

2014 OCTOBER CANDIDATE REPORTING WEBINAR



October 1, 2014

1:00 P.M.

http://www.fec.gov/info/roundtable_materials/workshopmaterials.shtml

 Information Division
2013-14 Election Cycle

2014 October Quarterly Candidate Reporting Webinar

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Objectives

Describe Reports Analysis Division (RAD)
review process; how to respond to Requests for
Additional Information

Review registration and reporting requirements

Explain how to report financial activity

Discuss common reporting errors and disclosure
scenarios

I. RAD Review Process

Three Branches of RAD

- ▣ **Authorized Branch – 14 analysts**
 - Review all federal candidate committee reports
 - 2 month training program and mentored for 6-12 months
- ▣ **Party Non-Party Branch – 18 analysts**
 - Review all Party and PAC reports
 - 4-5 month training program; mentored for 6-12 months
- ▣ **Compliance Branch – 4 analysts**
 - Implement the Non-Filer and Administrative Fines programs

A. Organization of RAD

1. Three Branches

- a) **Authorized Branch** – reviews federal candidate committee reports – 14 analysts. New analysts undergo a 2 month training process and are then mentored by a more senior analyst for 6 to 12 months.
- b) **Party/Non-Party Branch** – reviews all party committee and PAC reports – 18 analysts. New analysts undergo a 4-5 month training process and are then mentored by a more senior analyst for 6 to 12 months.
- c) **Compliance Branch** – serves a quality control function for the review branches and implements the Non-Filer and Administrative Fine Programs – 4 analysts.
- d) Recently began cross training analysts to review reports filed by all committee/entity types.

Authorized Branch Analysts

- ▣ Each analyst is assigned 250-400 committees
- ▣ House and Senate campaigns assigned by state
- ▣ Presidential and Delegate committees are assigned to senior analysts
- ▣ Review electioneering communication and independent expenditure filings

2. Committee Assignments

- a) Authorized Branch analysts are assigned anywhere from 250 to 400 committees and filing entities (House, Senate, Presidential, Delegate, Joint Fundraising, Independent Expenditures and Electioneering Communications).
- b) House and Senate campaign committees are assigned by state.
- c) Presidential and Delegate committees are assigned to more senior analysts.
- d) All others are assigned randomly.

Analyst Responsibilities

- ▣ Review assigned committees' reports by established deadlines
- ▣ Assist committees by phone and log calls
- ▣ Meet with committees by request
- ▣ Participate in FEC conferences and roundtables
- ▣ Special projects

3. **Analyst Responsibilities**

- a) Review all reports filed by assigned committees by established deadlines.
- b) Customer service role – assist committees on the phone on a daily basis and log phone calls. Meet with Committees by request.
- c) Participate in FEC Conferences and Roundtables.
- d) Special Projects.

Review and Referral Policy

- ▣ Categories of review include:
 - Mathematical discrepancies
 - Failure to provide supporting schedules
 - Failure to properly itemize contributions from individuals
 - Prohibited, excessive and impermissible contributions
 - Improper itemization of disbursements
- ▣ RFAI threshold
- ▣ Thresholds are confidential and policy is approved by the Commission every 2 years

B. RAD Review of Reports

1. RAD Review and Referral Policy

- a) Policy is reassessed every election cycle and revisions/changes made based on input from RAD and other offices (such as OGC), and Commissioners. A redacted version of the RAD Review and Referral Policy can be found on the RAD web page.

2. Categories of Review

- a) Internal policy contains categories of review the analyst checks, such as: Prohibited, Excessive and Impermissible Contributions, Mathematical Discrepancies, Failure to Provide Supporting Schedules and Failure to Properly Itemize Contributions from Individuals and Disbursements, to name a few.
- b) Policy has established thresholds for making determinations on whether to send a Request for Additional Information (RFAI).
- c) Thresholds are confidential.

Review of Reports

- ▣ Thresholds are applied on a per report basis.
 - If reoccurring reporting issues exist on multiple reports, a committee may receive multiple RFAs identifying the same issue.
 - RAD does not consider previous responses to RFAs
 - ▣ Exceptions: Responses relating to best efforts procedures apply for the two-year election cycle; responses relating to foreign address inquiries that indicate safe harbor guidelines are followed for **all** contributions apply for the two-year election cycle.
- ▣ It's possible to see an issue questioned on one report, but not on another

3. **Review is conducted and thresholds are applied on a per report basis, meaning the thresholds are applied to each report reviewed.**
 - a) This means a committee may receive a RFAI identifying the same issue already addressed in response to a RFAI referencing a different report.
 - b) Exceptions include outlining Best Efforts procedures which would apply to the two-year cycle, and responses relating to foreign address inquiries that indicate safe harbor guidelines are followed for **all** contributions apply for the two-year election cycle.
 - c) There may be several issues that are aggregated together to meet a single threshold, so it's possible to see an issue questioned on one report that isn't included in an RFAI on for another report.

Request for Additional Info

- ▣ If internal thresholds are met:
 - Analyst sends RFAI with response due date in upper right corner
- ▣ No extensions
- ▣ Responses assessed by analysts, team leaders
- ▣ Analysts do not reply to committee responses

C. Request for Additional Information

1. If internal thresholds are met, an RFAI is sent, with a Response Due Date in the upper right hand corner of the letter. Extensions are not granted. The committee analyst's name and contact telephone number are also provided in the letter.

*Tip: You can find out who your analyst is by visiting:
<http://www.fec.gov/rad/index.shtml>.*

RFAIs via Email

- ❑ RAD is now emailing RFAIs to email address on FEC Form 1 (Statement of Organization).
 - Opt-Out Option: File a Form 99 to request that RFAIs be mailed via USPS.
- ❑ Committees can now disclose up to two email addresses on Form 1.
- ❑ Ensure current contact information (mailing address, email address, and phone number) appear on FEC Form 1.



Request for Additional Info

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

October 18, 2012

Jane Doe, Treasurer
Jane Doe for Congress
Normal, IL 00000

Response Due Date
11/23/2012

IDENTIFICATION NUMBER: C0000000

REFERENCE: SEPTEMBER MONTHLY REPORT (08/01/2012 - 08/31/2012)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. Failure to adequately respond by the

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Request for Additional Info

not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1166.

Sincerely,
Bradley Matleson
Bradley Matleson
Senior Campaign Finance Analyst
Reports Analysis Division

418

Analyst's Phone Number

Analyst's Name

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Responding to RFAs

Analysts do not contact committees in every case when a response is not sufficient

Committee should contact its analyst before and/or after filing a response

Analysts do not make legal conclusions

Analysts cannot categorize your activity

In some cases, RAD consults OGC before sending an RFAI and when assessing a committee's response

2. **Responses are assessed by the analysts and in some cases, team leaders.**
 - a) Analysts do not reply to responses.
 - b) Contact is not made with committees in every case when a response is not sufficient. Further explanation below.
 - c) Committees are encouraged to contact their assigned analyst prior to responding if unsure about how to respond or after a response is filed to ensure an adequate response is received.
 - d) Keep in mind that analysts can't make legal conclusions or give guidance on a legal conclusion being made by a committee. In addition, they cannot determine what category your activity falls under (i.e., independent expenditures or coordinated party expenditures).
 - e) In some cases, RAD consults with OGC before sending a RFAI and when making a response assessment.

Responding to RFAs

- ▣ File amendment to:
 - Add, Change or Delete actual entries on FEC report
- ▣ Use miscellaneous text submission (Form 99) for:
 - Narrative responses that do not affect actual entries within a report
 - (e.g., demonstrating best efforts)

3. **Best way to respond to RFAs depends on type of information that needs to be provided.**
 - a) File an **amendment to a report** when changing information that affects entries on a report. This would include additions, changes or deletions.
 - b) File a **Miscellaneous Text Submission (Form 99)** for narrative responses that do not affect actual entries within a report. (For example, when outlining procedures for “Best Efforts” in obtaining contributor information.)

OGC & ADRO Referrals

- ❑ Policy includes thresholds for further Commission action.
- ❑ Adequate and timely responses may be considered.
- ❑ RAD calls committee before referring to OGC or ADRO to explain RFAI and request response.

D. Referrals to OGC (Office of General Counsel) and ADRO (Alternative Dispute Resolution Office)

1. Internal policy includes thresholds for determining whether a matter should be referred to OGC or ADRO.
2. An adequate response is required by the timeframe given to prevent the matter from being referred.
3. Committee will receive a phone call from RAD prior to a referral to ADRO or OGC to explain RFAI and request a response.

Audit Consideration Factors

- ▣ Level of financial activity
- ▣ Responses to RFAs
 - ✓ Late or no response
 - ✓ Inadequate response
- ▣ Election results (Authorized Committees only)
- ▣ Number of amendments filed is NOT a factor
- ▣ Number of RFAs received is NOT a factor if responses were adequate and timely

E. Referrals to the Audit Division

1. Factors for making referrals to the Audit Division
 - a) Level of financial activity
 - b) Responses to RFAs
 - i. Late or no response
 - ii. Inadequate responses
 - c) Election Results
2. The number of amendments filed is not a factor.
3. The number of RFAs is not a factor if responded to adequately and on time.
4. Committees should ensure that they have provided the most current mailing address, email address and phone numbers on their Statement of Organization (FEC Form 1). Often RFAs are returned by the Post Office due to an incorrect mailing address. In addition, RAD began sending RFAs via email in October 2011, so it's important to ensure a valid email address is provided on FEC Form 1. Committees have the option to instead receive RFAs on paper through the mail and can indicate this preference by filing Form 99.

