the Commission for the public record, explaining that he is trying to resolve the problem.



FEDERAL ELECTION COMMISSION

1025 K STREET NW  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1108

Date Filmed 2/26/80 Camera No. --- 2

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