



INTERACTIVE ONLINE TRAINING PROGRAM

Basics & Best Practices

March 23, 2016
10:30 a.m.



Basics & Best Practices

Objectives

- ▣ **Review Basic Provisions of FECA**
- ▣ **Examine Recordkeeping and Filing Requirements**
- ▣ **Recommend “Best Practices”**
- ▣ **Highlight Compliance Resources**



Basics & Best Practices

PART 1: BASIC PROVISIONS OF THE FEDERAL CAMPAIGN FINANCE LAW

Federal Election Campaign Act

- ▣ Limits sources and amounts of funds used to finance federal elections
- ▣ Requires candidates and committees that support them to register and report activity
- ▣ Establishes FEC to administer and enforce law



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Contribution Source Limits

- ▣ Prohibited Sources of Contributions
 - Corporations and Unions
 - Federal Government Contractors
 - Foreign Nationals
 - Contributions in Name of Another



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I. Contribution Prohibitions

- A. Corporations (including incorporated membership, trade and cooperative organizations or associations), labor organizations and national banks** are prohibited from making contributions in connection with federal elections. **11 CFR 114.2**. Therefore, they may not:
1. **Act as conduit for earmarked contribution.**
 2. **Give discount to campaign or committee that is not in normal business practice.**
 3. **Allow use of facilities or resources without reimbursement, and, in some cases, advance payment.**
- B. Federal Government Contractors (11 CFR Part 115)**
- C. Foreign Nationals (11 CFR 110.20)**
1. **American subsidiary of foreign corporation may establish SSF only if:**
 - a) Foreign nationals do not control or participate in decisions of SSF; and
 - b) SSF is not administered or otherwise funded with foreign revenues.
 2. **Ban does not apply to permanent resident aliens (green card holders).**
 3. **Individuals who are foreign nationals may:**
 - a) Volunteer for Congressional campaign and participate in decision-making, (Note: because volunteer is engaged to candidate.) AO 2004-26.
 - b) Attend campaign fundraising events (Note: because attendee is engaged to candidate). AO 2004-26.
 - c) They may not, however, participate in decision-making regarding election activities for a corporation or a political committee. AO 2004-32.
- D. Contributions in Name of Another (11 CFR 110.4(b))**
1. Cannot reimburse or be reimbursed for contributions.
 2. Parents cannot give in names of children.
 3. BCRA increased penalties for violations of this ban.

Contribution Source Limits

- ▣ Prohibited in All U.S. Elections
 - Foreign Nationals
 - National Banks
 - Federally Chartered Corporations



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E. Certain Prohibitions Apply to All Elections (11 CFR 114.2(a))

1. Foreign nationals
2. National banks
3. Federally chartered corporations

II. Handling Questionable Contributions to Federal Account (11 CFR 103.3)

Questionable Contributions

THE MOM & POP SHOP, LLC
COLORADO SPRING, CO 80901

TP-348020H 101

March 1, 2016

PAY Your Campaign Committee \$ 2,700.00
to the order of Five thousand

YOUR FINANCIAL INSTITUTION
ADDRESS OF YOUR INSTITUTION

for *Sam "Pop" Jones*

⑆ 123456789⑆ 123456⑆ 101

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Questionable Contributions

MICHAEL OR LISA SMITH
MONTREAL, CANADA

TP-348020H 101

March 1, 2016

PAY Your Campaign Committee \$ 2,700.00
to the order of Five thousand

YOUR FINANCIAL INSTITUTION
ADDRESS OF YOUR INSTITUTION

for *Lisa Smith*

⑆ 123456789⑆ 123456⑆ 101

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Questionable Contributions

- ▣ Deposit or return ≤ 10 days of receipt
- ▣ Determine legality ≤ 30 days
- ▣ Seek oral or written evidence for files
- ▣ Retain or refund, as appropriate



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- A. Deposit While Checking**
If unsure whether contribution is from a permissible source, campaign may deposit it while confirming permissibility.
- B. Refund After 30 Days If Unable to Verify Legality**
Within 30 days of receipt, must refund if unable to determine if contribution is permissible.

III. Contribution Amount Limits (11 CFR 100.52)

A. Broad Definition

Anything of value given or loaned to influence a federal election.

B. Types

1. Money
2. In-Kind (goods and services)
3. Loans of money or advances of goods and services
4. Bank loan endorsements and guarantees
5. Advances of personal funds by staff and volunteers
6. Proceeds from sales of fundraising items
7. Extension of credit to committee outside ordinary course of business

Contribution Amount Limits

For 2015-16 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
Individual	\$2,700	\$5,000	\$10,000 (combined)	\$33,400	\$100,200
Candidate Committee	\$2,000	\$5,000	Unlimited Transfers	Unlimited Transfers	
PAC: multicandidate	\$5,000	\$5,000	\$5,000 (combined)	\$15,000	\$45,000
PAC: Nonmulticandidate	\$2,700	\$5,000	\$10,000 (combined)	\$33,400	\$100,200
National Party Committee	\$5,000 – House \$46,800 per cycle- Senate	\$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	\$5,000 (combined)	\$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

C. Contribution Limits (11 CFR 110.1 and 110.2)

1. Certain Limits Increased and Indexed for Inflation

- a) Candidate and party limits increased and indexed; multicandidate committee limits unchanged.
- b) Indexing began in 2005 – odd-numbered years.

2. How Applied

- a) Limits apply to contributions received and contributions made by committee.
- b) If made by an individual, counts against the limit of the person signing the check or accompanying note.

3. Presidential

- a) Primaries – One limit for all.
- b) General – No contributions if candidate accepts public funds. (See AO 2007-03, Obama)
- c) General Election Legal and Compliance (GELAC) Fund – OK if donations comply with limits.

