

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Toney For Congress)
Committee)

MUR 606 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 21, 1978, the Commission approved by a vote of 5-0 the recommendations in the General Counsel's Report dated June 19, 1978 to take the following actions in the above-captioned matter:

1. Take no action against the Toney for Congress Committee.
2. Close the file in this matter.

Commissioners Aikens, Staebler, Thomson, Springer, and Tiernan returned their votes by the deadline.

Marjorie W. Emmons

Date: 6/21/78

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 6-19-78, 11:34
Circulated on 48 hour vote basis: 6-19-78, 2:00

6/19/78

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 606

Please have the attached General Counsel's report on MUR 606 distributed to the Commission on a 48 hour tally basis.

Thank you.

78040753251

The Nebraska Secretary of State's Office indicates that Mrs. Toney received 6,058 votes, or 17% of the 34,741 votes cast in the 2nd District Republican primary.

RECOMMENDATION:

In view of the fact that Mrs. Toney filed as an indigent, that she received less than 30% of the primary vote, and that repeated attempts to locate the Committee and the candidate have failed, we recommend the Commission take no action against the Toney for Congress Committee and close the file in this matter.

19 June 1978
Date


William C. Oldaker
General Counsel

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FEDERAL ELECTION COMMISSION

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

May 19, 1978

MEMORANDUM:

TO: Bill Loughrey

FROM: Gary Johansen *YJ.*

SUBJECT: Nebraska 10 Day Pre-primary nonfiler.

Attached is the name of the Nebraska 10 Day Pre-primary nonfiler which was referred to the Office of General Counsel on May 18, 1978. In accordance with the May 15, 1978 Task Force Report on nonfiling procedures, could you have forwarded to the Office of General Counsel the information listed on page 3 of that Report.

7304005111

MUR 606



FEDERAL ELECTION COMMISSION

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

May 18, 1978

MEMORANDUM

TO: GENERAL COUNSEL

THROUGH: ORLANDO B. POTTER *RL for O.B.P.*

FROM: TOM HASELHORST *TH*

SUBJECT: REFERRAL OF NEBRASKA 10 DAY PRE-PRIMARY NON-FILER

The Reports Analysis Division has completed (through publication), its tracking of committees which are non-filers for the 10 Day Pre-Primary Report for Nebraska, and is referring one committee to your office in accordance with Directive No. 1. The notices for each stage and the green certified card for RCTB are attached.

Prior notice was sent to the Toney for Congress Committee on March 13, 1978.

On May 1, 1978, reason to believe was found against the committee for failure to file the 10 Day Pre-Primary Report due on April 29, 1978. However, as a result of a computer transmittal problem, the committee was never sent the RTS mailgram.

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Should this committee file the required report subsequent to this referral, your office will be contacted promptly of the filing. In order to do so, please let me know who will be handling this referral. If you have any questions, please direct them to Peter Kell, Jr., Chief of the House Branch.



TONEY FOR CONGRESS

Green certified card for RCTB included with referral made on May 18, 1978. As previously mentioned in the referral, the RTB mailgram was not sent due to a computer error.

1994075115

FEDERAL ELECTION COMMISSION
1977-1978

DATE 1 JUN 78

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (F)

PAGE 4

CANDIDATE / COMMITTEE / DOCUMENT	OFFICE SOUGHT / PARTY	RECEIPTS		EXPENDITURES		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
TONY, SHARON	HOUSE 02 REPUBLICAN PARTY					NEBRASKA		ID# HBNE02030
1. STATEMENT OF CANDIDATE								
1978 STATEMENT OF CANDIDATE								
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES								28AP07H
TOTAL		0	0	0	0			1 78HSE/135/1414
3. PRECINCT CAMPAIGN COMMITTEE								
TONY FOR CONGRESS								ID# C00093023
1978 STATEMENT OF ORGANIZATION								28AP07H
TOTAL		0	0	0	0			3 78HSE/135/1433
4. AUTHORIZED COMMITTEES								
5. OTHER SUPPORTING DOCUMENTS						CONTRIBUTIONS TO EXPENDITURES		
TOTAL FOR PART 5		0	0	0	0			0 TOTAL PAGES
6. 534E / INDEPENDENT						INDEPENDENT CONTRIBUTIONS		INDEPENDENT EXPENDITURES
7. 434E / DELEGATE						DELEGATE CONTRIBUTIONS		DELEGATE EXPENDITURES
8. COMMUNICATIONS						CONTRIBUTIONS TO EXPENDITURES ON BEHALF OF		

