

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN

FEDERAL ELECTION COMMISSION,)
)
 Plaintiff)
)
 v.)
)
 WILLIAM ROSTROM,)
)
 Defendant)

CIVIL ACTION NO. _____
COMPLAINT

JURISDICTION

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1345. This is an action authorized and instituted pursuant to §311(a)(6) of the Federal Election Campaign Act Amendments of 1974, §313(a)(5)(B) and (6) and §329(a) of the Federal Election Campaign Act Amendments of 1976 (hereinafter referred to collectively as "FECA, as amended"), 2 U.S.C. §437d(a)(6), §437g(a)(5)(B) and §441f(a).

2. The defendant William Rostrom, a candidate for election to the United States House of Representatives from the 16th District of Michigan, maintains an office at 7227 Gartner, Detroit, Michigan and resides in this judicial district.

PARTIES

3. The plaintiff Federal Election Commission (hereafter "the FEC" or "the Commission") is an agency of the United States, empowered by 2 U.S.C. §437e and §437d, to administer, interpret and enforce FECA, and is expressly authorized to bring this action by 2 U.S.C. §437g(a)(5).

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4. The defendant William Rostrom won the Republican Party primary election on August 3, 1976. Prior to winning the Party nomination, he was a candidate for federal office within the meaning of 2 U.S.C. §431(b), as a candidate for nomination for election by the Republican Party, having formally placed his name in nomination on June 1, 1976 by filing a petition with the Wayne County Election Department.

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED

5. The Federal Election Campaign Act of 1971, as amended, provides for public disclosure of funds contributed and expended in campaigns for election to federal office. For purposes of the Act, the terms "candidate", "election", "contribution", "expenditure" and "Federal office" are defined by 2 U.S.C. §431.

6. All candidates for Federal office are required to designate a principal campaign committee by 2 U.S.C. §432(e)(1).

7. All candidates for Federal office are required to file reports publicly disclosing all contributions to their campaigns and expenditures made on behalf of them by 2 U.S.C. §434. Reports are required to be filed ten days before and thirty days after each election, (2 U.S.C. §434a(1)(A)(i) and (ii)) and within ten days of the close of a calendar quarter (2 U.S.C. §434a(1)(B)).

STATEMENT OF CLAIM

8. As a candidate for Federal Office, William Rostrom is required by 2 U.S.C. §432(e)(1) to designate a principal campaign committee but, despite notices sent to him by the

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Commission on September 2 and September 20, 1976 notifying him that the Commission had received no such designation, defendant William Rostrom has failed and refused to designate a principal campaign committee.

9. As a candidate for Federal office, William Rostrom was and is required by 2 U.S.C. §434(c)(1)(B) to file a quarterly report on July 10, 1976, but has failed and refused to file that report.

10. As a candidate for Federal office, William Rostrom was and is required to file on July 24, 1976, ten days before the primary election of August 3, 1976, a ten day pre-primary report of contributions and expenditures, but despite notice from the Commission on July 10, 1976, prior to the filing date reminding him of his filing obligation and a letter enclosing the forms for reporting, and notices from the Commission on July 27 and July 30, 1976 that it had not yet received that report, defendant William Rostrom has failed and refused to file the ten day pre-primary report as required by 2 U.S.C. §434(a)(1)(A)(i).

WHEREFORE, plaintiff Federal Election Commission respectfully prays that this Court:

1) Grant an injunction enjoining defendant William Rostrom from continuing to fail and refuse to file the quarterly reports required by the Act, 2 U.S.C. §434;

2) Order defendant William Rostrom to file all reports required to be filed by 2 U.S.C. §434, and to designate a principal campaign committee as required by 2 U.S.C. §432(c);

3) Retain jurisdiction over this case until sixty days subsequent to the general election of November 2, 1976 to assure defendant William Rostrom's compliance with the requirements of the Act;

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4) Order defendant William Rostrom to maintain for a period of one year subsequent to the election of November 2, 1976, all books and records relating to contributions and expenditures to and on behalf of his campaign as defined in the Act and to permit inspection and copying of those books and records by the Commission upon request;

5) Assess a civil penalty of not more than \$5,000 against defendant William Rostrom for failing and refusing to comply with the requirements of the Act;

6) Award the Commission its costs in this action;

7) Such other and further relief as the Court deems appropriate.