4. Printable chart at:

<http://www.fec.gov/info/contriblimitschart1516.pdf>

Limits to Campaign Committees

For 2015-16 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
Individual	\$2,700	\$5,000	\$10,000 (combined)	\$33,400	\$100,200
Candidate Committee	\$2,000	\$5,000	Unlimited Transfers	Unlimited Transfers	
PAC: multicandidate	\$5,000	\$5,000	\$5,000 (combined)	\$15,000	\$45,000
PAC: Nonmulticandidate	\$2,700	\$5,000	\$10,000 (combined)	\$33,400	\$100,200
National Party Committee	\$5,000 – House \$46,800 per cycle- Senate	\$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	\$5,000 (combined)	\$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	



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Limits from Campaign Committees

For 2015-16 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
Individual	\$2,700	\$5,000	\$10,000 (combined)	\$33,400	\$100,200
Candidate Committee	\$2,000	\$5,000	Unlimited Transfers	Unlimited Transfers	
PAC: multicandidate	\$5,000	\$5,000	\$5,000 (combined)	\$15,000	\$45,000
PAC: Nonmulticandidate	\$2,700	\$5,000	\$10,000 (combined)	\$33,400	\$100,200
National Party Committee	5,000 – House \$46,800 per cycle- Senate	\$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	\$5,000 (combined)	\$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

Multicandidate v. Nonmulticandidate

For 2015-16 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
Individual	\$2,700	\$5,000	\$10,000 (combined)	\$33,400	\$100,200
Candidate Committee	\$2,000	\$5,000	Unlimited Transfers	Unlimited Transfers	
PAC: multicandidate	\$5,000	\$5,000	\$5,000 (combined)	\$15,000	\$45,000
PAC: Nonmulticandidate	\$2,700	\$5,000	\$10,000 (combined)	\$33,400	\$100,200
National Party Committee	5,000 – House \$46,800 per cycle- Senate	\$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	\$5,000 (combined)	\$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

Multicandidate Status

- ▣ Registered with FEC 6 months
- ▣ Received contributions >50 donors
- ▣ Made contributions to \geq 5 candidates
- ▣ Alternative: **affiliated** with one/more multicandidate committees



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D. **Multicandidate Committee Status (11 CFR 100.5(e))**

1. **Why Important:**

Determines whether PAC or party committee can give up to \$5,000 to candidate, per election (and whether candidate can accept it).

2. **Criteria**

- a) Registered with FEC 6 months.
- b) Received contributions from more than 50 contributors.
- c) Has made contributions to at least 5 federal candidates (not needed for state party committee).
- d) Alternative: be affiliated with multicandidate committee.

Affiliated Committees

Committees established, financed,
maintained or controlled by same entity:

- ★ Principal Campaign Committee and Other Authorized Committees
- State Party and Registered Local Party Committees in that State
- Corporate Parent and Subsidiaries
- National Membership Organization and its State and Local Units

E. **Affiliated Committees (11 CFR 100.5(e) and 110.3(a)(3))**

1. **How to Determine:**

- a) Principle: committees established, financed, maintained, or controlled by same entity or group of persons.
- b) Others may also be affiliated depending on various factors, such as similar patterns of contributions, common officers, etc. See 11 CFR 100.5(g) & 110.3(a).

2. **Example:**

Principal campaign committee and all authorized committees; limits on contributing to candidate apply on per election basis.

Affiliated Committees

Generally treated as one committee for purposes of federal campaign finance law:

- Share limits on contributions made and received

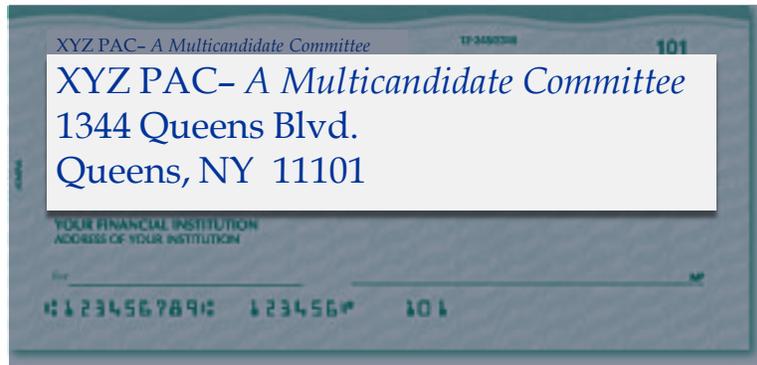


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- 3. Why Important:**
 - a) Same contribution limit applies to contributions received and made by affiliated committees.
 - b) If one committee qualifies as multicandidate, all its affiliated committees qualify.
 - c) No limit on transfers between affiliated committees.

Multicandidate Status



F. Multicandidate Committee Responsibilities

1. How to Inform the FEC

- a) PACs and Party committees must file Form 1M within 10 days of qualifying as multicandidate committee.
- b) Check box at end of page 2, Form 3X.

2. How to Inform the Campaigns

- a) Multicandidate committee must inform recipients that it has qualified as multicandidate committee.
- b) Call FEC's Public Records Office to verify status as *qualified* multicandidate committee.

Contribution Amount Limits

- ▣ Cash contribution cannot exceed \$100



- ▣ Maximum anonymous contribution \$50



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- G Other Contribution Limits**
- 1. Cash Contributions – \$100**
 - 2. Anonymous Contributions – \$50**

Sources of Support



- ▣ Contributions
- ▣ **Exempt Services**

Sources of Support

Exempt from Definition of Contribution/Expenditure

- ▶▶ Volunteer Services
- ▶▶ Use of Personal Property
- ▶▶ Food/Beverage Vendor Discount
- ▶▶ Home/Church/Community Room Event
- ▶▶ Computer Services
- ▶▶ Free Legal and Accounting

IV. Volunteer Exemptions (*Guide*, pp. 39-41)

A. Volunteer Services

An individual may volunteer uncompensated personal services without contribution resulting. Volunteer activity is NOT reportable. An individual's own meals and lodging not a contribution, as long as the expenses are incidental to volunteer activity.

B. Use of Personal Property

Individual may provide use of his/her real or personal property without contribution resulting (e.g., home or computer).

C. Food/Beverage Vendors (*Guide*, p. 42)

Vendor (may be incorporated) may sell food and beverages to campaign at a discount (must at least equal actual cost to vendor) not to exceed \$1,000 per candidate/per election.

D. Home/Church/Community Room Event (*Guide*, p. 40)

Individual may spend up to \$1,000 per election for food, beverages and invitations for event held in residence, church or community room without contribution resulting (nominal fee paid to secure room exempt).