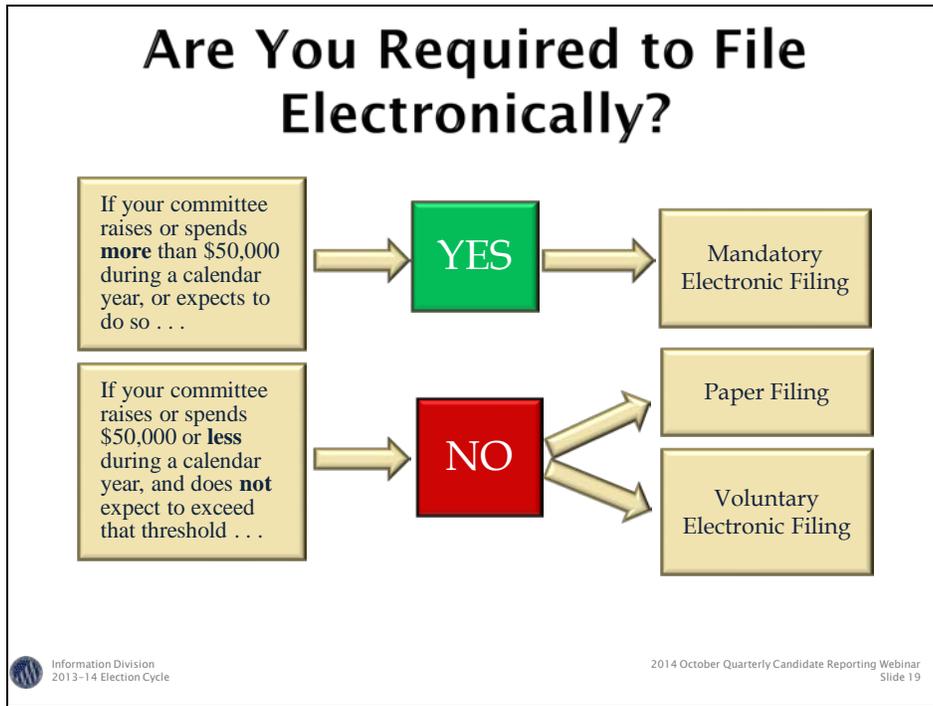
II. Reporting - Timely Filing Schedule and Reporting Dates

Quarterly Filers - 2014	
Report Type	Coverage and Due Dates
Pre-Primary	Covers 1st day of current period to 20 days before election; Due 12 days before election. Varies by state.
April Quarterly	Covers 1/1 - 3/31; Due 4/15/14
July Quarterly	Covers 4/1 - 6/30; Due 7/15/14
October Quarterly *	Covers 7/1 - 9/30; Due 10/15/14
Pre-General	Covers 10/1 - 10/15; Due 10/23/14
Post-General	Covers from 10/16 - 11/24; Due 12/4/14
Year-End (General Election candidates)	Covers 11/25 to 12/31; Due 1/31/15
Year-End (non-General Election candidates)	Covers 10/1 to 12/31; Due 1/31/15

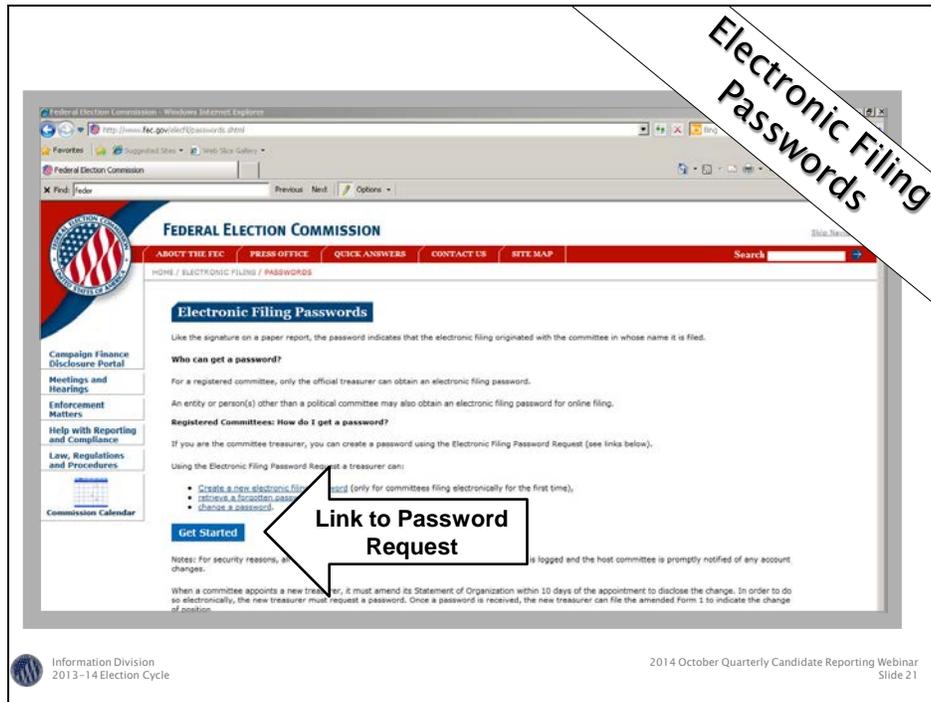
***Beginning coverage date may differ due to 12P**

- A. Quarterly Filing:** Quarterly filing is mandatory for campaigns (House, Senate, Presidential). Presidential committees are required to file monthly during election years.
1. Authorized committees file quarterly reports in all years, with quarterly reports due April 15, July 15, **October 15** and January 31.
 2. File pre-election reports in election years.
 - a) File pre-primary (or pre-Convention or pre-runoff if applicable) report due 12 days before election.
 - b) If in general election, file Pre-General report due 12 days before general (i.e., reg./cert. & overnight mailing deadline is 10/20/14 and filing deadline is 10/23/14).
 - c) File Post-General Report, due 30 days after general (i.e., 12/04/14).
 - d) Reporting period always begins the day after close of books of last report filed.
 - e) Post Election Detailed Summary Page splits election cycles apart, and is needed for those reports that cover two election cycles, because the law requires reporting by authorized committees on an election-cycle to date basis.

Tip: You can find information on reporting deadlines by visiting http://www.fec.gov/info/report_dates.shtml



- B. Electronic vs. Paper Reporting** (Campaign Guide for Congressional Candidates and Committees (“Guide”), pp. 83-88)
- 1. Who Must E-File?**
House campaign committees that raise or spend more than \$50,000 in a calendar year, or that have reason to expect to do so.
 - 2. Who is Exempt from Mandatory E-Filing?**
 - a) Senate campaigns
 - b) All House campaign committees that do not meet the \$50,000 threshold above.
 - 3. Exceeding Threshold for E-Filing**
 - a) Once committee exceeds threshold, it begins filing electronically with the next regular report.
 - b) Committee must continue to file electronically for the next two calendar years (January through December), unless it is a House campaign committee that has \$50,000 or less in net debts outstanding on January 1 following the general election, and that anticipates terminating prior to January 1 of the next election year.
 - 4. Voluntary Filing**
 - a) House campaign committees that aren’t required to e-file, but choose to anyway, must continue to do so for the remainder of the calendar year.
 - b) Senate campaigns must still file paper copy.
 - c) New committees with no prior data on which to base calculations have reason to expect to exceed threshold if they either:
 - i. Receive contributions or make expenditures that exceed \$12,500 in first quarter of calendar year, or
 - ii. Receive contributions or make expenditures that exceed \$25,000 in first half of the calendar year.
 - iii. Threshold calculated on a per-committee basis; affiliated committees calculate their own contributions and expenditures separately for purposes of determining if they have met mandatory e-filing threshold.
 - 5. Paper Filing by E-Filer**
House campaign committees that submit a report on paper that should have been filing electronically will be treated as non-filers and may be subject to enforcement actions (including Administrative Fines).
 - 6. To meet the filing deadline, electronically filed reports must be received and validated by the Commission’s computer system on or before 11:59 p.m. (Eastern Time) on the filing date.**



- C. **Electronic Filing** (Guide, pp. 83-85)
1. **Passwords Required** - Before you can electronically file, you will have to obtain a password. You cannot file without one.
 2. **Who Can Get a Password?**
Only the official treasurer can obtain an electronic filing password. It is important that the committee has provided a valid email address on its Statement of Organization, as a validation email will be sent out the Committee.
 3. **How Do You Get a Password?**
 - a) Most committees may obtain or change their password online at <http://www.fec.gov/electfil/passwords.shtml>.
 - b) Existing committees that have not previously used the online system should contact the Electronic Filing Office for assistance at 202-694-1307.
 4. **How Long Does it Take?**
 - a) Passwords can now be obtained in just a few minutes online.
 - b) We recommend you request your password as early in the process as possible, in case any issues arise.
 5. **The Password is Case-Sensitive.**
 6. **Remember your Password** – If your forget it, you will have to request a new one.
 7. For more information, visit <http://www.fec.gov/electfil/electron.shtml>

Filing on Time

- ▣ No Extensions
 - Filing dates not extended for weekends or holidays.
 - Must be received on business day preceding filing date.
- ▣ Registered/Certified vs. Overnight Mail
 - If filing using USPS registered/certified mail, keep receipt.
 - “Overnight Mail” means next-day express or priority mail with delivery confirmation or overnight service with online tracking system. Same terms as registered/certified mail. (Keep receipt/tracking number).

D. Paper Filers

1. Other Reporting Considerations for Paper Filers

- a) **Statute Prohibits Extensions** (Applicable to Paper and Electronic Filers).
- b) **Weekends and Holidays**
Filing dates not extended for weekends or holidays. Must be filed on or before business day preceding filing date.
- c) **Registered vs. Overnight Mail**
 - i. If filing using USPS registered mail, keep receipt.
 - ii. “Overnight Mail” means next-day express or priority mail with a delivery confirmation or an overnight service with an online tracking system. File using same terms as certified/registered mail (keep receipt/tracking number).

Administrative Fine Program

- ▣ Civil money penalties for filing late, or not filing at all.
- ▣ Size of fine depends on various factors (including level of financial activity and prior Administrative Fines assessed).
- ▣ Penalty calculator on FEC website at http://www.fec.gov/af/af_calc.shtml

E. **Administrative Fines Program (AFP)** (Guide, pp. 82-83)

1. **Background**

Program for assessing civil money penalties for violations for failure to file reports on time and/or at all.