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FEDERAL ELECTION COMMISSION
10 DAY PRE ELECTION STATUS REPORT
NEBRASKA BALLOT

ELECTION: NE100

ELECTION DATE: MAY 9 1978

DUE DATE: APR 29 1978

CANDIDATE/PCC/ID	COMMENTS	CANDIDACY REGISTERED	COMPLIANCE TRACK			PRC	OGC	REC'D	LAST REPORT FILED		CERTS DIED BY
			SAT	RTB	RCR				EXP'D	CASH	
ROBERT CAROL J. R022			12/07/77	W				0	0	0	0
CT CLUB TO CONGRESS COMMITTEE R02495		Y	4/20/78	5/1/78				12770	11946	411	0
COURT, JOHN C. R02014			03/29/78	W				0	0	0	0
W.C. MC COURT R01835		Y	5/2/78	5/1/78							
KEY, SHARON R02030			4/28/78	W				0	0	0	0
KEY FOR CONGRESS R02053		Y		5/1/78	5/3/78	5/6/78	5/10/78				
FOWLER, MARILYN R023012			3/28/78	W				0	0	0	0
MILYN FOWLER FOR CONGRESS R01447		Y	4/21/78								
SMITH, VIRGINIA D. R023016			04/05/77	W				0	0	0	0
COMMITTEE TO RE-ELECT VIRGINIA SMITH TO CONGRESS R0069940		Y	4/20/78					24678	5112	19247	0

Nebraska Returns

SENATE

Candidate	Residence	Age	Occupation	Votes	Percent
J. J. Egan (D)*	Lincoln	56	Governor	Unopposed	
Lenore Etchison (R)	Popillion	48	Teacher	31,276	19.8
Donald Shosteen (R)*	Holdings	49	Public relations specialist	126,333	80.2

GOVERNOR

Candidate	Residence	Age	Occupation	Votes	Percent
Robert V. Hansen (D)	Grand Island	44	Bricklayer	26,228	20.4
Gerald T. Whelan (D)*	Lincoln	53	Lt. Governor, attorney	102,389	79.6
Stanley R. Juells (R)	Kimball	49	Petroleum co. president	43,656	22.4
Robert A. Phares (R)	North Platte	37	Insurance co. president	47,918	24.6
Vance D. Rogers (R)	Lincoln	60	Former college president	13,904	7.1
Charles Thone (R)*	Lincoln	54	U.S. representative	87,815	45.1
Richard Hedrick (R)	Waverly	50	Locomotive engineer	1,464	0.8

HOUSE

District	Location	Candidate	Residence	Age	Occupation	Votes	Percent
1	East central—Lincoln	Hess Dyas (D)*	Lincoln	41	Former Democratic state chairman	30,574	60.9
		Bruce Hamilton (D)	Lincoln	36	County commissioner	10,317	20.5
		Allen O. Durrell (D)	Wayne	46	College assn. professor	9,349	18.6
		Douglas K. Bereuter (R)*	Ulrica	38	State senator	34,452	52.1
		Loran Schmit (R)	Bellwood	48	State senator	31,700	47.9
2	East—Omaha	John J. Covanough (D)*	Omaha	32	Incumbent	34,143	89.3
		John C. McCourt (D)	Omaha	53	Salesman	4,534	11.7
		Harold J. Dauter (R)*	Douglas	37	Attorney	28,391	82.5
		Sharon Teney (R)	Omaha	30	Homemaker	6,024	17.5
3	Central and west—Grand Island, Hastings	Marilyn Fowler (D)*	Lexington	52	Educator	Unopposed	
		Virginia Smith (R)*	Chappell	66	Incumbent	Unopposed	

ing strength in the Omaha area, running about even with Thone there.

Omaha had no candidate of its own in the Republican gubernatorial race, and it was thought that if someone could gain a strong advantage there, he could win the nomination. But while Phares' strong showing in Omaha was enough to put him ahead of Juells' statewide, it was not sufficient to catch up with Thone.