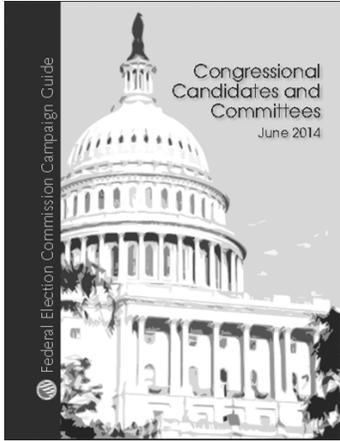
E. Computer Services (*Guide*, p. 39-41)

Individuals may use a computer for a wide variety of activities in connection with federal elections that will not result in a contribution or expenditure (i.e., sending or forwarding unlimited emails on any political topic; creating, maintaining or hosting a website).

F. Free Legal and Accounting Services (*Guide*, pp. 39)

Any entity (e.g., committee, corporation, union, partnership) may provide the campaign free legal and accounting services to help the campaign comply with the Act.

Sources of Support



Source of Support	Source of Support
<p>CHAPTER 7 SOURCES OF SUPPORT</p> <p>I. CONTRIBUTIONS</p> <p>Without making a contribution to a political campaign, an individual can support a candidate in several ways. The use of the individual's resources, such as computer equipment, to make a contribution to a candidate is not prohibited. However, the use of the individual's resources to make a contribution to a candidate is prohibited if the contribution is made in exchange for a favor or other benefit. See 11 CFR 101.116-1(a).</p> <p>Volunteer Services</p> <p>If an individual provides services to a campaign or political committee, the individual is not considered to have made a contribution. However, if the individual provides services to a campaign or political committee in exchange for a favor or other benefit, the individual is considered to have made a contribution. See 11 CFR 101.116-1(b).</p> <p>II. VOLUNTEER ACTIVITY</p> <p>Personal Services</p> <p>An individual may provide personal services to a campaign or political committee in exchange for a favor or other benefit. If the individual provides services to a campaign or political committee in exchange for a favor or other benefit, the individual is considered to have made a contribution. See 11 CFR 101.116-1(b).</p> <p>EXAMPLE</p> <p>A volunteer working on a campaign is the campaign's treasurer. The volunteer is responsible for the campaign's finances. The volunteer is also responsible for the campaign's fundraising efforts. The volunteer is not considered to have made a contribution. However, if the volunteer provides services to the campaign in exchange for a favor or other benefit, the volunteer is considered to have made a contribution. See 11 CFR 101.116-1(b).</p>	<p>Source Guide for Congressional Candidates</p> <p>Use of Real or Personal Property: Activities in Home, Church, Community Room</p> <p>In the case of a candidate's personal property, the use of the property for campaign purposes is not prohibited. However, the use of the property for campaign purposes is prohibited if the use of the property is in exchange for a favor or other benefit. See 11 CFR 101.116-1(c).</p> <p>Food, Drink, Hospitality for Meeting, Church or Community Room Event</p> <p>When holding a campaign-related event in the home, church, or community room of an individual, the individual is not considered to have made a contribution. However, if the individual provides food, drink, or hospitality to the event in exchange for a favor or other benefit, the individual is considered to have made a contribution. See 11 CFR 101.116-1(d).</p> <p>Internet Newsletter Activity</p> <p>General Exemption</p> <p>The general exemption for a group of individuals is not applicable to a candidate's campaign. However, the general exemption is applicable to a candidate's campaign if the candidate is not a candidate for a federal office. See 11 CFR 101.116-1(e).</p>

Sources of Support



- ❑ Contributions
- ❑ Exempt Services
- ❑ Coordinated Party Expenditures

Coordinated Party Expenditures

Limited amounts state and national party committees may spend on behalf of—and in coordination with—general election nominees

2016 Coordinated Party Expenditure Limits	
Presidential Nominees	\$23,821,100
Senate Nominees	\$96,100 - \$2,886,500
House Nominees*	\$48,100

* In states with only one representative, the limit is \$96,100.



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V. Coordinated Party Expenditures (11 CFR 109.32 through 109.37)

A. Definition:

Expenditures made by a party committee on behalf of its nominee in the general election. The “coordinated party expenditure” limit (calculated each election cycle) is *separate* from the contribution limit to the candidate. Expenditures may range from paying bills for candidate to paying for “coordinated communications” on behalf of the candidate.

B. 2016 Coordinated Party Expenditure Limits:

- House elections: \$48,100
- House election where state has only one district: \$96,100
- Senate elections: Varies by state, depends on voting age population.
- Presidential Nominees: \$23,821,100
- See: http://www.fec.gov/info/charts_cpe_2016.shtml

Sources of Support



- ▣ Contributions
- ▣ Exempt Services
- ▣ Coordinated Party Expenditures
- ▣ **Independent Expenditures**

Independent Expenditure

Payment for communication that expressly advocates election or defeat of clearly identified candidate, but is not made in cooperation, consultation or in concert with, or at the request or suggestion of, the candidate or his/her campaign, or a political party committee or the agents of either.

VI. Independent Expenditures (11 CFR 100.16)

A. Definition

Expenditure for communication that “expressly advocates” the election or defeat of a clearly identified candidate and that is not made in cooperation with, or at the request or suggestion of, the candidate or his/her campaign or its agents, or a political party or its agents.