2. **Applies to:**

- a) Late filers
- b) Non-filers
- c) Regulations found at 11 CFR 111.30-111.45

3. **Civil Money Penalties -- Factors in determining:**

The interaction of several factors will determine the size of the penalty (also see calculator on website at

http://www.fec.gov/af/af_calc.shtml).

Best Efforts to File on Time

Best efforts* may be used as a defense for late filing if:

- Committee was prevented from filing report on time by reasonably unforeseen circumstances beyond committee's control and
- Filed the report no later than 24 hours after the end of those circumstances

*Not the same as best efforts for obtaining contributor information

- F. Timely Filing/Using Best Efforts (not the same as “best efforts” for obtaining contributor information)**
- 1. Reports required on time;** no extensions.
 - 2. If report not filed on time,** committees may use “best efforts” defense if committee took normal precautions and trained staff, but failure to report was due to circumstances beyond committee's control and the late report was filed within 24 hours after those circumstances ended (pursuant to April 2007 revisions to AFP regulations).

Best Efforts to File on Time

Committee may use best efforts defense if late filing is due to:

- ☐ Failure of FEC computers/Commission-provided software, despite committee seeking technical assistance from FEC personnel and resources
- ☐ Widespread disruption of information transmissions over internet
- ☐ Severe weather or other disaster-related event

3. **When can best efforts defense be used:**
 - a) Committee may use best efforts defense if failure to report is due to failure of Commission computers or software, despite receiving Commission technical assistance, widespread disruption of information transmissions over the internet, or severe weather or other disaster-related event.

Best Efforts to File on Time

Committee may **not** use best efforts defense if late filing is due to:

- ❑ Negligence;
- ❑ Illness, inexperience or unavailability of treasurer or committee staff;
- ❑ Committee computer, software or ISP failures;
- ❑ Delays caused by committee vendors/contractors;
- ❑ Failure to know; or
- ❑ Failure to use filing software properly.

- b) Committee may **not** use best efforts defense if failure to report is due to unavailability, inexperience or negligence of staff, counsel or organization, failure of committee's computer system, delays caused by vendors, failure to understand or know the law or failure to use filing software properly.

4. **For more information, review:**
http://www.fec.gov/law/cfr/ej_compilation/2007/notice_2007-7.pdf
(rules) and
http://www.fec.gov/law/cfr/ej_compilation/2007/notice_2007-13.pdf
(policy statement) and the May and July 2007 *Record* issues.

III. Financial Reports – FEC Form 3 (Guide, pp. 87-116)

FEC Form 3

- ❑ Used by House and Senate filers
- ❑ Cover Page - shows report type/coverage dates
- ❑ Summary Page - overview of receipts and disbursements
- ❑ Detailed Summary Pages - overview of receipts and disbursements by category
- ❑ Schedules - show detailed info by line number
- ❑ Post-Election Detailed Summary Page

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Detailed Summary Page Receipts

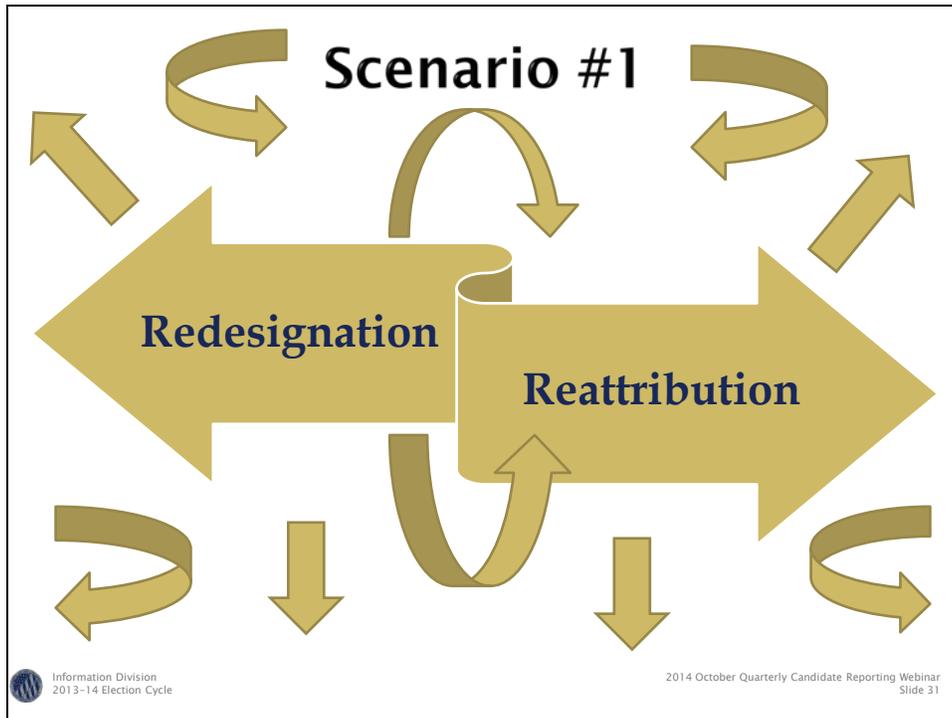
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Reporting Receipts

- ▣ Itemize regardless of amount:
 - Contributions from party committees/organizations
 - Contributions from other political committees
 - Transfers
 - Loans
- ▣ All other receipts:
 - Itemize once they exceed \$200 when aggregated with other receipts from that same source during an election cycle

- A. Report Receipts on the Appropriate Line Number**
- 1. Itemize Regardless of Amount:**
 - a) Contributions from political committees - Line 11b or 11c
 - b) Transfers from affiliated authorized committees - Line 12
 - c) Loans received – Line 13a or 13b
 - 2. Threshold for Other Categories**

Itemize all other receipts once they exceed \$200 when aggregated with other receipts from that same source during the election cycle.



Curing Excessives

Options: The Three R's

Refund	Redesignate	Reattribute
• To the contributor	• To another election	• To another contributor
1	2	3

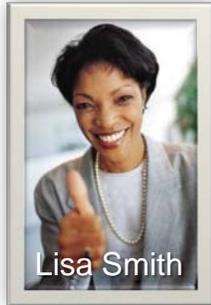
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Practical Application



Presumptive Redesignation



1. Designate \$2,600 to General
2. Redesignate \$2,600 to Primary Debt
3. Notify Lisa, offering option of refund

* Ensure that contributor does not exceed contribution limit

Presumptive Redesignation:

Primary election contribution. If an individual or a non-multicandidate committee makes an excessive primary contribution, campaign may presumptively redesignate excessive portion to general election if contribution:

- Is made before candidate's primary election;
- Is not designated in writing for a particular election;
- Would be excessive if treated as a primary election contribution; and
- As redesignated, does not cause the contributor to exceed any other contribution limit.

General election contribution. The excessive portion of an undesignated contribution made after the primary but before the general may be presumptively redesignated to the primary if the campaign's net debts outstanding from the primary equal or exceed the amount redesignated.

Notification Requirement

Committee must notify contributor of redesignation by paper mail, e-mail, fax or other written method within 60 days of treasurer's receipt of contribution; must notify contributor of right to receive refund instead.

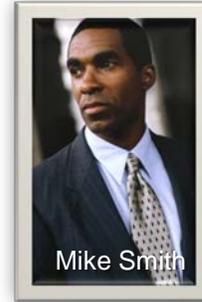
Practical Application



Presumptive Reattribution



1. Attribute \$2,600 to Lisa
2. Reattribute excessive \$2,600 to Michael
3. Notify both; offering option of a refund



* Ensure that neither contributor exceeds contribution limit

Presumptive Reattribution

If individual contribution exceeds limit and is made on joint account, but has only one signature:

- Attribute permissible amount to the signer; and
- Presumptively reattribute excessive amount to other account holder, without obtaining his/her signature.

Notification Requirement

Committee must notify contributor of reattribution by paper mail, e-mail, fax or other written method within 60 days of treasurer's receipt of contribution; must notify contributor of right to receive refund instead.

Avoid Excessives

- ▣ Encourage contributors to designate contributions
- ▣ Obtain signatures for joint contributions



- ▣ Designation required if:
 - Contributing to a future election (i.e., not next election)
 - Contributing to retire debt from a past election

Detailed Summary Page: Disbursements

FEC Form 3 (Revised 02/2003)

DETAILED SUMMARY PAGE
of Disbursements

“Disbursements”

II. DISBURSEMENTS

	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES:		
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES:		
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate		
(b) Of All Other Loans		
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b))		
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		

Reporting Disbursements

Itemize regardless of amount:

- Transfers to affiliated committees
- Loan repayments
- Loans made
- Contributions made to other federal candidates
- Refunds to other political committees

All other disbursements:

Itemize once they exceed \$200 in aggregate during an election cycle

- B. Report Disbursements on the Appropriate Line Number**
- 1. Itemize Regardless of Amount:**
 - a) Transfers to affiliated authorized committees – Line 18
 - b) Loan repayments – Line 19
 - c) Contributions made to other federal candidates/other political committees – Line 21
 - 2. Threshold for Other Disbursement Categories**

Itemize all other disbursements once they exceed \$200 when aggregated with other disbursements to the same payee during the election cycle.

Purpose of Disbursement

- ❑ Rule of thumb: Could reader discern why a payment was made simply by reading the description provided?
- ❑ Non-exhaustive lists available on RAD's FAQ's page on FEC.gov at:
<http://www.fec.gov/law/policy.shtml#purpose>

Purpose of Disbursement

Entry must be sufficiently specific, when considered with the identity of the recipient, to provide a clear reason for the payment.