Respectfully submitted,

JOHN G. MURPHY, JR.
GENERAL COUNSEL

WILLIAM C. OLDAKER
ASSISTANT GENERAL COUNSEL

CHARLES N. STEELE
DEPUTY ASSISTANT GENERAL COUNSEL

VICTOR STERLING
ATTORNEY

Attorneys for plaintiff
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Telephone no. 332-5657

FILED
FEB 11 1977
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

77040016951

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Non-filer/William Rostron)

MUR 252 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 28, 1977, the Commission determined by a vote of 5-0 to find probable cause to believe that a violation of 2 U.S.C. Section 434(a)(1) had been committed in the above-captioned matter, and that the suit previously filed by the Commission be amended to include this action. Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION
April 22, 1977

In the Matter of)
Non-Filer/William Rostron) MUR 252 (76)

GENERAL COUNSEL'S REPORT

I. Allegation

Mr. Rostron as a candidate for the U.S. House of Representatives from Michigan has failed to 1) file the 10 day pre election report for the general election; and 2) file the 30 day post election report for the general election required by 2 U.S.C. §434(a)(1).

II. Evidence

Mr. Rostron's name appeared on the Michigan general election ballot as the Republican candidate for the U.S. House of Representatives in the 16th district. The candidate's name does not appear in the index from the Clerk of the House of Representatives. He has not filed any reports or statements in regard to his candidacy.

A prior notice was received by Mr. Rostron October 4, 1976 informing him of his filing requirements as a federal candidate and the dates of reports due in the near future. Mr. Rostron failed to file the 10 day pre-election and 30

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OFFICE OF GENERAL COUNSEL

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day post election reports for the general election due October 23, 1976 and December 2, 1976 respectively.

Reason to believe letters for non-filers were sent to the candidate October 25, 1976 in regard to the 10 day pre-election report; and December 10, 1976 in regard to the 30 day post election report. Both mailgrams were returned to the Commission unclaimed.

Reasonable cause to believe letters for non-filers were sent to Mr. Rostron October 27, 1976 regarding the 10 day pre-election report, and December 20, 1976 regarding the 30 day post election report. These mailgrams were also returned unclaimed to the Commission.

The Commission received no response from Mr. Rostron. His name was published by the Commission on the non-filer list October 30, 1976 and January 21, 1977. The candidate lost the general election receiving 36,378 votes in comparison to the winning candidate receiving 121,682.

A publication letter was sent to Mr. Rostron on 2 separate occasions , October 30, 1976 and January 21, 1977, informing him of his name publication and the General Counsel's intention to recommend to the Commission that civil penalties be sought. These letters were returned.

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The Commission has previously found probable cause to believe that Mr. Rostron violated 2 U.S.C. §432(e)(1), for not designating a principal campaign committee; and 2 U.S.C. §434(a)(1) for failing to file the 10 day pre-primary election report.

III. Analysis

Mr. Rostron has failed to file both the 10 day pre-general election report and the 30 day post general election report despite various notifications from the Commission. The candidate has not responded to the efforts by the Commission to correct or prevent a violation.

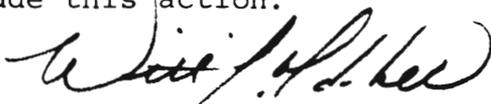
Through various communications to the candidate, the Commission has tried to conciliate the case; but the candidate has not utilized his statutory right to the informal methods of conference, conciliation, and persuasion.