Independent Expenditure

- No limit on amount of expenditure
- Corporations and labor organizations may make IEs, but prohibited in-kind contribution results if coordinated



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B. The Basics

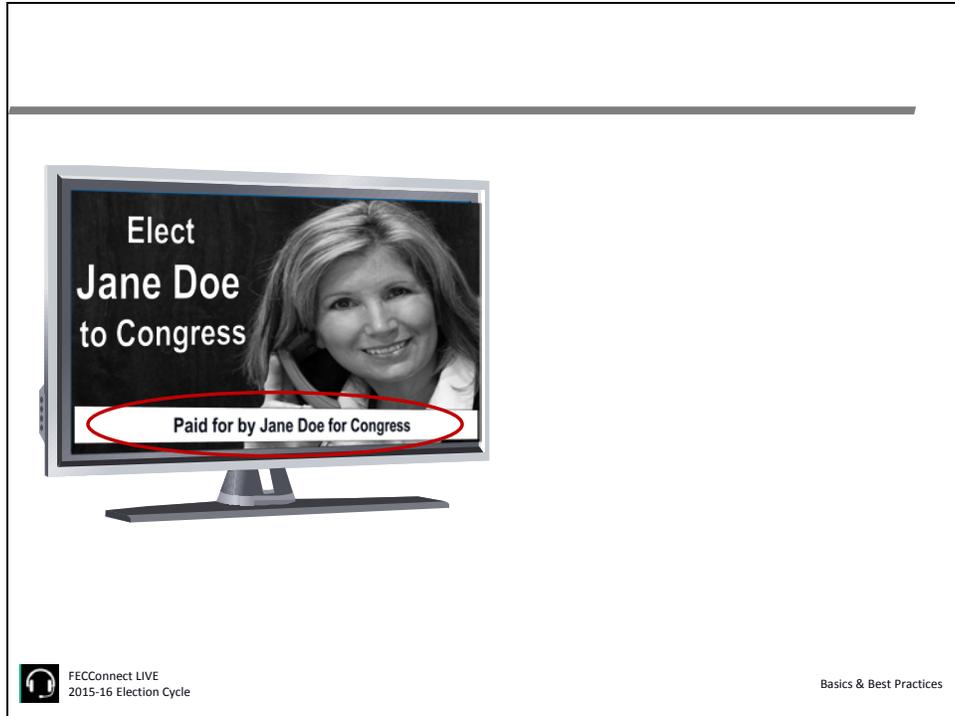
1. No Limits if Definition Met

One may spend an unlimited amount because the expenditure is not coordinated (and thus, a contribution).

2. If Coordinated, In-kind Contribution Results (11 CFR 109.21)

Corporation prohibited from making (coordinated) in-kind contribution.

3. Disclaimer required



Disclaimers

- ❑ Identify who paid for a communication
- ❑ Clarify whether a campaign authorized it
- ❑ Appear on all “public communications,” widely distributed emails, public websites

VII. Disclaimer Notices on Communications (11 CFR 110.11)

A. Basic Rules

1. Identifies who paid for a public communication
2. Clarifies whether a campaign authorized it
3. Required on all “public communications,” widely distributed emails and public websites

Public Communication

- ☐ Cable, satellite or broadcast communication;
- ☐ Newspaper or magazine;
- ☐ Mass mailing (> 500 pieces);
- ☐ Outdoor advertising facility;
- ☐ Phone bank (> 500 calls w/same info);
- ☐ Communications placed for a fee on another person’s website (but not any other Internet or email activity);
- ☐ Any other form of general public political advertising

B. Public Communication Defined (11 CFR 100.26)

Includes communications made using the following media:

1. Broadcast, cable or satellite;
2. Newspaper or magazine;
3. Outdoor advertising facility;
4. Mass mailing (>500 substantially similar mailings w/in 30 days);
5. Phone bank (>500 substantially similar calls w/in 30 days);
6. Communications placed for a fee on another person’s web page.

C. Disclaimer Also Required On:

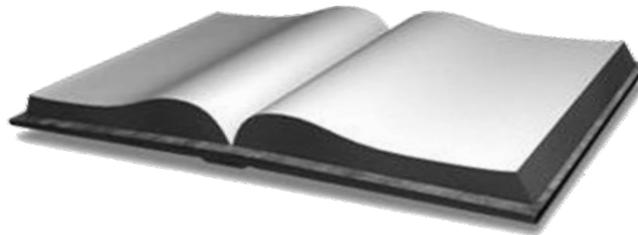
1. Electronic mail (>500 substantially similar communications sent by a campaign committee); and
2. Websites of political committees.

- D. Clear and Conspicuous Placement of Disclaimer Notice**
Disclaimer notices must be clearly and conspicuously displayed. Cannot be difficult to read or placed where it is easily overlooked.

Clear and Conspicuous

A disclaimer must be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of who is responsible for the message

- 11 CFR 110.11(c)(1)



Clear and Conspicuous

▶ Printed Materials

Disclaimer must be contained
within a printed box set apart
from content of communication

E. Special Rules for Printed Communications

1. Disclaimer must be contained within a printed box set apart from content of communication.
2. Print must be of sufficient type size to be “clearly readable” and must have a reasonable degree of color contrast between the background and the printed statement.
3. Safe Harbor: 12 point type in newspapers; magazines; flyers; signs; and other printed communications no larger than 24” x 36.”

Clear and Conspicuous

▼ Radio and Television

- Audio approval statement voiced by candidate/sponsor
- TV: Full screen view or photo of candidate or sponsor and 4 x 4 written disclaimer



F. Special Rules for TV and Radio Ads (11 CFR 110.11(c)(3)(iv)(A) &(B))

1. Basic requirements (11 CFR 110.11(c)(3)-(4))

Communications broadcast via radio or television must include both:

- a) The regular “paid for by” disclaimer; and
- b) A statement by the candidate broadcasting the message indicating that he or she is responsible for the content of the advertisement. Example:

I am [Candidate Name], a candidate for [office sought], and I approved this advertisement.

2. Specifics:

a) For radio:

The “Stand by Your Ad” language is spoken by either the candidate (for authorized committees) or a representative of the organization responsible for the ad (for messages not authorized or paid for by a campaign).

11 CFR 110.11(c)(3)(i) and (c)(4)(i). In addition, the ad must contain the basic disclaimer language described above.

b) For television:

(1) The ad must contain an unobscured, full-screen view of the candidate making the “Stand by Your Ad” statement, or a voice-over by the candidate, accompanied by a clearly identifiable image of the candidate (at least 80% of vertical screen height).

11 CFR 110.11(c)(3)(ii).

(2) In addition, the printed statement must be included with the standard disclaimer appearing at the end of the message, and must be clearly readable. To meet the readability requirement, the statement must:

- Appear in letters equal to or greater than 4% of the vertical picture height.
- Be visible for at least four seconds.
- Have a reasonable color contrast with the background (e.g., black text on a white background).