Full Name (Last, First, Middle Initial) A. URA Winner, Inc.			Date of Disbursement 09 / 15 / 2014	
Mailing Address 123 Money Lane			Amount of Each Disbursement this Period 10,000.00	
City City,	State ST	Zip Code 00000		
Purpose of Disbursement FEC Compliance Consulting			Category/ Type	
Candidate Name				
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)			
State:	District:			

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C. Purpose of Disbursement

1. FEC regulations require that the “purpose of disbursement” entry for each disbursement be sufficiently specific, when considered with the identity of the recipient, to provide a clear reason for the payment. 11 CFR 104.3(b)(3) and (4).
2. Policy statement includes non-exhaustive lists of acceptable and unacceptable “purpose of disbursement” descriptions intended to provide additional guidance to the regulated community and to foster consistency among filers.
3. As a general guideline, the statement suggests that filers consider whether a person unaffiliated with the campaign/committee could discern why a payment was made by reading the description they have provided.
4. List is updated periodically and made available online at <http://www.fec.gov/law/policy.shtml#purpose>.

Disbursements Requiring Additional Itemization

- Certain disbursements require memo itemization to disclose the original vendor, date, amount, address, and purpose.
 - Staff reimbursements
 - Candidate in-kind contributions
 - Credit card payments

SCHEDULE B (FEC Form 3) ITEMIZED DISBURSEMENTS		FOR LINE NUMBER (check only one)	
Line separate schedule(s) for each category of the Detailed Summary Page		<input checked="" type="checkbox"/> 17	<input type="checkbox"/> 18
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.		<input type="checkbox"/> 19a	<input type="checkbox"/> 19b
NAME OF COMMITTEE (in Full)		<input type="checkbox"/> 20a	<input type="checkbox"/> 20b
Full Name (Last, First, Middle Initial)		Date of Disbursement	
A. Credit Card Company		08 / 28 / 2014	
Mailing Address 12 Muche Ct.		Amount of Each Disbursement this Period	
City Philadelphia State PA Zip Code 00000		1,300.00	
Purpose of Disbursement Credit Card Payment - See Below		Candidate Name	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President <input type="checkbox"/> District		Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	
Full Name (Last, First, Middle Initial)		Date of Disbursement	
B. Southwest Airlines		07 / 16 / 2014	
Mailing Address 777 Jetstream Way		Amount of Each Disbursement this Period	
City Dulles State VA Zip Code 00000		1,300.00	
Purpose of Disbursement Airline Tickets		Candidate Name	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President <input type="checkbox"/> District		Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	

MEMO
Credit Card Payment

D. Disbursements Requiring Additional Itemization

Certain disbursements require supporting information that can be reported as a memo entry. The supporting memo entry must include the original vendor, date, amount, address, and purpose.

1. Staff Reimbursements
2. In-Kind Contributions from the Candidate
3. Credit Card Payments

Scenario #2

REPORTING DISBURSEMENTS: OPERATING EXPENDITURES

Reporting Disbursements

Review

Itemize regardless of amount:

- Transfers to affiliated committees
- Loan repayments
- Loans made
- Contributions made to other federal candidates
- Refunds to other political committees

All other disbursements:

- Itemize once they exceed \$200 in aggregate during an election cycle

Scenario #2: Reporting Disbursements – Operating Expenditures (*Guide*, pp. 99-100)
and **Credit Card Transactions** (*Guide*, pp. 100-101)

Mr. Newman, Candidate Cosmo Kramer’s Treasurer, decided the smartest way for the campaign committee to pay its expenses was for the campaign to have its own credit card. During the period covered by the July Quarterly Report, the card (issued by Citibank VISA, 301 10th Street, Suite 4500, New York, NY 10001) was used to pay the following expenses:

1. \$150 paid to Poppy’s Restaurant (located at Broadway and 112th Street, New York, NY 10025) for food brought in for the June 1, 2014, monthly fundraising luncheon. (The campaign has not used this restaurant before in the current election cycle.)
2. \$3,000 paid to Skyway Airlines for a charter flight Candidate Kramer took on June 27, 2014. Skyway is based out of Newark Airport (address: 301 Airport Way, Newark, NJ 07114).

By not paying the credit card bill for a few months, the campaign has incurred an additional \$24.50 in finance charges. On August 29, 2014, the campaign paid off the entire \$3,174.50.

1. How should the committee disclose credit card debt?

2. How should the committee properly disclose the credit card payment?

3. Key issues:

Scenario #2 Answers:

1. How should the committee disclose credit card debt?

Debts and obligations (other than loans) are reported on Schedule D according to the following rules:

- A debt of \$500 or less is reportable once it has been outstanding 60 days from the date incurred (date of transaction, not date bill is received). The debt is disclosed on the next regularly scheduled report.
- A debt exceeding \$500 must be reported in the report covering the date on which the debt was incurred.

Schedule D (outstanding debt): The debt to the credit card company should be disclosed on Schedule D in the same way as any other debts. List the credit card company as the debtor; be sure to reflect the outstanding debt amount at the close of the reporting period.

Please note: no memo entries for specific credit card transactions should be listed on Schedule D.

Schedule D, Line 10:

- Report amount owed as debt until reimbursed if >\$500 or outstanding >60 days
- Do not use MEMO entries on Schedule D – vendors listed on Schedule B when disclosing payment

Credit Card Debt

SCHEDULE D (FEC Form 3) DEBTS AND OBLIGATIONS		(Use separate schedule(s) for each numbered line)	PAGE OF FOR LINE NUMBER: (check only one) <input type="checkbox"/> 9 <input checked="" type="checkbox"/> 10
Excluding Loans NAME OF COMMITTEE (In Full) Cosmo Kramer for Congress Committee			
A. Full Name (Last, First, Middle initial) of Debtor or Creditor Citibank VISA		Nature of Debt (Purpose): Credit card debt	
Mailing Address 301 10th Street, Suite 4500			
City New York	State NY	Zip Code 10001	
Outstanding Balance Beginning This Period 0.00			
Amount Incurred This Period 3,150.00	Payment This Period 0.00	Outstanding Balance at Close of This Period 3,150.00	

Schedule B (debt payments): As the committee pays off the debt, report partial or full payments on Schedule B – include MEMO entries to show original transactions making up the amount that is being repaid to the credit card company directly below the entry for payment to the credit card company (or, for electronic filers, link these). See reporting example above.

Note for Electronic Filers: Certain types of electronic filing software may not allow you to include a portion of memo entries underlying each partial payment on a credit card debt on each report where your committee is showing a repayment. For example, your software may only allow you to include all memo entries on the first report where you show a partial payment, but may not allow you to include any memo entries on the next report(s) where you show subsequent repayment(s). In this case, please note so using Memo Text on each report where this applies to avoid Requests for Additional Information from the Reports Analysis Division of the FEC.

2. How should the committee properly disclose the credit card payment?

The committee needs to disclose the payment of charges on the campaign credit card as an operating expenditure.

How to Report:

- **Report credit card payment** on Schedule B for Line 17. Campaign should disclose total payment to the credit card with the Date of Disbursement as the date the committee pays credit card bill.
- **Report itemization of vendor (Skyway Airlines)** on Schedule B for Line 17 as a MEMO entry. The Date of Disbursement is the date of the charter flight; in the Amount of Each Disbursement this Period box, include notation, “Citibank VISA” as a cross-reference to the credit card payment.
- The \$150 payment to Poppy’s Restaurant does not require itemization, as the committee’s payments to this vendor did not aggregate over \$200 in the election cycle.

See Reporting Example on Next Page

**SCHEDULE B (FEC Form 3)
ITEMIZED DISBURSEMENTS**

FOR LINE NUMBER: **X 17** PAGE OF

NAME OF COMMITTEE (In Full)
Cosmo Kramer for Congress Committee

A. Citibank VISA
Date of Disbursement: 08 / 29 / 2014
Mailing Address: 301 10th Street, Suite 4500
City: New York State: NY Zip Code: 10001
Purpose of Disbursement: **Credit card payment**
Amount of Each Disbursement this Period: **3,174.50**

B. Skyway Airlines
Date of Disbursement: 06 / 27 / 2014
Mailing Address: 301 Airport Way
City: Newark State: NJ Zip Code: 07114
Purpose of Disbursement: **Travel Expense – June Fundraiser**
Amount of Each Disbursement this Period: **3,000.00**
MEMO Citibank VISA

C. Citibank VISA
Date of Disbursement: 08 / 29 / 2014
Mailing Address: 301 10th Street, Suite 4500
City: New York State: NY Zip Code: 10001
Purpose of Disbursement: **Credit card finance charge payment**
Amount of Each Disbursement this Period: **24.50**
MEMO Citibank VISA

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Credit Card Payment

October Quarterly Report

3. Key issues:

- Pay attention to the itemization threshold. Take into account previous disbursements to same vendor – keep good records.
- Use MEMO entry for any payee that exceeds the itemization threshold for operating expenses (in excess of \$200 for election cycle). Also include a notation that refers back to the credit card payment as cross-reference. The report should clearly show to which disbursement each memo entry relates.
- Debts owed to credit card company are reflected on Schedule D in the period in which the debt was incurred if amount owed is in excess of \$500; or once it has been outstanding for 60 days if \$500 or less. No MEMO entries on Schedule D.
- When paying credit card debt, disclose payment to credit card company on Schedule B for Line 17, including MEMO entry for any payees making up the amount being repaid to the credit card company.

IV. Common Reporting Errors and Reporting Scenarios

Avoid Common Mistakes

- ❑ Check for math errors
- ❑ Include all required schedules, all information
- ❑ Provide all information required by schedule
- ❑ Consult form instructions available on FEC.gov
- ❑ Designate contributions
- ❑ Only enter contributors into reporting software once to avoid aggregation problems
- ❑ Ensure correct committee name disclosed for contributions made/received



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A. Avoiding Common Mistakes

1. Check for math errors.
2. Include all appropriate schedules.
3. Provide all information required by schedule. Consult form instructions available on our website at <http://www.fec.gov/info/forms.shtml>.
4. Designate all contributions. If not designated, contribution is applied towards next election and may result in excessive contribution. Also indicate year of election and check Primary or General. If Special, Runoff, Convention or Recount election, check “Other” and also include election type & year (e.g., “Special General 2014”).
5. Avoid accidentally entering contributors multiple times into the committee’s reporting software program. This causes aggregation problems as well as excessive contributions to be reported.
6. Ensure the correct committee name is disclosed for contributions received/made. Using an incorrect committee name creates data entry problems and errors on the public record. Disclosing the FEC ID # of the contributor/recipient committee will help avoid mistakes.