As expected, Phares and Juells split the non-Thone vote, in effect canceling out each other's candidacy. Their vote combined exceeded Thone's by 3,779. Juells got a running start for the nomination by spending close to \$800,000, almost all of it his own money, on advertising and billboards. But in the closing days before the balloting, Thone and Phares were able to finance adequate media campaigns of their own. Moreover, Juells had neither a strong organization nor a natural constituency outside sparsely settled western Nebraska.

On the Democratic side, Lt. Gov. Gerald T. Whelan had little trouble in disposing of Robert V. Hansen, a Grand Island bricklayer.

House

In the open 1st Congressional District, Republican hopes for keeping the district in their hands got a boost

when moderate conservative Douglas K. Bereuter edged out Loran Schmit for the nomination.

Bereuter's strength in the Lincoln area was the key to his victory. He carried Lancaster County (Lincoln) by 7,000 votes, while losing the rest of the district by about 4,500 votes. In the district as a whole, Schmit carried 15 counties, Bereuter only 11. But Schmit's strength in the rural areas was not enough to overcome Bereuter's backing around Lincoln, with its university and government employee communities.

Bereuter's appeal in the Lincoln area poses a major problem for the Democrats, who hoped to take the district in the fall. For a Democrat to win, he must do well in Lancaster County. Schmit's abrasive conservatism would have allowed the Democrats to do so, but Bereuter's smoother technocratic image should be able to hold Republican strength among moderates there.

However, the Democrats have a strong nominee in Hess Dyas, the former state Democratic chairman who ran a strong race for the seat in 1974. Dyas ran well throughout the district, with his opponents Bruce Hamilton and Allen O'Donnell getting regional support, in the Lancaster County area and in the northern part of the district, respectively.

—By Warden Moxley



FEDERAL ELECTION COMMISSION

1275 K STREET, N.W.
WASHINGTON, D.C. 20463

May 10, 1978

MEMORANDUM:

TO: Bill Loughrey

FROM: Gary Johansen *YJ.*

SUBJECT: Nebraska 10 Day Pre-primary nonfiler.

Attached is the name of the Nebraska 10 Day Pre-primary nonfiler which was referred to the Office of General Counsel on May 18, 1978. In accordance with the May 15, 1978 Task Force Report on nonfiling procedures, could you have forwarded to the Office of General Counsel the information listed on page 3 of that Report.

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TONEY FOR CONGRESS

Green certified card for RCTB included with referral made on May 18, 1978. As previously mentioned in the referral, the RTB mailgram was not sent due to a computer error.

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FEDERAL ELECTION COMMISSION
10 DAY PRE ELECTION STATUS REPORT
NEBRASKA BALLOT

ELECTION: NE100

ELECTION DATE: MAY 9 1978

DUE DATE: APR 29 1978

CANDIDATE/PCC/ID	COMMENTS	* CANDIDACY * COMPLIANCE TRACK				* * *		LAST REPORT FILED			SEATS
		* REGISTERED	* SAT	RTB	RCR	PRL	OGC *	RECP	EXPD	CASH	OWNED BY
DAWSON, HAROLD J. HANE02022		12/07/77	W					0	0	0	0
ELBAUR TO CONGRESS COMMITTEE C0002495		Y	4/20/78	5/1/78				12770	11946	411	0
MCCOY, JOHN C. HANE02014		03/29/78	W					0	0	0	0
JOHN C. MC COY C0109185		Y	5/2/78	5/1/78							
TONEY, SHARON HANE02030		4/28/78	W					0	0	0	0
TONEY FOR CONGRESS C010823		Y	5/1/78	5/3/78	5/6/78	5/12/78					
FOWLER, MARILYN HANE03012		3/28/78	W					0	0	0	0
MARILYN FOWLER FOR CONGRESS C0109147		Y	4/27/78								
SMITH, VIRGINIA D. HANE03015		04/05/77	W					0	0	0	0
COMMITTEE TO RE-ELECT VIRGINIA SMITH TO CONGRESS C00069948		Y	4/20/78					24678	5112	19247	0

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 1977-1978
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DATE 1JUN78