11 CFR 110.11(c)(3)(iii).

G. Special Wording for TV and Radio Ads Paid for NOT Paid for By a Candidate’s Committee (11 CFR 110.11(c)(4))

1. For a communication that has been authorized by a candidate but has been paid for by any other person:

The disclaimer must clearly state that the communication has been paid for by such other person and has been authorized by the candidate. 11 CFR 110.11(b)(2).

2. For a communication that has not been authorized by a candidate:

The disclaimer must clearly state the full name and contact information – permanent street address, phone number, or website address – of the person or committee who paid for the communication, and state that it was not authorized by any candidate or candidate’s committee. 11 CFR 110.11(b)(3).

3. If TV or radio:

The advertisement must identify the committee responsible for the communication (e.g., “*The New York State Party is responsible for the content of this advertising.*”), following the guidelines used by candidates.

Disclaimer Exceptions

- ☐ Not required on small items or when impractical



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H. Disclaimer is Not Required When:

1. It cannot be conveniently printed (e.g., pens, bumper stickers, campaign pins and buttons);
2. Its display is not practical (e.g., wearing apparel, skywriting, water towers); or
3. Item is of minimal value, does not contain a political message and is used for administrative purposes (e.g., committee checks and receipts).

PART 2: REGISTRATION AND REPORTING REQUIREMENTS

Candidate Registration

- ▣ Basic Registration Threshold
 - ▼ Raise/Spend > \$5,000
 - ▣ Testing the Waters Exemption



Basics & Best Practices

- I. Candidate Registration (11 CFR 101.1)**
FEC Form 2 (Statement of Candidacy) – Individual files Form 2 within 15 days of triggering candidacy (i.e., raise/spend over \$5,000).

Candidate Registration

FEC FORM 2
STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full) _____

(b) Address (number and street) _____ Check if address changed

(c) City, State, and ZIP Code _____

2. FEC Candidate Identification Number _____

3. Is This Statement New (N) OR Amended (A)

4. Party Affiliation _____ 5. Office Sought _____ 6. State & District of Candidate _____

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the _____ election(s).
NOTE: This designation should be filed with the appropriate office listed in the instructions.
(year of election)

(a) Name of Committee (in full) _____

(b) Address (number and street) _____

(c) City, State, and ZIP Code _____

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II. Committee Registration - FEC Form 1 (Statement of Organization) (11 CFR 102.1(c) and 102.2)

A. When to File

1. Principal Campaign Committees file within 10 days of designation by candidate on Statement of Candidacy (FEC Form 2).
2. **Requirements**
Committees that file electronically must include their email address. Others are encouraged to do so.
3. **Amendments**
Amend Statement of Organization (and other filings) when necessary within 10 days of change.

Committee Registration

The image shows a screenshot of the FEC Form 1 web form. At the top left, it says 'FEC FORM 1'. In the center, it says 'STATEMENT OF ORGANIZATION'. A large grey circle with the word 'NEW' is overlaid on the left side. A black box with white text says 'Web form now available for easy online filing!'. The form includes fields for '1. NAME OF COMMITTEE', '12FE4M5', 'CITY', 'STATE', 'ZIP CODE', 'COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)', and 'COMMITTEE'S WEB PAGE ADDRESS (URL)'. There are checkboxes for '(Check if address is changed)' next to the email and web page address fields. In the bottom left corner, there is a logo for 'FEConnect LIVE 2015-16 Election Cycle'. In the bottom right corner, it says 'Basics & Best Practices'.

B. How to File

1. Access to Form 1

- a) Forms may be downloaded and printed from the FEC website: <http://www.fec.gov/info/forms.shtml>
- b) Link to Form 1 webform: <https://webforms.fec.gov/webforms/form1/index.htm>

2. Requirements

Committees that file electronically must include their email address. Others are encouraged to do so.

3. Amendments

Amend Statement of Organization (and other filings) when necessary within 10 days of change.

Committee Registration

The image shows a screenshot of the FEC Form 1, 'STATEMENT OF ORGANIZATION'. A red arrow points to the '1. NAME OF COMMITTEE (in full)' field. A callout box contains the following text:

Name of Committee:

- PCC must include candidate's name
- Unauthorized committees cannot use candidate's name

At the bottom left of the form, it says 'FECConnect LIVE 2015-16 Election Cycle'. At the bottom right, it says 'Basics & Best Practices'.

C. Name and Address of Committee

1. **Principal Campaign Committee and Authorized Committees**
Name must include name of the candidate.
2. **Use Committee's Official Name on:**
 - a) FEC reports and statements.
 - b) Disclaimer notices for public advertising.

Committee Registration

FEC FORM 1	STATEMENT OF ORGANIZATION	
---------------	------------------------------	--

▼ E-Mail Address:

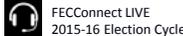
- Required for E-Fileers
- Necessary to receive report notices and other FEC notifications

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

(Check if address is changed) _____

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed) _____


Basics & Best Practices

3. **Street Address, Email, Website**
 - a) E-Mail required for electronic filers; necessary to receive FEC report notices and other courtesy materials.
 - b) URL required if committee has web page.

Committee Registration

FEC Form 1 (Revised 02/2009)	Page 2
------------------------------	--------

5. TYPE OF COMMITTEE

Candidate Committee:

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

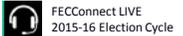
Name of Candidate _____

Candidate Party Affiliation Office Sought: House Senate President State

District

(c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____


Basics & Best Practices

Committee Registration

List Joint Fundraising Representative

Committee that collects receipts, pays bills and distributes proceeds for joint fundraising effort

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Mailing Address _____

CITY STATE ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

JFR Committee Registration

Joint Fundraising Representative can be a participating committee or new committee

Joint Fundraising Representative:

(g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.

(h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. Jane Doe for Congress _____ FEC ID number C 0 0 0 0 0 0 0 1

2. Catatonic State Party Committee _____ FEC ID number C 0 0 0 0 0 0 0 2

3. _____ FEC ID number C _____

4. _____ FEC ID number C _____

Leadership PAC Registration

List Leadership PAC Sponsor

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Jane Doe

Mailing Address 123 Main Street

City, State, ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

NOT AFFILIATED

D. Leadership PAC – 11 CFR 100.5(e)(6) and (g)(5)

1. Definition of Leadership PAC

- a) Political committee directly or indirectly established, financed, maintained or controlled by federal candidate/officeholder but is:
 - (1) Not an authorized committee;
 - (2) Not affiliated with an authorized committee; and
 - (3) Not a political party committee.
- b) Treated as nonconnected PAC.