Best Practices: Reporting

- ❑ Respond completely to RFAs by deadline specified.
- ❑ Contact your analyst to clarify questions and issues! The analyst can assist prior to the report being amended or if you are unsure what is wrong.
- ❑ Consult most recent lists of inadequate/adequate purposes and use rule of thumb.

B. Best Practices

1. Respond completely to all RFAs by the deadline specified.
2. Contact your analyst to clarify questions and issues. Please contact the analyst if you are unsure of what is wrong. The analyst can assist prior to the report being amended.
3. Consult most recent copy of inadequate/adequate purpose lists and use rule of thumb. <http://www.fec.gov/law/policy.shtml#purpose>

Contact Information

- ❑ Ensure current contact information (mailing address, email address, and phone number) appear on Statement of Organization (FEC Form 1)
- ❑ List up to two email addresses

Statement of Organization

FEC FORM 1		STATEMENT OF ORGANIZATION		Office Use Only
1. NAME OF COMMITTEE (in full) <input type="checkbox"/> (Check if name is changed)		Example: If typing, type over the lines.		12PE4M5
ADDRESS (number and street) <input type="checkbox"/> (Check if address is changed)				
CITY ▲ STATE ▲ ZIP CODE ▲				
COMMITTEE'S E-MAIL ADDRESS <input type="checkbox"/> (Check if address is changed)				
Optional Second E-Mail Address				

Provide current mailing address

Provide current e-mail address(es)

C. Statement of Organization (11 CFR 102.1(d) and 102.2)

1. Name and Address of Committee

- a) Use Committee's Official Name on:
 - i. FEC reports and statements.
 - ii. Disclaimer notices for public advertising.
- b) Street Address, Email, Website
 - i. Email required for electronic filers; necessary to receive RFAIs, FEC report notices, and other courtesy materials. Up to two email addresses can now be provided (both will be used for emailing RFAIs).
 - ii. URL required if committee has web page.

Statement of Organization

FORM 1:					
4. IS THIS STATEMENT	<input type="checkbox"/>	NEW (N)	OR	<input checked="" type="checkbox"/>	AMENDED (A)

Amendments

- File within 10 days after change in information
- E-filers submit a complete Form 1
- Paper filers only complete portions requiring changes

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2. Amendments

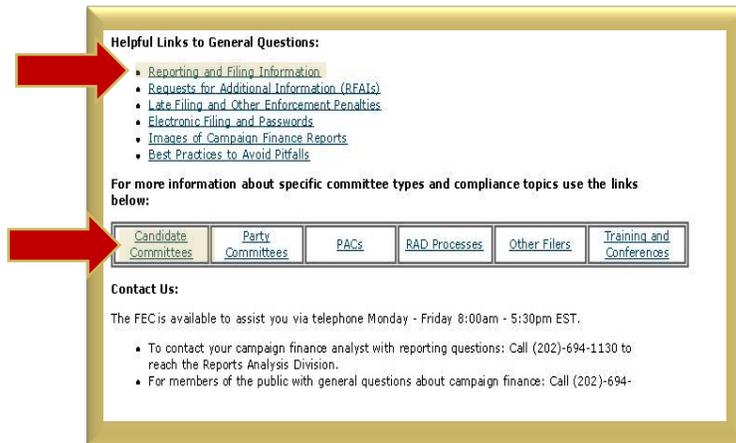
Amend Statement of Organization when necessary within 10 days of change. Remember to notify the FEC of address and treasurer changes by filing an amended Form 1.

RAD FAQs Web Page



<http://www.fec.gov/rad/index.shtml>

RAD FAQs Web Page



<http://www.fec.gov/rad/index.shtml>

D. Common Reporting Errors and Reporting Scenarios

SCENARIO #3

48-HOUR NOTICES

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48-Hour Notices

48-Hour Notices are required when a contribution of \$1,000 or more is received between 20 days and 2 days before an election.

- 48-Hour Notices are filed on the FEC Form 6.
- Each Form 6 must be filed within 48 hours of receiving a contribution of \$1,000 or more.
- Loans and in-kind contributions are included.

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SCENARIO #3 – Last-Minute Contributions – 48-Hour Notices
(*Guide*, p. 81)

Scenario #3

- General Election: Nov. 4, 2014
- 48-Hour Notice Period: Oct. 16 – Nov. 1, 2014
- Computer worth \$1,000 received Oct. 20, 2014
- \$5,000 check received Nov. 2, 2014

Which contributions require a 48-Hour Notice?

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As the November 4, 2014, general election day approaches, Candidate George Costanza makes a number of solicitation calls to his loyal contributors. In response to his call, Jacopo Peterman (a company CEO residing at 602 Main Street, Anytown, CO 12345) donates a \$1,000 computer to the campaign, on October 20, 2014.

David Puddy, the treasurer for the Mechanics' PAC (address: 303 Main Street, Anytown, CO, 12345), was on vacation when Candidate Costanza called making his appeal. Feeling bad for missing his call, and in order to get the money to the campaign before the election, Puddy walks down the street to the Costanza Campaign Office and hand delivers a \$5,000 check to Candidate Costanza on November 2, 2014.

- 1. Do any of these receipts trigger 48-Hour Notices?**

- 2. How should the committee disclose the October 20th receipt?**

- 3. How should the committee disclose the \$5,000 check received on November 2nd?**

Scenario #1 Answers:

1. Do any of these receipts trigger 48-Hour Notices?

Yes. Campaign committees must file special notices regarding contributions of \$1,000 or more received less than 20 days but more than 48 hours before 12:01 a.m. of the day of any election in which the candidate is running (whether or not the candidate has opposition in the election). The expedited disclosure requirements apply to all types of contributions, including:

- Contributions from the candidate;
- Loans from the candidate and other non-bank sources; and
- Endorsements or guarantees of loans from banks.

In our scenario, the 48-Hour Notice period runs from October 16th through November 1st, therefore the October 20th receipt triggers the 48-Hour Notice requirements.

2. How should the committee disclose the October 20th receipt?

The \$1,000 computer given in-kind from Jacopo Peterman should be disclosed as a 48-Hour Notice and must be reported to the FEC by October 22, 2014.

Campaign committees may file their 48-Hour Notices using FEC Form 6. The notices must reach the FEC (House) or Secretary of the Senate (Senate) within 48-hours of the committee's receipt of the contribution(s). Committees filing electronically must file their 48-Hour Notices electronically. Committees filing paper forms may fax the notice to the appropriate office: House (202) 219-0174; Senate (202) 224-1851. Alternatively, a paper-filing House committee may file online using the FEC's website at <https://webforms.nictusa.com/form6>.

Note that a last-minute contribution must also be itemized on the Committee's next scheduled report – and, as an in-kind contribution, this receipt will be disclosed on both Schedule A and Schedule B.

Report last minute receipts: Show reporting of 48-Hour Notice on Form 6. Include notation indicating the receipt is an in-kind contribution.

Scenario #3

48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL George Costanza for Senate <small>ADDRESS (number and street)</small> One Main Street <small>CITY, STATE, and ZIP CODE</small> Anytown, CO 12345						
2. NAME OF CANDIDATE George Costanza	3. OFFICE SOUGHT (State and District) Senate -- CO	FEC IDENTIFICATION NUMBER C00123456				
5. IS THIS AN AMENDMENT? <input checked="" type="checkbox"/> NO, THIS IS A NEW FILING <input type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON _____/_____/____						
A. FULL NAME, MAILING ADDRESS AND ZIP CODE Jacopo Peterman 602 Main Street Anytown, CO 12345	Name of Employer J. Peterman Catalog Co. Transaction ID: F6.4115 <small>Occupation</small> CEO	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><small>Date (month, day, year)</small></th> <th style="text-align: center;"><small>Amount</small></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">10/20/14</td> <td style="text-align: center;">\$1,000.00</td> </tr> </tbody> </table>	<small>Date (month, day, year)</small>	<small>Amount</small>	10/20/14	\$1,000.00
<small>Date (month, day, year)</small>	<small>Amount</small>					
10/20/14	\$1,000.00					
SIGNATURE (optional) <i>George Costanza</i>		DATE 10/20/14				
<small>Any information copied from reports and statements filed under the Federal Election Campaign Act may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.</small>		FEC FORM 6 <small>(Revised 07/2013)</small>				

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- 3. How should the committee disclose the \$5,000 check received on November 2nd?**
- No 48-Hour Notice is required. Though the contribution is over \$1,000, it was received outside the 48-Hour Notice period of October 16th through November 1st. Contributions received outside of that time period do not require expedited disclosure. The receipt will be reported on the campaign committee's next scheduled report, the Post-General Report.

48-Hour Notices

Methods for Filing Form 6:

- Electronically through FECFile and other filing software.
- Electronically through the FEC website's online webform.*
- For Senate committees, by mail or fax to the Secretary of the Senate.

* FEC.gov / Electronic Filing / Online Filing / Online Webforms / Form 6

4. Key issues:

- 48-Hour Notice is used to disclose contributions of \$1,000 or more received less than 20 days but more than 48 hours before 12:01 a.m. on the day of any election in which the candidate is running. The requirement is triggered whether or not the candidate has opposition in the election.
- A state-by-state chart of 48-Hour Notice periods for 2014 primary elections can be found at http://www.fec.gov/info/charts_primary_dates_2014.shtml.
- **Where and When to File:**
 - House Committees – file with the FEC on Form 6
 - Electronic filer: file electronically.
 - Paper filer: file via fax or online using the FEC website.
 - Must be filed within 48 hours after receipt.
 - Senate Committees – File with Secretary of Senate on Form 6
 - File via mail or fax.
 - Must be filed within 48 hours of receipt.
- Any receipts disclosed on the 48-Hour Notice must be disclosed again as a contribution/loan on the next scheduled report.