IV. Recommendation

It is recommended that the Commission find probable cause to believe that violations have been committed of 2 U.S.C. Section 434(a)(1); and that the suit previously filed by the Commission be amended to include this action.

DATE: 4/26/77

FEDERAL ELECTION COMMISSION
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William Oldaker
General Counsel

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NOTIFIED
FEDERAL ELECTION COMMISSION

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

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

Mr.
 Mrs.
 Miss
 Unknown
 Insufficient
 Moved - last known address
 No such office or street
 No longer in use

CERTIFIED

943138



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

(Return to Writer)



POSTAGE AND FEES PAID
FEDERAL ELECTION COMMISSION



*Give to
Judy Thoburn*

William Rostron
245 Burke Street
River Rouge, Michigan 48218

7227 Gartner
Detroit, MI 48209

77747713951

Shackford

State item 1, 2, and 3.
Your address in the "RETURN TO" space on
size.

Service is requested (check one).
Home and date delivered..... 15¢

Home, date, & address of delivery.. 35¢
FED DELIVERY.

Home and date delivered..... 65¢
FED DELIVERY.

Home, date, and address of delivery 85¢

DELIVER TO:

ROSTRON

ON:
CERTIFIED NO. | INSURED NO.

Signature of addressee or agent

Article described above.
Address Authorized agent

PERY | POSTMARK

Plate only if requested

DELIVER BECAUSE: | CLERKS INITIALS

☆ GPO: 1976-O-303-456

William Rostron
245 Burke Street
River Rouge, Michigan 48218

Dear Mr. Rostron:

On January 21, 1977, your name was released for publication in a list of persons who had failed to meet the filing requirements of the Federal Election Campaign Act of 1971, as amended. I have enclosed a copy of the publication.

As of this date, we have not received your report. If we do not hear from you within five (5) days, we are prepared to recommend to the Commission that we be allowed to seek appropriate civil penalties.

Please direct any response to 202/382-1203.

Sincerely,

William C. Oldaker

William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Enclosure

770003961



NOTIFIED MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645

12-26

RTB



Mailgram

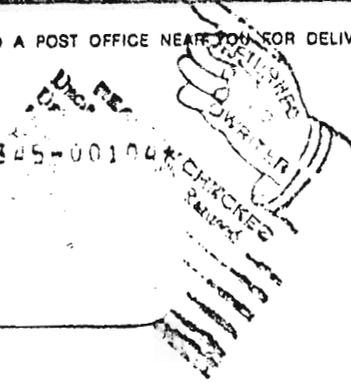


MAILGRAM POSTAL
CHARGES PAID

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

CERTIFIED # 85
WILLIAM ROSTRON
7227 GARTNER
DETROIT MI 48209

CERTIFIED
WA 12915-B3345-00104
MAILGRAM
• Return Receipt Requested
SHOW • To Whom
• Date Delivered



NOTIFIED

1-5



REASON CHECKED
Undelivered
Refused

RTB



Mailgram



MAILGRAM POSTAL
CHARGES PAID

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

CERTIFIED # 85
WILLIAM ROSTRON
7227 GARTNER
DETROIT MI 48209

CERTIFIED
WA 12915-A1355-00060
MAILGRAM
• Return Receipt Requested
SHOW • To Whom
• Date Delivered

RECEIVED
MIDDLETOWN VA
DEC 26 1964

7774171395

Handwritten notes on the left side of the first mailgram, including '12-11-76' and 'RTB'.

Handwritten notes on the left side of the second mailgram, including '12-21-76' and 'RTB'.

