

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Non-filer/John Tipton)

MUR 395 (77)

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. §434(a)(1) had been committed in the above-captioned matter. Commissioner Tiernan was not present at the time of the vote.

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

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

April 19, 1977

In the Matter of)
) MUR 395 (77)
Non-filer/John Tipton)

GENERAL COUNSEL'S REPORT

I. Allegation

John Tipton as a candidate for the U.S. House of Representatives in the 7th district of Indiana has failed to file the 30 day post general election report required by 2 U.S.C. §434(a)(1).

II. Evidence

Mr. Tipton's name appeared on the Indiana general election ballot as the Democratic Party's candidate for the U.S. House of Representatives in the 7th district. The candidate's name appears in the index from the Clerk of the House of Representatives. Mr. Tipton designated two principal campaign committees neither of which have registered.

A prior notice was received by Mr. Tipton October 12, 1976 informing him of his filing requirements as a federal

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FEDERAL ELECTION COMMISSION
APR 21 1977

candidate and the dates of reports due concerning the general election. Mr. Tipton failed to file the 30 day post election report due December 2, 1976. The candidate received a reason to believe letter for non-filers December 11, 1976 and a reasonable cause to believe letter December 21, 1976.

The Commission received no response from Mr. Tipton. His name was published by the Commission on a list of non-filers January 21, 1977. Mr. Tipton was defeated in the general election receiving 77,355 votes in comparison to the winner receiving 130,005. The candidate last filed the pre-election report disclosing \$1,200 receipts and expenditures.

III. Analysis

The candidate has failed to file the 30 day post election report. The Commission has repeatedly notified Mr. Tipton of his failure to file the report. The candidate has not responded to the efforts by the Commission to correct or prevent a violation. The reasonable cause to believe letter advised Mr. Tipton that the Commission was ready to conciliate the case; but the candidate has not

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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 a violation has been committed of 2 U.S.C. §434(a)(1).

William C. Oldaker

WILLIAM C. OLDAKER
GENERAL COUNSEL

DATE:

4/25/77

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FEDERAL ELECTION COMMISSION

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

January 21, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Elden Tipton
R.R. #1, Box 4
Jasonville, Indiana 47438

Dear Mr. Tipton:

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

Enclosure



FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645

TELETYPE UNIT
REASON CHECKED
Unclaimed
Address
Indiv



Mailgram



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

*****CERTIFIED R 05*****A12915-F3345-00023
JOHN E TIPTON
MAIN ST
TEXAS HAUTE IN 47808

CERTIFIED	
NO. WA12915-F3345-00023	
MAILGRAM	
Return Receipt Required SHOW • To Whom • Date Delivered	
B	

<p>● SENDER (Complete in triplicate and return to "RETURN TO" space on All four address in the "RETURN TO" space on</p>	
<p>1. The following service is requested (check one):</p> <p><input type="checkbox"/> Show to whom and date delivered..... 15¢</p> <p><input checked="" type="checkbox"/> Show to whom, date, & address of delivery.. 35¢</p> <p><input type="checkbox"/> RESTRICTED DELIVERY..... 65¢</p> <p><input type="checkbox"/> Show to whom and date delivered..... 65¢</p> <p><input type="checkbox"/> RESTRICTED DELIVERY..... 85¢</p> <p><input type="checkbox"/> Show to whom, date, and address of delivery 85¢</p>	
<p>2. ARTICLE ADDRESSED TO:</p>	
<p>3. ARTICLE DESCRIPTION:</p>	<p>REGISTERED NO. 123457</p> <p>INSURED NO.</p>
<p>(Always obtain signature of addressee or agent)</p> <p>I have received the article described above.</p> <p>SIGNATURE <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Authorized agent</p>	
<p>4. DATE OF DELIVERY</p>	<p>POSTMARK JAN 24 1977 CLERK'S INITIALS</p>
<p>5. ADDRESS (Complete only if requested):</p>	
<p>6. UNABLE TO DELIVER BECAUSE:</p>	

U.S. G.P. 1976-O-203-456

77041006000

SENDER: Complete Steps 1, 2, and 3.
Add your address in the "RETURN TO" area.

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

Show to whom and date delivered.....

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

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

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

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

NO. WA 12915	CERTIFIED NO. WA 12915	NO. 10029
WA 12915 - B7345 - 10029		

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4. *Mrs. B. Tipton*
DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

SPRINGVILLE IN
DEC 17 1976

★ 670: 100-O-829-047

7704006:001

PS Form 3811, Jan. 1975

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space.

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:
John Lepton
P.O. Box 4 Greenwell

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURANCE
<i>WA 12915</i>	<i>C 7275</i>	<i>00036</i>

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee, Authorized agent

John Lepton

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: *OCT 8 1976*

INSURANCE: *INSURE*

☆ GPO: 1975-O-594-047

THESE

PS 1911, Mar. 1978

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

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:**
Tipton

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438167	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

Stephen Tipton

4. **DATE OF DELIVERY**

5. **ADDRESS (Complete only if requested)**

6. **UNABLE TO DELIVER BECAUSE:**



RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Jan. 1975

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space
opposite.