SCENARIO #4

JOINT FUNDRAISING TRANSFERS

Joint Fundraising

- ▣ Election-related fundraising held jointly by campaign + one or more other committees
- ▣ Joint Fundraising Representative (JFR)
 - Collects/deposits joint fundraising contributions
 - Pays expenses and transfers proceeds to participants
 - Participants amend Form 1 to designate JFR as an authorized committee
- ▣ Written Agreement
 - Outlines allocation formula for proceeds and expenses among all participants

Joint Fundraising – 11 CFR 102.17

Election-related fundraising conducted by a campaign committee and one or more other political committees or unregistered organizations.

- **Joint Fundraising Representative**
 - All participants must either create a new committee (recommended) or select one of the participating federal political committees to act as joint fundraising representative (JFR).
 - New committee established as JFR must register with the FEC and must include the name of each participating federal candidate in the new committee's name.
 - Participants amend FEC Form 1 accordingly to designate JFR as an authorized committee.
 - Responsible for collecting and depositing joint contributions, paying expenses and allocating net proceeds to all participants.
 - Must keep records and report overall joint fundraising activity.

- **Screening Contributions**
 - JFR and participants must screen contributions to make sure they are neither prohibited nor in excess of contribution limits.
 - Maximum limit = total amount he/she may contribute to all participants, without exceeding any limits.

- **Joint Fundraising Agreement**

Participants agree to formula to allocate proceeds and expenses and sign a written agreement.

- **Reporting Tips for Campaign as Participant** (Guide, pp. 137)
 - Upon receipt of net proceeds, campaign reports its share as a transfer-in on Form 3 for Line 12 (Transfers from Other Authorized Committee).
 - In addition, campaign also must itemize contributions from the original donors making up its share of the gross receipts as MEMO entries on Schedule A (only contributions aggregating over \$200 for the election cycle for the contributor require itemization).

SCENARIO #4 -- Joint Fundraising Transfers
(*Guide*, Appendix C, pp. 131-138)

Representative Cosmo Kramer and Senator George Costanza decide to hold an event on October 20, 2014, in Candidate Kramer's district for their 2014 campaigns. They plan to divide the expenses and proceeds equally and have designated the "Kramer/Costanza Victory Fund" as their joint fundraising representative.

At the event, Kramer/Costanza Victory Fund collects a total of \$5,200. The only contributions came from two of Candidate Kramer's high school friends, Lloyd Braun and David Puddy. Each made a \$2,600 contribution at the event. Since the proceeds were split evenly (50%) between Representative Kramer and Senator Costanza, Mr. Braun and Mr. Puddy each made a \$1,300 contribution to Representative Kramer and a \$1,300 contribution to Senator Costanza.

Kramer/Costanza Victory Fund incurred \$1,000 in expenses to put on the October 20th event. As a result, the Kramer for Congress Committee received a check from the Kramer/Costanza Victory Fund on October 23, 2014, in the amount of \$2,100, comprising the committee's 50% allocation of net proceeds.

- 1. How should the committee disclose the transfer in from Kramer/Costanza Victory Fund?**
- 2. What are the reporting requirements for contributions received from a joint fundraising representative during the 48-Hour Notice period?**
- 3. Is any additional disclosure necessary?**
- 4. Key Issues?**

Scenario #4 Answers:

1. How should the committee disclose the transfer in from Kramer/Costanza Victory Fund?

The funds are coming from Kramer/Costanza Victory Fund, which has been authorized to raise money for the candidate. Therefore, the receipt is treated as a transfer of funds from an authorized committee – not as contributions from individuals. The campaign committee should itemize its net proceeds (the campaign's share of the gross contributions, minus its share of expenses) as a receipt from Kramer/Costanza Victory Fund.

Scenario #4

- ▣ Representative Cosmo Kramer and Senator George Costanza form Kramer/Costanza Victory Fund
 - Split proceeds 50%
- ▣ Event raises \$5,200
 - \$2,600 from two individuals
- ▣ Event expenses were \$1,000
- ▣ Each committee receives \$2,100 from JF

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2. What are the reporting requirements for contributions received from a joint fundraising representative during the 48-Hour Notice period?

Principal campaign committees must file special notices regarding contributions of \$1,000 or more received less than 20 days but more than 48 hours before 12:01am of the day of any election in which the candidate is running. In our scenario, the 48-Hour Notice period in connection with the November 4th general runs from October 16th through November 1st – therefore, the October 20th receipts trigger the 48-Hour Notice requirements.

Note for Joint Fundraising: the date of receipt is the date the JFR receives the contribution. However, the principal campaign committee, not the JFR, is responsible for filing the 48-Hour notice.

Campaign committees may file their 48-Hour Notices using FEC Form 6. The notices must reach the FEC (House & President) or Secretary of the Senate (Senate) within 48-hours of the committee's receipt of the contribution(s). Committees filing electronically **must** file their 48-Hour Notices electronically. Committees filing paper forms may fax the notice to the appropriate office: House & President (202) 219-0174; Senate (202) 224-1851.

Alternatively, a paper-filing House or Presidential committee may file online using the FEC's website at <https://webforms.nictusa.com/form6>.

A last-minute contribution must also be itemized on the Committee's next scheduled report.

Report last minute receipts: show reporting of 48-Hour Notice on Form 6.

Joint Fundraising: 48-Hour Notice

48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED <small>(See Frontside Side for Instructions)</small>			
<small>To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.</small>			
1. NAME OF COMMITTEE (FULL) Cosmo Kramer for Congress Committee			
ADDRESS (STREET AND BOX) 129 West 81st Street Apt. 5B			
CITY, STATE, AND ZIP CODE New York, NY 10024			
2. NAME OF CONTRIBUTOR Cosmo Kramer	3. OFFICE (HOUSE, SENATE, PRESIDENT, EX-GRATIS) NY / 08	4. FEC IDENTIFICATION NUMBER C00320000	
<small>Any information reported from such reports and statements may not be sold or used by any person for the purpose of securing contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.</small>			
A. Full Name, Mailing Address and ZIP Code Lloyd Braun 340 Amsterdam Avenue New York, NY 10024	Name of Employer NYC Mayor's Office Occupation Chief of Staff	Date (month, day, year) 10/20/14	Amount \$1,300.00
B. Full Name, Mailing Address and ZIP Code David Puddy 375 West End Avenue New York, NY 10024	Name of Employer West End Auto Body Occupation Mechanic	Date (month, day, year) 10/20/14	Amount \$1,300.00
SIGNATURE (optional) <i>Mr. Newman</i>		DATE 10/21/14	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Tel: Free 800-424-9530, Local 202-694-1100
		FEC FORM 6 (Revised 1/2001)	

3. Is any additional disclosure necessary?

Yes. The committee must list the individual contributions contained in the transfer-in from the JFR that meet the itemization threshold using MEMO entries on Schedule A. The MEMO entries should be linked to the transfer (for electronic filers) or appear directly underneath the main transfer entry. This will make it clear which individual contributions made up each transfer in cases where the committee reports multiple JFR transfers. (If unable to link or list individual contributions underneath the main transfer entry, specify the JFR transfer date next to each individual contribution as MEMO text).

Report receipt of transfer from Joint Fundraising Representative (JFR): show reporting on Schedule A for Line 12. The Date of Receipt is the date the campaign receives the net proceeds from the JFR.

Report individual contributors: show reporting on Schedule A for Line 12 using MEMO entries. The Date of Receipt is the date the JFR received the contribution from the individual; the Amount of Each Receipt this Period is the campaign’s full share of contribution (before expenses); also include the notation in the Receipt This Period box indicating, “Kramer/Costanza Victory Fund – Joint Fundraiser.”

Joint Fundraising: Transfer In

SCHEDULE A (FEC Form 3) ITEMIZED RECEIPTS		Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER (check only one)	PAGE OF
			<input checked="" type="checkbox"/> 12	11a 11b 11c 11d 11e 11f 11g 11h 11i 11j 11k 11l 11m 11n 11o 11p 11q 11r 11s 11t 11u 11v 11w 11x 11y 11z
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.				
NAME OF COMMITTEE (in full) Cosmo Kramer for Congress Committee				
Full Name (Last, First, Middle Initial) A. Kramer/Costanza Victory Fund				
Mailing Address 48 West 77th Street		City New York	State NY	Zip Code 10024
FEC ID number of contributing federal political committee C 00558741		Date of Receipt 10 / 23 / 2014		
Name of Employer NYC Mayor's Office		Occupation Chief of Staff		
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)		Election Cycle-to-Date 2,000.00		
		Amount of Each Receipt this Period 2,100.00		
MEMO Kramer/Costanza Victory Fund - Joint Fundraiser				
Full Name (Last, First, Middle Initial) B. Lloyd Braun				
Mailing Address 340 Amsterdam Avenue		City New York	State NY	Zip Code 10024
FEC ID number of contributing federal political committee		Date of Receipt 10 / 20 / 2014		
Name of Employer NYC Mayor's Office		Occupation Chief of Staff		
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)		Election Cycle-to-Date 1,250.00		
		Amount of Each Receipt this Period 1,300.00		
MEMO Kramer/Costanza Victory Fund - Joint Fundraiser				
Full Name (Last, First, Middle Initial) C. David Fuddy				
Mailing Address 375 West End Avenue		City New York	State NY	Zip Code 10024
FEC ID number of contributing federal political committee		Date of Receipt 10 / 20 / 2014		
Name of Employer West End Auto Body		Occupation Mechanic		
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)		Election Cycle-to-Date 1,250.00		
		Amount of Each Receipt this Period 1,300.00		
MEMO Kramer/Costanza Victory Fund - Joint Fundraiser				
SUBTOTAL of Receipts This Page (optional)				

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4. Key issues:

Joint Fundraising

- The date of receipt may be different for the JFR and the contributors.
- Report the transaction using Line 12 (Transfers from Other Authorized Committee), not Line 11(a)(i).
- Use MEMO entries to break out contributor itemization.
 - Report gross amount of contribution(s) and include a notation referring back to JFR.
 - Itemize contributions from the original donors making up its share of the gross receipts as MEMO entries on Schedule A (only contributions aggregating over \$200 for the election cycle for the contributor require itemization).
 - Please note that in most cases, the net amount of the transfer in to a participating campaign committee will be less than the sum of the MEMO entries supporting the transfer.
- The JFR pays expenses out of the total funds raised, and then gives participating committees their allocated share of the leftover money.
- Remember, when designating a separate JFR, participating campaign(s) must amend their FEC Forms 1 & 2 to add the JFR as an authorized committee.