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11-15

WILGEM SERVICE CENTER
MILITARY MAIL 22A65



Mailgram



MAILGRAM POSTAL
CHARGES PAID

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

No. WA 1291541300-0008

MAILGRAM

- Delivery Guaranteed
- Show to Agent
- Date Delivered

1. The following service is requested (check one):

Show to whom and date delivered..... 15¢

Show to whom, date, & address of delivery... 35¢

RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢

RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
WA 1291541300-0008

(Always obtain signature or address of agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
W. R. ROBERTSON

4. DATE OF DELIVERY: 9-4-76 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: P.N. Clerk's Initials

PERIODIC PUBLICATION COMMISSION
ORIGINAL FILE COPY
OFFICE OF GENERAL COUNSEL

October 30, 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William E. Rostron
7227 Gartner
Detroit, Michigan 48209

Dear Mr. Rostron:

On October 30, 1976, your name was released for publication in a list of persons who had failed to meet the filing requirements of the Federal Election Campaign Act of 1971, as amended. I have enclosed a copy of the publication.

As of this date, we have not received your report. If we do not hear from you within five (5) days, we are prepared to recommend to the Commission that we be allowed to seek appropriate civil penalties.

Please direct any response to 202/382-1203.

Sincerely,

John G. Murphy, Jr.
General Counsel

Enclosure

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Non-Filer/William Rostron)

MUR 252 (76)

CERTIFICATION

I, Marjorie W. Emons, Secretary to the Federal Election Commission, do hereby certify that on September 30, 1976, the Commission determined by a vote of 6-0 that there is probable cause to believe that a violation of the Federal Election Campaign Act of 1971, as amended, had been committed and to institute a civil action for relief in the above-captioned matter.

Marjorie W. Emons

Marjorie W. EMONS
Secretary to the Commission

FEDERAL ELECTION COMMISSION
SEP 30 1976
WASHINGTON, D.C. 20543
LEGAL COUNSEL

77040013963

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 252 (76)
Non-Filer/William Rostrom)

GENERAL COUNSEL'S REPORT

I. Allegation

William Rostrom as candidate for U.S. House of Representatives in the 16th district of Michigan has:

- 1) failed to file reports required by 2 U.S.C. §434(a) (1) and (2) failed to designate a principal campaign committee required by 2 U.S.C. §432(e) (1).

II. Evidence

Mr. Rostrom's name appeared on the Michigan ballot for the August 3, 1976 primary election, as candidate for the U.S. House of Representatives in the 16th district. No reports or statements have been filed by the candidate. His name does not appear in the index from the Clerk of the House of Representatives.

Having failed to file the 10 day pre-election report due on July 24, 1976, the candidate was sent a reason to believe letter for non-filers from the Commission. This

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S COPY
1976-08-03

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was sent on July 27, 1976 and received by the candidate. Failing to receive any response from the letter, the Commission proceeded to send a reasonable cause to believe letter for non-filers to the candidate on July 30, 1976 which he received.

The candidate did not respond to this letter and his name was published by the Commission on a non-filers list, September 1, 1976. No reply has been received by the Commission in reference to either letter or publication.

The candidate won the Michigan primary receiving 6,674 votes. After winning the primary election on August 3, 1976, the candidate was sent a special notice to designate a principal campaign committee on September 2, 1976. On September 20, 1976, the Commission sent the candidate a reason to believe letter for no principal campaign committee when he failed to reply to the special notice.

A follow up letter from the General Counsel to the candidate was sent on September 24, 1976, stating the General Counsel's intention to recommend to the Commission that appropriate civil penalties be sought.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

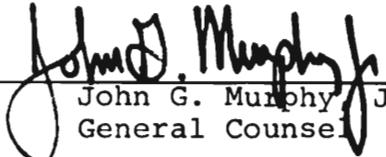
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III. Analysis and Recommendation

The candidate has failed to file any reports or statements in regard to his candidacy. The Commission has repeatedly contacted the candidate informing him of his legal obligations as a federal candidate. The candidate has not responded to these efforts to correct or prevent any violation. The reasonable cause to believe letter advised him that the Commission was ready to conciliate the case, but the candidate has totally ignored his statutory right to utilize informal methods of conference, conciliation, and persuasion.

IV. Conclusion

It is recommended that the Commission find probable cause to believe a violation has been committed of 2 U.S.C. §§434(a)(1) and 432(e)(1).