Committee Registration

▶ Treasurer & Assistant Treasurer

8. Treasurer: List the name and address (phone number – optional) of the treasurer of the committee and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer			
Mailing Address			
Title or Position ▼	CITY ▲	STATE ▲	ZIP CODE ▲
		Telephone number	

Full Name of Designated Agent			
Mailing Address			
Title or Position ▼	CITY ▲	STATE ▲	ZIP CODE ▲
		Telephone number	



FEC Recommended

Committee Registration

▼ Treasurer & Assistant Treasurer

- Deposits receipts
- Authorizes all expenditures
- Monitors contributions
- Keeps all required records
- Signs reports
- Files accurate reports on time

- E. Treasurer & Assistant Treasurer (11 CFR 102.7, 102.9 and 104.14)**
- 1. Treasurer Required – Asst. Treasurer Recommended**
 - a) Identify on Form 1.

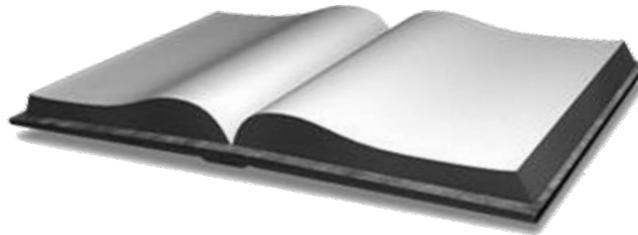
2. Duties:

- a) Depositing receipts.
- b) Authorizing all expenditures.
- c) Monitoring contributions.
- d) Keeping all required records.
- e) Signing reports.
- f) Filing accurate reports on time.

Treasurer Required

Committee cannot raise or spend funds
when office of treasurer is vacant.

- 11 CFR 102.7(b)



F. Amendments to Form 1 (11 CFR 102.2(a)(2))

1. Required within 10 days after change in information.
2. Paper filers may amend by letter or Form 1; E-filers must amend electronically by submitting a replacement Form 1.

Treasurer's Liability

- ▶ Treasurer generally named as enforcement respondent in official capacity
- ▶ Personal liability possible if:
 - Knowingly & willfully violated the Act;
 - Recklessly failed to fulfill duties; or
 - Intentionally ignored information that led to the violation



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3. **Treasurer Responsible for Compliance.**
 - a) Usually named in enforcement actions.
 - b) Policy statement on when treasurer may be found personally liable (online at <http://www.fec.gov/law/policy/2004/notice2004-20.pdf>)
 - c) Embezzlement policy (online at <http://www.fec.gov/law/policy/embezzlepolicy.pdf>)

Recordkeeping

Contributions over \$50, record:

- Amount
- Date received
- Donor's name and address
- Full-size photocopy or digital image of check



Contributions aggregate over \$200, record:

- Above information plus occupation and employer for individual donors



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G. Recordkeeping (11 CFR 102.8 and 102.9)

1. For Receipts

- a) For any amount, need date received and amount.
- b) Over \$50, name and address of contributor/payor.
- c) Over \$200, above plus occupation and employer.

Recordkeeping – Best Efforts

Campaign committees must make “best efforts” to obtain, maintain and report the name, address, occupation and employer of each contributor who gives more than \$200 in an election cycle.



Basics & Best Practices

Recordkeeping – Best Efforts

- ✓ Request contributor information when soliciting contribution
- ✓ If information is missing, make follow-up request within 30 days
- ✓ Amend report to disclose missing information once received



Basics & Best Practices

2. **Best Efforts (11 CFR 104.7)**
 - a) Required to make “best efforts” to obtain, maintain and report required information.

- b) To show “best efforts,” committee must:
- (1) Request information in solicitation materials, along with applicable disclaimer informing contributors that information is required under federal law;
 - (2) Make follow-up request within 30 days of receipt of contributions lacking required information, keep written documentation of follow-up request (with no additional solicitation made); and
 - (3) Amend reports to disclose information received but not previously disclosed (or include information in memo reports on the next report filed).
- c) See Campaign Guide and <http://www.fec.gov/rad/candidates/FEC-ReportsAnalysisDivisionCandidateCommittees.shtml#bestefforts>

Recordkeeping

All disbursements, record:

- Amount
- Date
- Name and Address of Payee
- Purpose of Disbursement



For contributions:

- Above information, plus name of candidate, state, district and election designation

3. For Disbursements

- a) For any amount, need name of payee, address, purpose, date made.
- b) For contributions made, also need name of candidate, state, district, and election designation.

Recordkeeping

Retain records for three years from the date of the report to which the records relate



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Basics & Best Practices

4. Record Retention

Retain each record for three years from the date of the report on which it was last disclosed.

Filing Requirements & Best Practices



Rebecca Hough
Asst. Branch Chief
Authorized Branch
Reports Analysis Division

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III. 2016 Filing Dates (11 CFR 104.5(c))

Quarterly Filers - 2016

Report Type	Coverage and Due Dates
April Quarterly	Covers 1/1 - 3/31; Due 4/15/16
Pre-Primary and Pre-Runoff reports - see next slide	
July Quarterly	Covers 4/1 - 6/30; Due 7/15/16
October Quarterly	Covers 7/1 - 9/30; Due 10/15/16
Pre-Election	Covers 1st day of current period to 20 days before election; Due 12 days before election (12G covers 10/1 - 10/19; Due 10/27/16)
Post-General	30G covers 10/20 - 11/28; Due 12/8/16
Year-End	Covers 11/29 - 12/31/16; Due 1/31/17

 Basics & Best Practices

- 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**.

Quarterly Filers - 2016

Pre-Primary and Pre-Runoff Reports

- ☐ Due 12 days before candidate's primary (and runoff, if held).
- ☐ Covers period from close of books of last report through 20 days before primary (or runoff).

48-Hour Notices

- ☐ Reports of "last minute" contributions and/or loans of \$1,000 or more received < 20 days but > 48 hours before primary, runoff and/or general election.
- ☐ Due within 48 hours of receipt of \$.