48-Hour Notices

- A state-by-state chart of 48-Hour Notice periods for 2014 primary elections can be found on the FEC website at www.fec.gov/info/charts_primary_dates_2014.shtml.
- Must be filed within 48-hours of receipt.
If joint fundraiser, date of receipt = date JFR receives the contribution.
- Where and How to File:
 - **House Committees:** file with the FEC. Electronic filers must file electronically; paper filers may file via fax or online using the FEC website.
 - **Senate Committees:** file with the Secretary of the Senate. File via mail or fax.

SCENARIO #5

CANDIDATE LOANS FROM PERSONAL FUNDS



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Candidate Loans from Personal Funds

- ▣ Acceptable sources
 - Assets
 - Income
 - Interest/Dividends
 - Bequests
- ▣ Unlimited amount
- ▣ Repayment and forgiveness options

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Candidate Loans from Personal Funds

- ▣ On which schedules should personal funds loans be reported?
 - Schedule A: Receipt of a loan.
 - Schedule B: Loan repayments.
 - Schedule C: Continuously reporting loans until they are fully paid or forgiven.

Scenario #5 – Candidate Loan from Personal Funds (Guide, pp. 91 and 103-106)

On August 10, 2014, Candidate Elaine Benes generously dips into her “rainy-day” savings account and contributes \$50,000 to her principal campaign committee to give herself a boost in her 2014 campaign. She indicates, however, that once money from other contributors comes in, she wishes to be paid back in full by December 31, 2014. She indicates that she does not intend to charge the committee any interest.

- 1. How should the committee disclose the transaction(s)? Since she treated it as a loan, does it need to be disclosed as a contribution as well?**

- 2. How should the committee show a repayment on September 15th of \$5,000 toward a personal funds loan?**

- 3. How should the committee show the forgiveness of a personal funds loan by the candidate?**

Scenario #5 Answers:

1. How should the committee disclose the transaction(s)? Since she treated it as a loan, does it need to be disclosed as a contribution as well?

The definition of contribution includes loans, so it must be treated as such; but, as a loan, there are additional reporting requirements. Since it came from the candidate, no contribution limit applies.

The funds are disclosed as a loan from the candidate to the campaign committee. Also, since the candidate is treating this contribution as a loan, the committee must disclose the terms of the loan from the first time it is disclosed.

Report loan as contribution: Show reporting on Schedule A for Line 13(a). The Date of Receipt is the date the money is received by the campaign committee; include notation in Receipt this Period box indicating “personal funds.”

Scenario #5: Candidate Loan from Personal Funds

Receipt - Schedule A, Line 13(a)

SCHEDULE A (FEC Form 3) ITEMIZED RECEIPTS		Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)	PAGE OF
			<input type="checkbox"/> 11a <input type="checkbox"/> 11b <input type="checkbox"/> 11c <input type="checkbox"/> 11d <input type="checkbox"/> 12 <input checked="" type="checkbox"/> 13a <input type="checkbox"/> 13b <input type="checkbox"/> 14 <input type="checkbox"/> 15	
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.				
NAME OF COMMITTEE (In Full) Elaine Benes for Congress				
Full Name (Last, First, Middle Initial) A. Elaine Benes (Personal Funds)		Date of Receipt 08 / 10 / 2014		
Mailing Address 709 Main Street City: Anytown State: US Zip Code: 12345		Amount of Each Receipt this Period 50,000.00		
FEC ID number of contributing federal political committee C		Name of Employer Self Occupation Editor		
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) 2014		Election Cycle-to-Date 50,000.00		

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Report terms of the loan: Show reporting on Schedule C for Line 13(a). The Loan Source is the candidate. Also include notation indicating “personal funds.”

Scenario #5: Candidate Loan from Personal Funds

Loan Reporting - Schedule C, Line 13(a)

SCHEDULE C (FEC Form 3)		Use separate schedule(s) for each category of the Detailed Summary Page	PAGE OF
LOANS		FOR LINE NUMBER: (check only one) <input checked="" type="checkbox"/> 13a <input type="checkbox"/> 13b	
NAME OF COMMITTEE (In Full) Elaine Benes for Congress			
LOAN SOURCE Full Name (Last, First, Middle Initial) Elaine Benes - [Personal Funds]		Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
Mailing Address 709 Main Street			
City Anytown		State US	ZIP Code 12345
Original Amount of Loan 50,000.00	Cumulative Payment To Date 0.00	Balance Outstanding at Close of This Period 50,000.00	
TERMS			
Date Incurred MM / DD / YYYY 08 / 10 / 2014		Date Due MM / DD / YYYY 12 / 31 / 2014	
		Interest Rate 0 % (apr)	Secured: <input type="checkbox"/> Yes <input type="checkbox"/> No

2. How should the committee show a repayment on September 15th of \$5,000 towards a personal funds loan?

Show the total amount repaid by the committee to the candidate in the “Cumulative Payment To Date” field. The “Balance Outstanding at Close of This Period” should show only the remaining portion of the outstanding loan (“Original Amount of Loan” – “Cumulative Payment to Date” = “Balance Outstanding at Close of This Period”).

- For candidate loans, repayments of the loan principal should be reported on Line 19(a) (“Repayments of Loans Made or Guaranteed by the Candidate”) of the Detailed Summary Page.
- If the candidate charges interest on a personal funds loan, interest payments should be reported on Schedule B supporting Line 17 (“Operating Expenditures”) of the Detailed Summary Page.
 - Interest incurred but not paid should be disclosed on Schedule D.
- Non-candidate loans made to the committee by a financial institution should be reported on Line 19(b) (“Repayments of All Other Loans”) of the Detailed Summary Page.

Scenario #5: Candidate Loan from Personal Funds

Loan Repayment – Schedule B, Line 19(a)

SCHEDULE B (FEC Form 3) ITEMIZED DISBURSEMENTS		Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)	PAGE	OF	
			<input type="checkbox"/> 17 20a	<input type="checkbox"/> 18 20b	<input checked="" type="checkbox"/> 19a 20c	<input type="checkbox"/> 19b 21
<small>Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.</small>						
NAME OF COMMITTEE (In Full) Elaine Benes for Congress						
Full Name (Last, First, Middle Initial) A. Elaine Benes - [Personal Funds]			Date of Disbursement M = M / D = D / Y = Y - Y - Y 09 / 15 / 2014			
Mailing Address 709 Main Street			Amount of Each Disbursement this Period 5,000.00			
City Anytown		State US	Zip Code 12345		Category/ Type	
Purpose of Disbursement Candidate Loan Payment			Candidate Name			
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)		2014		
State:		District:				

Scenario #5: Candidate Loan from Personal Funds

Loan Repayment - Schedule C, Line 13(a)

SCHEDULE C (FEC Form 3)		PAGE OF
LOANS		FOR LINE NUMBER: (check only one) <input checked="" type="checkbox"/> 13a <input type="checkbox"/> 13b
Use separate schedule(s) for each category of the Detailed Summary Page		
NAME OF COMMITTEE (In Full) Elaine Benes for Congress		
LOAN SOURCE Full Name (Last, First, Middle Initial) Elaine Benes - [Personal Funds]		Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼
Mailing Address 709 Main Street		
City Anytown	State US	ZIP Code 12345
Original Amount of Loan <div style="border: 1px solid black; padding: 2px; width: 100px; text-align: center;">50,000.00</div>	Cumulative Payment To Date <div style="border: 1px solid black; padding: 2px; width: 100px; text-align: center;">5,000.00</div>	Balance Outstanding at Close of This Period <div style="border: 1px solid black; padding: 2px; width: 100px; text-align: center;">45,000.00</div>
TERMS		
Date Incurred <div style="display: flex; gap: 5px;"> <div style="border: 1px solid black; padding: 2px;">08</div> / <div style="border: 1px solid black; padding: 2px;">10</div> / <div style="border: 1px solid black; padding: 2px;">2014</div> </div>	Date Due <div style="display: flex; gap: 5px;"> <div style="border: 1px solid black; padding: 2px;">12</div> / <div style="border: 1px solid black; padding: 2px;">31</div> / <div style="border: 1px solid black; padding: 2px;">2014</div> </div>	Interest Rate <div style="display: flex; gap: 5px;"> <div style="border: 1px solid black; padding: 2px;">0</div> % (apr) </div>
Secured: <input type="checkbox"/> Yes <input type="checkbox"/> No		

3. How should the committee show the forgiveness of a personal funds loan by the candidate?

Report candidate forgiveness of the loan: Show reporting on Schedule C for Line 13(a). The “Balance Outstanding at Close of This Period” should be \$0. (Do not include the forgiven loan balance into the total of “Cumulative Payment To Date,” since the money was not actually repaid.)

For electronic filers: Please include Memo Text with your report stating that the candidate forgave the loan.

For all filers: When the candidate forgives a loan, the committee should file a letter signed by the candidate stating that the loan is forgiven. (Please note that this requirement applies to paper and electronic filers alike. Memo text at the end of an electronically filed report stating that the candidate forgave the loan will not be accepted in lieu of the letter.)