 John G. Murphy, Jr.
 General Counsel

DATE: September 29, 1976

FEDERAL ELECTION COMMISSION
 OFFICIAL FILE COPY
 OFFICE OF GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION

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

September 24, 1976

Mr. William E. Rostrom
7227 Gartner
Detroit, Michigan 48209

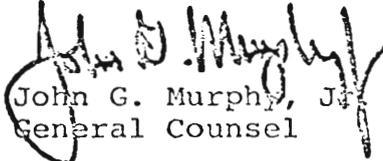
Dear Mr. Rostrom:

On September 1, 1976, your name was released for publication in a list of persons who had failed to meet the filing requirements of the Federal Election Campaign Act of 1971, as amended. I have enclosed a copy of the publication.

As of this date, we have not received your report. If we do not hear from you within five (5) days, we are prepared to recommend to the Commission that we be allowed to seek appropriate civil penalties.

Please direct any response to (202)382-1203.

Sincerely,


John G. Murphy, Jr.
General Counsel

Certified Mail
Return Receipt Requested

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
OFFICE OF GENERAL COUNSEL



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NAME: <i>John J. ...</i> ADDRESS: <i>...</i> CITY: <i>...</i> STATE: <i>...</i> ZIP: <i>...</i>		CUSTOMER ID: <i>...</i> PRODUCT ID: <i>...</i>	DATE: <i>...</i> TIME: <i>...</i>
ORDER NO: <i>...</i> QUANTITY: <i>...</i> UNIT PRICE: <i>...</i> TOTAL: <i>...</i>		SALES TAX: <i>...</i> SHIPPING: <i>...</i> HANDLING: <i>...</i>	TOTAL DUE: <i>...</i> PAID: <i>...</i> BALANCE: <i>...</i>

MEDICAL COMMISSION
OFFICIAL FILE COPY
 OFFICE OF GENERAL COUNSEL

NAME: <i>...</i> ADDRESS: <i>...</i> CITY: <i>...</i> STATE: <i>...</i> ZIP: <i>...</i>		CUSTOMER ID: <i>...</i> PRODUCT ID: <i>...</i>	DATE: <i>...</i> TIME: <i>...</i>
ORDER NO: <i>...</i> QUANTITY: <i>...</i> UNIT PRICE: <i>...</i> TOTAL: <i>...</i>		SALES TAX: <i>...</i> SHIPPING: <i>...</i> HANDLING: <i>...</i>	TOTAL DUE: <i>...</i> PAID: <i>...</i> BALANCE: <i>...</i>

FEDERAL ELECTION COMMISSION



1325 K Street, N.W., Washington, D.C. 20463

RELEASE: ON RECEIPT
(Friday, January 21, 1977)

CONTACT: DAVID FISKE
SUSAN TIFFT
(202) 382-4112

FEC RELEASES LIST OF "NON-FILERS"

WASHINGTON-January 21- The FEC today published the names of 47 House candidates and 2 Senate candidates from 25 states and the District of Columbia who failed to file the required post-election report of their campaign finances. The report was due December 2, 1976, 30 days after the November 2 general election.

In addition to publishing the names of non-filers, the FEC has the authority to undertake further enforcement action under the statute, including civil court enforcement and imposition of civil fines of not more than \$5,000 for "any violation" and not more than \$10,000 for a "knowing and willful violation". To date, the Commission has initiated 17 civil court suits to compel candidates to file earlier reports and to impose civil fines for failure to file reports.

The Federal Election Campaign Act of 1971, as amended in 1974 and 1976, states that "It shall be the duty of the Commission to...prepare and publish from time to time special reports listing those candidates...for whom...reports were not filed as so required."

Federal candidates and committees must file a post-election report 30 days after each election, covering their financial transactions from 15 days before the election to 20 days after the election. Under FEC procedures, three notices are sent to the candidates and committees, reminding them of their reporting obligations, and urging compliance. If a report is not filed following these notices, the names of the "non-filers" are made public.