Basics & Best Practices

2. Pre-Election reports filed 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 10/27/16).
- c) File Post-General Report, due 30 days after general (i.e., 12/08/16).
- d) Reporting period always begins the day after close of books of last report filed.

3. 48 Hour Notices:

Reports of "last minute" contributions and/or loans of \$1,000 or more received less than 20 days but more than 48 hours before the day of any election in which the candidate is running.

- a) The 48-Hour Notice must be filed within 48 hours of the campaign's receipt of the contribution/loan.
- b) In addition to filing 48-Hour Notices, committees must itemize all last-minute contributions on their next scheduled report .
- c) More information: <http://www.fec.gov/rad/candidates/FEC-ReportsAnalysisDivision-CandidateCommittees.shtml#fortyeighthours>

B. Bookmark These Web Pages:

- Compliance Map: <http://www.fec.gov/info/ElectionDate/>
- Filing Dates: http://www.fec.gov/info/report_dates_2016.shtml

IV. Where to File FEC Financial Reports (11 CFR 108.4)

Where to File: House/Presidential

Federal Election Commission
999 E Street, NW
Washington, DC 20463



Where to File: Senate

Office of Public Records
P.O. Box 77578
Washington, DC 20013-7578



V. Other Filing Issues

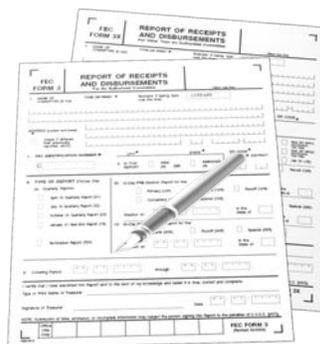
Filing on Time

- ▣ **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.)

How to File FEC Reports

On Paper

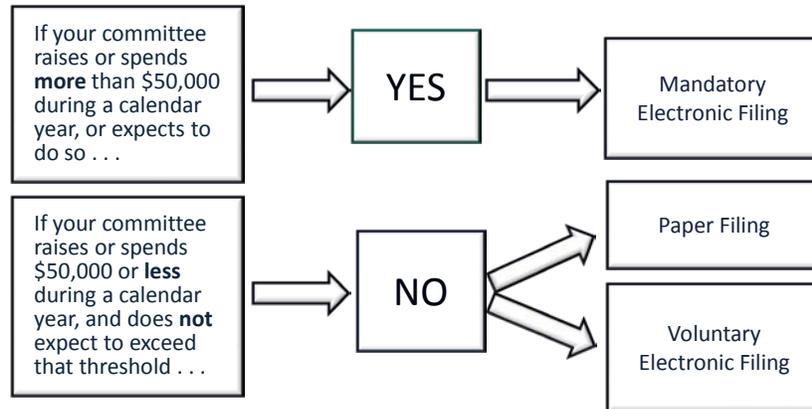


Electronically*



* Senate committees may voluntarily submit an unofficial electronic copy of their reports to the FEC, but their official filings must be filed on paper with the Secretary of the Senate.

Mandatory Electronic Filing



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A. Electronic Filing (11 CFR 104.18)

1. Mandatory v. Voluntary

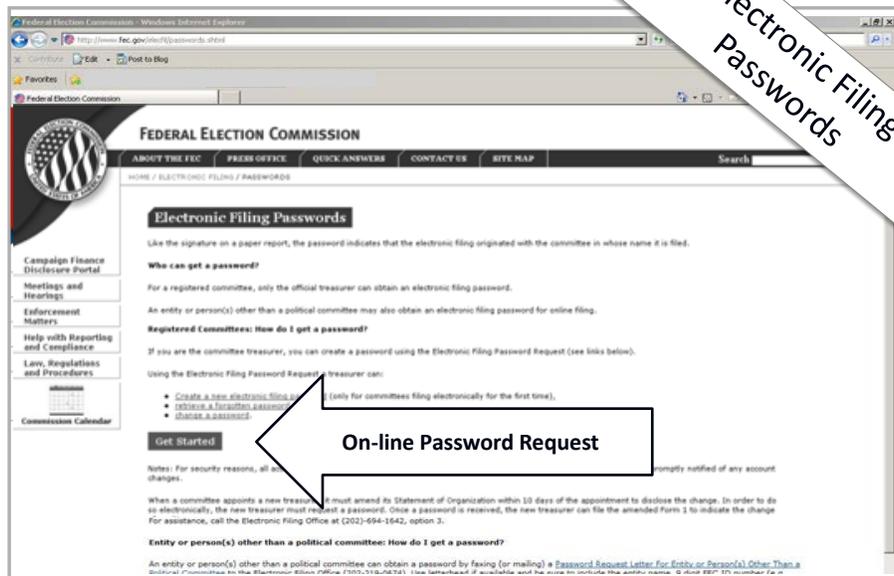
- a) **Mandatory:** Presidential and House Campaigns, PACs and Party Committees that raise or spend more than \$50,000 in calendar year or have reason to expect to do so.
- b) **Voluntary:** All Other Filers.
- c) **Note:** Senate Campaigns (or PACs/Parties that only support Senate candidates) must file paper copy of report with Secretary of Senate - this is a statutory requirement.

Electronic Filing



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Basics & Best Practices



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Basics & Best Practices

2. Passwords

a) Required

Before you can electronically file your report, you will have to obtain a password. You cannot file without one.

b) Who Can Get a Password?

For registered committees, only the official treasurer can obtain an electronic filing password. It is important that the committee has provided a valid e-mail address on its Statement of Organization, as a validation e-mail will be sent to the Committee.

c) How Do You Get a Password?

(1) Most committees may obtain or change their password on-line at

<http://www.fec.gov/electfil/passwords.shtml>

(2) Existing committees that have not previously used the on-line system should contact the Electronic Filing Office for assistance at 202-694-1307.

3. Use Updated Software

a) Software revised when forms changed – always use the latest version. Auto update feature makes it simple.

b) Latest version of FECFile 8 – build 8.1.0.4 (release date 2/8/16) available for download at

<http://www.fec.gov/electfil/updateslist.html>.

4. Paper Filing by E-Filer

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).