Candidate Loan Forgiveness

- Written, signed letter from candidate
- Schedules B and C do not show payments
- Make sure loan ending balance is correct

See Reporting Example on Next Page

Scenario #5: Candidate Loan from Personal Funds

Loan Forgiveness - Schedule C, Line 13(a)

SCHEDULE C (FEC Form 3) LOANS		PAGE _____ OF _____ Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one) <input type="checkbox"/> 13a <input checked="" type="checkbox"/> 13b
NAME OF COMMITTEE (In Full) Elaine Benes for Congress			
LOAN SOURCE Full Name (Last, First, Middle Initial) Elaine Benes - [Personal Funds]		Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
Mailing Address 709 Main Street			
City Anytown		State ZIP Code US 12345	
Original Amount of Loan 50,000.00	Cumulative Payment To Date 5,000.00	Balance Outstanding at Close of This Period 0.00	
TERMS			
Date Incurred 08 / 10 / 2014	Date Due 12 / 31 / 2014	Interest Rate 0 % (apr)	Secured: <input type="checkbox"/> Yes <input type="checkbox"/> No

4. Key issues:

- If the candidate wants to be paid back, be sure to report the receipt as a loan on both Schedule A, Line 13(a) and on Schedule C as an outstanding obligation when the loan is incurred. The loan should be continuously disclosed on Schedule C on subsequent reports until the loan is paid off or forgiven.
- Do not forget loan terms. Terms of a loan from the candidate's personal funds (no lending institution involved) may be more flexible. If there are no terms, do not leave boxes blank, enter "none" or "n/a."
- Include notations on both Schedules A & C indicating "personal funds." When the candidate forgives a loan, the committee should file a letter signed by the candidate stating that the loan is forgiven – for both paper and electronic filers.

Candidate Loans >\$250K

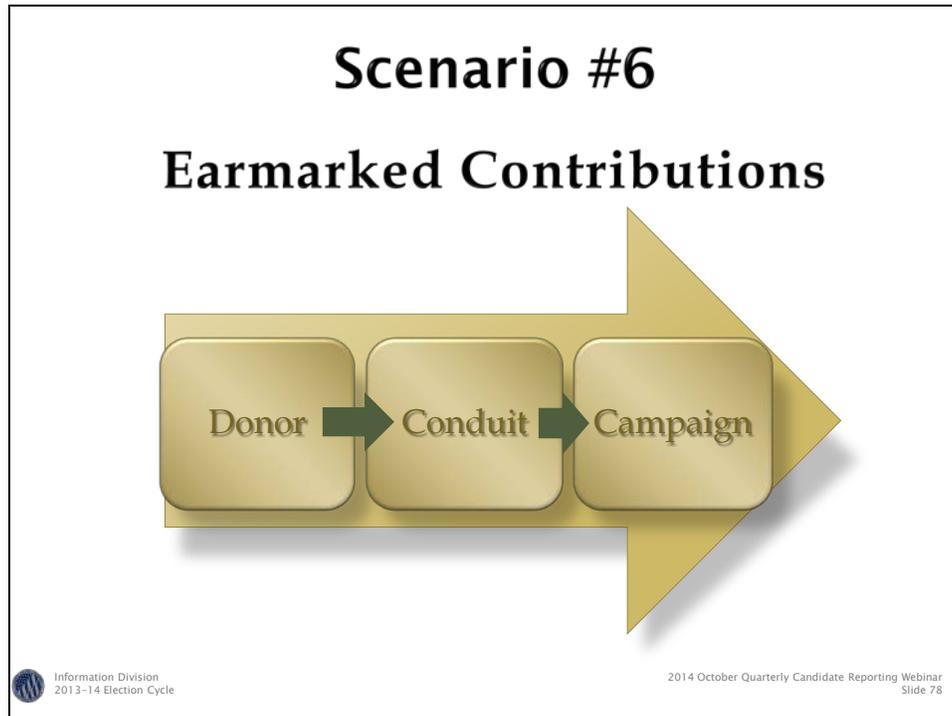
Special rules for personal funds loans aggregating >\$250,000 for an election:

- ▣ The committee may use contributions made on/before election date to repay loan(s) amount: must do so within 20 days of the election.
- ▣ The committee may use contributions made after the election date to repay only up to \$250,000; the rest must be converted to a contribution from the candidate by the 21st day after the election.

Repaying Candidate Loans Aggregating Over \$250,000 after an Election:

There are special rules concerning the repayment of personal loans from the candidate (including advances or candidate endorsed bank loans) that aggregate more than \$250,000 with respect to a given election. The following rules apply:

- The committee may use contributions to repay the candidate for the entire amount of the loan or loans only if those contributions were made on or before the day of the applicable election; and
- The committee may use contributions to repay the candidate only up to \$250,000 from contributions made after the date of the applicable election.
- If the committee uses the amount of cash-on-hand as of the date of the election to repay the candidate for loans in excess of \$250,000, then it must do so within 20 days of the election. During that time, the committee must treat the portion of candidate loans that exceed \$250,000, minus the amount of cash-on-hand as of the day after the election as a contribution by the candidate (11 CFR 116.11(c), Advisory Opinion 2003-30).



Conduit/Intermediary

Anyone who receives and forwards an earmarked contribution to a candidate

Except . . .

- Employees/full time volunteers of campaign
- Authorized fundraisers
- Affiliated committees of the campaign
- Commercial fundraising firms

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Earmarked Contributions

Procedures:

- ▣ Contribution must be:
 - Forwarded to campaign within 10 days of conduit's receipt
- ▣ Conduit must:
 - Provide campaign with contributor information for FEC report

Earmarked Contributions

- **Effect on Contribution Limits**
 - An earmarked contribution counts against the contributor's limit for the recipient candidate.
 - Conduit limit is affected when the conduit exercises direction or control over the contributor's choice of recipient candidate.
- **Transmittal to Campaign**
 - The conduit must forward an earmarked contribution to the recipient campaign committee within 10 days of receiving the contribution.
 - Campaign should receive transmittal report from conduit containing the contributor information needed to disclose on FEC report.

Scenario #5: Earmarked Contributions (*Guide*, pp. 125 – 126)

The Kramer for Congress Committee receives a \$1,150 check from the KramERICA Industries PAC on July 16, 2014, along with the following note:

Scenario #6



KramERICA Industries PAC
129 W. 81st Street, Apt. 5B
New York, NY 10024

Dear Mr. Newman:

On July 14, a couple of our Gold Star Members gave me \$1,150 and asked that it be contributed to your campaign committee. These contributions were not solicited by our PAC. We are merely passing them along in the form of the enclosed PAC check.

Of the total amount, \$1,000 should be attributed to Mickey Abbott – he is one of our Executive VPs and resides at 440 Columbus Avenue, New York, NY 10024. The remaining \$150 came from our other Executive VP, Joe Davola, of 400 Broome Street, also in NYC (Joe Davola has not previously made any contributions to Representative Kramer in this election cycle.)

Wishing you continued success.

Frank Costanza
Treasurer, KramERICA PAC

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1. **Does the committee disclose the receipt of an earmarked contribution as a PAC contribution or as a contribution from the individual? Or both?**

2. **How should the committee disclose the transaction(s)?**

3. **Key issues:**

Scenario #6 Answers:

1. Does the committee disclose the receipt of an earmarked contribution as a PAC contribution, a contribution from the individual or both?

Only as a contribution from the individual(s). In this scenario, Kramerica PAC is acting as a conduit. Since the decision to make the contribution to the candidate was independently made by the individual contributor, not under the direction or control of the PAC, it is treated as a contribution only from the individual(s), not affecting the conduit PAC's limits.

2. How should the committee disclose the transaction(s)?

- **Report itemized contribution from individual** on Schedule A for Line 11(a)(i). The Date of Receipt is the date the conduit received the money from contributor; itemization should also include a notation in the Receipt This Period box indicating, "Earmarked through Kramerica PAC." The \$150 contribution does not require itemization, but its value should be included in the total amount of unitemized contributions reported on Line 11(a)(ii).
- **Report the receipt from conduit** on Schedule A for Line 11(a)(i) as a MEMO entry. The Date of Receipt is the date the campaign received the funds from the conduit; itemization should also include a notation in the Receipt This Period box indicating "Total earmarked through conduit, PAC limits not affected."

See Reporting Example on Next Page

SCHEDULE A (FEC Form 3) ITEMIZED RECEIPTS		FOR LINE NUMBER: PAGE OF	
Use separate schedule(s) for each category of the Detailed Summary Page		<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3a <input type="checkbox"/> 3b <input type="checkbox"/> 3c <input type="checkbox"/> 3d <input type="checkbox"/> 4 <input type="checkbox"/> 5	
Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.			
NAME OF COMMITTEE (In Full) Cosmo Kramer for Congress Committee			
Full Name (Last, First, Middle Initial) A. Mickey Abbott Mailing Address 440 Columbus Avenue City New York State NY Zip Code 10024 Date of Receipt 07 / 14 / 2014 Amount of Each Receipt this Period 1,000.00 Earmarked through Kramerica PAC		Name of Employer Kramerica Industries Occupation Executive Assistant Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) Election Cycle-to-Date 1,000.00	
Full Name (Last, First, Middle Initial) B. Kramerica Industries PAC Mailing Address 129 West 81st Street Apt. 5B City New York State NY Zip Code 10024 Date of Receipt 07 / 16 / 2014 Amount of Each Receipt this Period 1,150.00 Total earmarked through conduit PAC limit not affected		Name of Employer Kramerica Industries PAC Occupation MEMO Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) Election Cycle-to-Date 1,150.00	

Both entries relate to a single receipt

3. Key issues:

- The date of receipt may be different for the conduit and the contributor(s).
- Use MEMO entry if the amount of earmarked contributions passed on by the conduit exceeds \$200 over the election cycle.
- The conduit’s contribution limit is affected if the conduit exercises direction or control over the choice of candidate. Please note that if the conduit’s limit is affected, the conduit must tell the campaign.

FEC Resources

- ❑ Website: www.fec.gov ; see Reports Analysis FAQs at <http://www.fec.gov/rad/index.shtml>
- ❑ Toll-free Information Line: (800) 424-9530
- ❑ Email questions to info@fec.gov
- ❑ Educational Outreach:
 - Conferences/Seminars
(email: conferences@fec.gov)
 - Roundtable Workshops & Webinars
 - E-Learning at fec.gov/info/elearning.shtml

Webinar Evaluation

Help Us Help You!
Please complete an evaluation
of this roundtable.