The FEC procedures are as follows:

...-"Prior notice" is the first reminder, which was sent on a routine basis prior to the election to all candidates whose names were on the November 2 general election ballot in their respective states, as certified by their Secretary of State, and confirmed by lists of the Clerk of the House and the Secretary of the Senate. This notice reminds candidates and committees of the required 10-day pre-election and 30-day post-election reports, and the appropriate filing dates.

...-The second notice was sent December 10 to candidates and committees whose post-election reports had not been received by that date. This notice stated that this "apparent failure...gives the Commission reason to believe" that the candidate or committees were in violation of the reporting requirements.

...-The third notice was sent, December 20 to candidates and committees whose post-election reports had still not been filed. This notice stated that "continued failure to file has given the Commission "reasonable cause to believe" that they were in violation, and that "failure to respond may subject (the candidate or committee) to ...civil penalties and...to publication of (the candidate's or committee's) name on the list of non-filers."

...-When a candidate or committee continues to fail to file after receiving the "prior notice" reminder, and the "reason to believe" and "reasonable cause to believe" notices, the Commission publishes the names of the candidates on a list of non-filers.

The following candidates and/or their "principal campaign committees" failed to file December 2 post-election reports following the November 2 general election:

(over)

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<u>State</u>	<u>Candidate</u>
California	Oscar Klee (2nd Dist.) Democrat
"	Tom Spinosa (6th Dist.) Republican
Colorado	Lann Meyers (1st Dist.) U.S. Labor
"	Alfredo Archer (3rd Dist.) La Raza Unida
Connecticut	Anthony Discepolo (2nd Dist.) Independent
Delaware	Joseph F. McInnerney (Sen.) non-partisan
District of Columbia	Louis S. Aronica (00 Dist.) D.C. Statehood
Illinois	Spencer Leak (2nd Dist.) Republican
"	Frank Collin (3rd Dist.) White Power
"	Newell Ward (7th Dist.) Republican
"	Peter G. Prineas (24th Dist.) Republican
Indiana	John E. Tipton (7th Dist.) Democrat
Iowa	James D. Roberson (2nd Dist.) Independent
Kansas	David N. Scoggin (2nd Dist.) Prohibition
"	Robert A. Cowdrey (4th Dist.) American
Louisiana	Richard A. Tonry (1st Dist.) Democrat
Maryland	William Salisbury, (7th Dist.) Independent
Massachusetts	Richard W. Daly (7th Dist.) Republican
"	James J. Murphy (7th Dist.) Independent
"	Joseph M. O'Loughlin (9th Dist.) Independent
Michigan	Isaac Hood (1st Dist.) Republican
"	Edward W. Aho (11th Dist.) Human Rights
"	Marshall F. Moser (14th Dist.) Libertarian
"	Aldi C. Fuhrmann (15th Dist.) American
"	Independent
"	William E. Rostron (16th Dist.) Republican
Nevada	James Burns (00 Dist.) Libertarian
New Hampshire	John Adams (1st Dist.) Republican
New Jersey	Walter M. Swirsky (3rd Dist.) Libertarian
"	Jack Moyers (4th Dist.) Libertarian
"	Tony Grandison (10th Dist.) Republican
"	Robert Rylev (14th Dist.) Libertarian
New York	Seth C. Morgan (1st Dist.) Conservative
"	Martin S. Shepherd, Jr. (12th Dist.)
"	Conservative
"	Ned Schneier (17th Dist.) Liberal
"	Calvin Kimbrough (37th Dist.) Republican
North Carolina	Roy Underwood (11th Dist.) American
Ohio	Karl T. Untch, (19th Dist.) Independent
"	Theodore Held III (20th Dist.) Independent
"	Anthony R. Curry (21st Dist.) Independent
Oklahoma	Donald F. Parker (5th Dist.) Independent
Pennsylvania	Andrew J. Watson (Sen.) Constitutional
"	Dennis Grant (2nd Dist.) Revolutionary
"	Workers
"	Jesse W. Woods, Jr. (2nd Dist.) Republican
"	Terence J. Schade (3rd Dist.) Republican
South Dakota	Donald Stevens (1st Dist.) Independent
Texas	William K. Hathcock (13th Dist.) American
Utah	Harry B. Gerlach (1st Dist.) American
Washington	Gene Goosman (7th Dist.) American
"	Constitution
Wisconsin	R. Julian Chapman (5th Dist.) Independent