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.
	WA12915-A73 55-00046	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

John E. Tipton

4. DATE OF DELIVERY

Dec 21 1976

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
DEC 21 1976
U.S. POSTAL SERVICE

SENDER'S INITIALS

C

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

John Elton Tipton

031281515

12/31/2011
12/31/2011

Primary
General

6. I am a candidate for election to the office of _____
(a) Primary election
(b) General election

(c) Primary election
(d) Alternate Primary Report
(e) Termination

7. I am filing this report in connection with an election on Feb 7 in the state of Illinois
(Primary, general or convention) (Date)

8. I am filing this report following an election on _____ in the state of _____
(Primary, general or convention) (Date)

9. I am filing this report as a _____
(Candidate, officer, committee member, or other person)

Column A - Cash Column Summary		Time	Costs
6. Cash on hand at beginning of reporting period			0
7. Cash on hand at end of reporting period	0	100	
8. Add total receipts (from line 10)	0	100	0
(a) Current	0	100	0
8. Subtract total expenditures (from line 21)	0	100	0
10. Cash on hand at end of reporting period	0	0	0
11. Cash and items on hand to be liquidated (except for the fund)			0
Total cash and items on hand to be liquidated (except for the fund) (Sum of lines 10 and 11)			
12. Creating expenditures (from line 22)	0		0
13. Less refunds and rebates (from line 17)	0		0
14. (a) Expenditures subject to limitation	0		0
(b) Expenditures from prior years subject to limitation			
15. Total expenditures subject to limitation			
Total cash and items on hand to be liquidated (except for the fund) and to be used for any other purpose (Sum of lines 11, 12, 13, 14, and 15)			

16. I certify that I have examined this report, and to the best of my knowledge and belief, it is true, correct and complete.

Signature: _____
Date: _____
Print Name: _____
Title: _____
Address: _____

OFFICE OF THE ATTORNEY GENERAL
CENTRAL FILE COPY
OFFICE OF GENERAL COUNSEL

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100
10021

10000

State Council papers

including the

Part I - Cash	Column A This Period	Column B Out of Inventory
(1) Contributions and other income	1,200	
(2) From Schedule A1		
(3) From Schedule B1		
(4) From Schedule C1		
(5) From Schedule D1		
(6) From Schedule E1		
(7) From Schedule F1		
(8) From Schedule G1		
(9) From Schedule H1		
(10) From Schedule I1		
(11) From Schedule J1		
(12) From Schedule K1		
(13) From Schedule L1		
(14) From Schedule M1		
(15) From Schedule N1		
(16) From Schedule O1		
(17) From Schedule P1		
(18) From Schedule Q1		
(19) From Schedule R1		
(20) From Schedule S1		
(21) From Schedule T1		
(22) From Schedule U1		
(23) From Schedule V1		
(24) From Schedule W1		
(25) From Schedule X1		
(26) From Schedule Y1		
(27) From Schedule Z1		
(28) Total Receipts (from line 10)		
(29) Less Transfers to (from line 10'1)		
(30) Total Disbursements (from line 29)		
(31) Less Transfers out (from line 29'1)		
(32) Total Receipts		

7704000000

State Council papers - UAW
10000
10021
F. Morgan

budget, etc.

FEDERAL ELECTION COMMISSION
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1. Daily Telephone newspaper add. 140.

2. WJLA Radio 24 spots 750.00

3. WTHI TV 13 spots 750.00

4. Woodburn printing 5,000 photo cards 750.00

gas, living expenses 70.

16. carter bank 10.00

living expenses 160.

200.00

2. II.

1. UAW 100.00

2. ... 100.00

3. ... 100.00

OFFICE OF GENERAL COUNSEL

PS Form 3811, Jan. 1975

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- RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

John D. P. O. Box 14, Greenville, S.C. 29615

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
<i>12345678</i>	<i>13245678</i>	<i>1456789</i>

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

John D. P. O. Box 14

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

1976

☆ GPO: 1975-O-568-047

PS Form 3811, Jan. 1975

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

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CLERK'S INITIALS

1976

☆ GPO: 1975-O-568-047

FEDERAL ELECTION COMMISSION
 OFFICIAL FILE COPY
 OFFICE OF GENERAL COUNSEL

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)

FEDERAL ELECTION COMMISSION
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The following are the names of the House and Senate candidates published today (January 21, 1977) for failing to file the post-election report required 30 days after the November 2, 1976 general election, (listed by state, with name, Congressional District, and political party affiliation, if any.)

<u>State</u>	<u>Candidate</u>
California	Oscar Klee (2nd Dist.) Democrat
"	Tom Spinoso (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 Ryley (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