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1978 STATEMENT OF CANDIDATE							28APR78		1 78HSE/135/1414
2. CANDIDATE REPORTS OF RECEIPT & EXPENDITURES									
TOTAL			0	0	0	0			0 TOTAL PAGES
3. PRINCIPAL CAMPAIGN COMMITTEE									
TONFY FOR CONGRESS							ID# C00093823		
1978 STATEMENT OF ORGANIZATION							28APR78		3 78HSE/135/1433
TOTAL			0	0	0	0			3 TOTAL PAGES
4. AUTHORIZED COMMITTEES									
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By Warden Mosley



FEDERAL ELECTION COMMISSION

1100 K STREET, N.W.
WASHINGTON, D.C. 20543

May 18, 1978

MEMORANDUM

TO: GENERAL COUNSEL

THROUGH: ORLANDO B. POTTER *DL for O.B.P.*

FROM: TOM HASELHORST *THH*

SUBJECT: REFERRAL OF NEBRASKA 10 DAY PRE-PRIMARY NON-FILER

The Reports Analysis Division has completed (through publication), its tracking of committees which are non-filers for the 10 Day Pre-Primary Report for Nebraska, and is referring one committee to your office in accordance with Directive No. 1. The notices for each stage and the green certified card for RCTB are attached.

Prior notice was sent to the Toney for Congress Committee on March 13, 1978.

On May 1, 1978, reason to believe was found against the committee for failure to file the 10 Day Pre-Primary Report due on April 29, 1978. However, as a result of a computer transmittal problem, the committee was never sent the RTB mailgram.

Reasonable cause to believe was found on May 3, 1978 and sent to the committee.

On May 6, 1978, the Press Office issued a release containing the name of the committee which failed to file the 10 Day Pre-Primary Report. This was the only committee published.

Should this committee file the required report subsequent to this referral, your office will be contacted promptly of the filing. In order to do so, please let me know who will be handling this referral. If you have any questions, please direct them to Peter Kell, Jr., Chief of the House Branch.



TONY FOR CONGRESS

RTB

RTB

RTB not sent due to computer transmittal problem.

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PS Form 3811, Jan 1975

● **SENDER** Complete items 1 through 5. Add your address in the "RETURN TO" space 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:**
 TONY FOR CONG
 WANDA WEST TREASURER
 10524 EVANS PLAZA
 CHAMPAINE, N.E. - 68134

3. **ARTICLE DESCRIPTION:**
 REGISTERED NO. CERTIFIED NO. ~~INSURED NO.~~
 B-85-WA12615-A-3122-00001
 (Always obtain signature of addressee or agent)

4. I have received the article described above:
 SIGNATURE: *[Signature]* Addressee or authorized agent

4. DATE OF DELIVERY: POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

51

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

You have been notified by the Federal Election Commission that you may have failed to file the 10-Day Pre-Primary Election Report of Receipts and Expenditures for the election to be held on _____, as required by the Federal Election Campaign Act.

As of this date, we have received no indication from the Clerk of the House or the Secretary of the Senate that they have received a response from you. Your continued failure to file the required report gives the Commission reasonable cause to believe that you are in violation of 2 U.S.C. 434. Under the Statute, you have an opportunity to conciliate this matter with the Commission (2 U.S.C. 437g). However, failure to respond immediately will result in the publication of your name on a list of non-filers and referral to our Office of General Counsel which may result in civil penalties.

Your required report should be filed immediately with either the Clerk of the House, - Office of Records and Registration, 1036 Longworth HOB, Washington, D.C. 20515, or the Secretary of the Senate, Office of Public Records, 119 D Street, N.E., Washington, D.C. 20510, as appropriate. A copy should also be filed with your Secretary of State or equivalent state officer.

If you have any further questions, you may contact the House or Senate Branches of the Reports Analysis Division on the toll free number (800)424-9530. Our local numbers are (202)523-4172 or 523-4040, respectively,

Sincerely,

Thomas E. Harris
Chairman

Certified Mail
Return Receipt Requested

Return to RAI WHEN REFERRED TO OGC



FEDERAL ELECTION COMMISSION

1155 K STREET N.W.
WASHINGTON, D.C. 20463

May 18, 1978

MEMORANDUM

TO: GENERAL COUNSEL

THROUGH: ORLANDO B. POTTER

FROM: TOM BASELHORST *TJB*

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