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"Prior notice" is the first reminder, sent on a routine basis prior to the filing date, to all candidates whose names are on the November 2 general election ballot in their respective states, as certified by their Secretary of State, and confirmed by lists with the Clerk of the House and the Secretary of the Senate. This notice simply reminds candidates and committees of their required October 10 quarterly, 10-day pre-election, and 30-day post-election reports, and the appropriate filing dates.

The second notice is sent, by mailgram, only to candidates and committees whose reports have not been received within a week after the filing date, and states that this "apparent failure...gives the Commission 'reason to believe' that the candidate or committee is in violation of the reporting requirements.

The third notice is sent, by mailgram, only to candidates and committees whose reports are not filed within ten days after the filing date, and states that "continued failure to file has given the Commission 'reasonable cause to believe' that they are in violation and that "failure to respond may subject the candidate or committee to civil penalties and...to publication of the candidate's or committee's name on a list of non-filers."

When a candidate or committee continues to fail to file after receiving the "prior notice" reminder, and the "reason to believe" and "reasonable cause to believe" notices, the Commission publishes the name of the candidate and/or his committee on a list of non-filers.

In addition to publishing the names of non-filers, the FEC has the authority to undertake further enforcement action under the statute, including civil court enforcement and imposition of civil fines (\$5,000 for "any violation" and \$10,000 for a "knowing and willful violation.")

7704001397

NEWS FROM...

FEDERAL ELECTION COMMISSION



1325 K Street, N.W., Washington, D.C. 20463

RELEASE: ON RECEIPT

CONTACT: DAVID FISKE
SUSAN TIFFT
(202) 382-4112

FEC FILES SUIT
AGAINST FIVE CANDIDATES

WASHINGTON - OCTOBER 15 - The Federal Election Commission revealed today that it has this week filed civil suits in four United States District Courts to compel five federal candidates to comply with reporting requirements of the Federal Election Campaign Act.

In separate suits involving four candidates for the U.S. House of Representatives and one candidate for the U.S. Senate, the FEC asked the District Courts to order each candidate to designate a principal campaign committee, to file the July 10, 1976, quarterly report and subsequent quarterly reports, and to file the report required 10-day prior to a recent primary election. The FEC also asked the courts to assess a penalty, of not more than \$5,000 against each candidate "for failing and refusing to comply with [these] requirements of the Act."

The following are the candidates, the Congressional District/State, the date of the candidate's primary election, and the U.S. District Court in which the suits were filed, (alphabetically by state):

Isaac Hood (1st District - Michigan) ...
(August 3, 1976) ... (Eastern District Court, Michigan)

William Rostrom (16th District - Michigan) ...
(August 3, 1976) ... (Eastern District Court, Michigan)

Joel Alexander Saliterman (3rd District - Minnesota) ...
(September 14, 1976) ... (Minnesota District Court)

Rowena M. VonWolff (U.S. Senate - Nevada) ...
(September 14, 1976) ... (Nevada District Court)

John Adams (1st District - New Hampshire) ...
(September 14, 1976) ... (New Hampshire District Court)

The Commission stated in its court complaints that prior to filing civil suit, it had sent two notices to each candidate concerning the failure to designate a principal campaign committee, and also had notified each candidate twice concerning the failure to file the pre-primary report.

Subsequent to the primary election, the FEC also published each candidate's name publicly, as required by the statute, as having failed to file the pre-election report.

In the cases involving an August 3 primary (Hood and Rostrom), the FEC sent the principal campaign committee designation notices on September 2 and 20, sent the pre-election report filing notices on July 27 and 30, and published the non-filer list on September 1.

In the cases involving a September 14 primary (Saliterman, VonWolff and Adams), the FEC sent the principal campaign committee designation notices on August 12 and September 3, sent the pre-election report filing notices on September 8 and 10, and published the non-filer list on September 23.

In each case, under FEC compliance procedures, the first notice informed the candidate that the Commission has found "reason to believe" a violation of the Act may have occurred, and the second notice informed the candidate that the Commission has found "reasonable cause to believe" a violation of the Act may have occurred. Prior to filing suit, the Commission voted to find "probable cause" to believe a violation of the Act may have occurred.

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FEDERAL ELECTION COMMISSION



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RELEASE: ON RECEIPT
WEDNESDAY, SEPTEMBER 1, 1976

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FEC PUBLISHES LIST OF "NON-FILERS"

WASHINGTON - SEPTEMBER 1 - The FEC today published the names of House and Senate candidates and their "principal campaign committees" that failed to file the required "ten-day pre-election report" of their campaign finances in the August 3, August 5, August 10, August 14, August 17, August 24 and September 4 primaries.

In these primaries, the following candidates and their "principal campaign committees" failed to file "ten-day pre-election reports":

<u>Candidate</u>	<u>State</u>	<u>Primary Date</u>
Lawrence S. Elliot (1st Dist.)	Michigan	August 3
Isaac Hood (1st Dist.)	Michigan	August 3
Charles Nemeth (16th Dist.)	Michigan	August 3
William Rostrom (16th Dist.)	Michigan	August 3
Edward Brown (Sen.)	Tennessee	August 5
William Green (7th Dist.)	Georgia	August 10

Starting today, the Commission will continue to publish "non-filers" for primary elections.

The Federal Election Campaign Act of 1971, as amended in 1974 and 1976, states that "It shall be the duty of the Commission to...prepare and publish from time to time special reports listing those candidates...for whom...reports were not filed as so required."

Federal candidates and committees must file a "pre-election" report 10 days before each election, covering their financial transactions up to 15 days before the election. Under FEC procedures, three notices are

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fail to file after receiving believe" and "reasonable has the names of the candidates

for 10-day pre-election and/or their committees on a and post-primary reports.

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sent to the candidates and committees, reminding them of their reporting obligations, and urging compliance. If a report is not filed following these notices, the names of all "non-filers" are made public.

"Prior notice" is the first reminder, sent on a routine basis 21 days before the primary date, to all candidates whose names are on the ballot in their respective states, as certified by their Secretary of State, and confirmed by lists with the Clerk of the House and the Secretary of the Senate. This notice simply reminds candidates and committees of their required 10-day pre-election, and 30-day post election reports, and the appropriate filing dates.

The second notice is sent, by mailgram, only to candidates and committees whose reports have not been received 8 days before the primary, and states that this "apparent failure...gives the Commission reason to believe" that the candidate or committee is in violation of the reporting requirements.

The third notice is sent, by mailgram, only to candidates and committees whose reports are not filed 6 days before the primary, and states that "continued failure to file has given the Commission "reasonable cause to believe" that they are in violation, and that "failure to respond may subject [the candidate or committee] to...publication of [the candidate's or committee's] name on a list of non-filers."

When a candidate or committee continues to fail to file after receiving the "prior notice" reminder, and the "reason to believe" and "reasonable cause to believe" notices, the Commission publishes the names of the candidates and/or his committee on a list of non-filers.

In addition to these "expedited" procedures for 10-day pre-election reports, the Commission will notify candidates and/or their committees on a routine basis with regard to monthly, quarterly, and post-primary reports.

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