5. For more information: <http://www.fec.gov/electfil/electron.shtml>.

B. Other Reporting Considerations for Paper Filers

1. Statute Prohibits Extensions (Applicable to Paper and Electronic Filers).

2. Weekends and Holidays

Filing dates not extended for weekends or holidays. Must be received on business day preceding filing date.

3. Registered vs. Overnight Mail

a) If filing using USPS registered mail, keep receipt.

b) “Overnight Mail” means express or priority mail with a delivery confirmation or an overnight service with an on-line tracking system. File using same terms as certified/registered mail. (Keep receipt.)

C. Filing Amendments Required For:

1. Errors

Committee discovers that an earlier report contained erroneous information or mathematical errors.

2. Disclosure of Late Information

Committee obtains required reporting information concerning a particular transaction after the transaction has been reported.

3. Response to Request for Additional Information (RAI)

FEC sends letter (e-mail) and requests amendment. Response due date appears in upper right corner of RAI.

4. **Procedures for Filing Amendments:**
 - a) **Paper Filers**
 - (1) It is not necessary to resubmit the entire report.
 - (2) Complete the signature page of the Summary Page, checking box indicating that it is an amended report.
 - (3) Attach corrected schedules, if necessary.
 - (4) Attach cover letter explaining change (recommended).
 - b) **Electronic Filers**
 - (1) Must submit amendments in electronic format (if original was filed electronically).
 - (2) Amendment must include complete report (as opposed to just the portion requiring an amendment).

Administrative Fine Program

- ☐ Civil money penalties for filing late, or not filing at all.
- ☐ Size of fine depends on various factors.

D. **Administrative Fine Program (AFP)**

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

Administrative Fine Program

- ▣ **Election-sensitive reports:**
 - **Late filer** – filed after due date, but prior to four days before the applicable election
 - **Non-filer** – filed later than that or not at all
- ▣ **Non-sensitive reports:**
 - **Late filer** – filed \leq 30 days after the due date
 - **Non-filer** – filed $>$ 30 days late or not at all

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).

a) **Election Sensitivity**

- (1) Election sensitive reports include:
 - October Quarterly of election year,
 - Pre-election reports for primary, general and special elections.
- (2) All other reports are considered nonsensitive.

b) **Whether Committee is a Late filer or a Non-filer**

- (1) For Sensitive Reports
 - (a) Late filer – when report is filed after the due date but more than four (4) days prior to the election.
 - (b) Non-filer - report filed after due date and four (4) days or less before the election, or not at all.
- (2) For Nonsensitive Reports
 - (a) Late filer – when report is filed within 30 days after the due date.
 - (b) Non-filer – when report is filed 31 or more days after due date, or not at all.
- (3) Can still be considered a “nonfiler” even if report is eventually filed.

Administrative Fine Program

- ▣ Prior civil money penalties for reporting violations
- ▣ Financial activity in report
- ▣ Smaller penalties for activity < \$50,000
- ▣ Penalty calculator on FEC website at http://www.fec.gov/af/af_calc.shtml



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- c) **Prior civil money penalties for reporting violations under the AFP.**
- d) **Financial Activity**
 - (1) Amount of financial activity in the report – total amount of receipts and disbursements.
 - (2) Committees with less than \$50,000 in financial activity during the reporting period in question are subject to reduced penalties under the AFP pursuant to April 2003 revisions to the regulations.
 - (3) July 2013 revisions to the AFP regulations adjusted penalties for inflation.
 - (4) Campaign Finance Analysts will not be able to tell you if you will be fined or how much. You can use the Administrative Fine calculator (http://www.fec.gov/af/af_calc.shtml) to estimate your fine. Your committee will be notified in writing if the FEC assesses a civil penalty against your committee under the AFP.

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
 - Filed the report no later than 24 hours after the end of those circumstances



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- E. 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



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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.



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- 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.

PART 3: BEST PRACTICES FOR FILING

Best Practices: Filing

- ✓ Ensure your staff and vendors understand filing rules and deadlines
- ✓ Update your software regularly
- ✓ Have a current email address on Form 1 to receive courtesy email reminders

Best Practices:

- Ensure your staff, vendors and counsel understand reporting and filing rules and deadlines.
- Update your software regularly.
- To keep up with filing deadlines, make sure your committee has a current email address on its Form 1 (for receiving courtesy reminders). (To do this, submit a complete electronic Form 1 with a new email address.) Deadlines are also posted online at http://www.fec.gov/info/report_dates.shtml and in the January *Record* each year.

I. RAD Review Process

RAD 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



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Basics & Best Practices

A. RAD Review of Reports

1. RAD Review and Referral Policy

- 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 and policy is approved by the Commission. A redacted version of the RAD Review and Referral Policy can be found on the RAD web page.

Review of Reports

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



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- d) Review is conducted on a per report basis, meaning the thresholds are applied to each report reviewed.
 - (1) This means a committee may receive a RFAI which includes the same issue already addressed in response to a RFAI referencing a different report.
 - 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.
 - (2) 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.
- e) Policy is reassessed every election cycle and revisions/changes made based on input from RAD and other offices (such as OGC), and Commissioners.

II. Request for Additional Information (RFAI)

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



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A. If internal thresholds are met, an RFAI is sent.

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

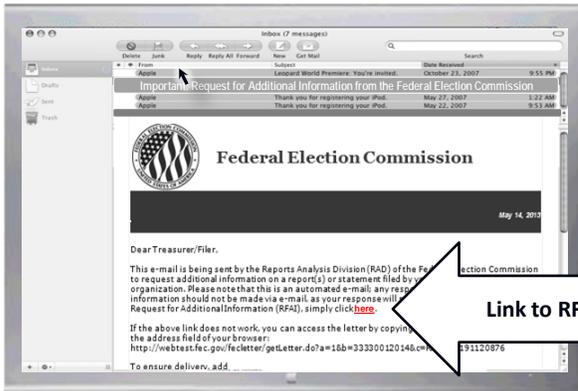


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B. RFAI via email

1. Most RFAIs are now sent via email to the Committee's official email address, as disclosed on the Statement of Organization (FEC Form 1).
2. Up to two email addresses can now be provided (both will be used for emailing RFAIs).
3. Committees will the option to continue to receive RFAIs on paper through the mail.



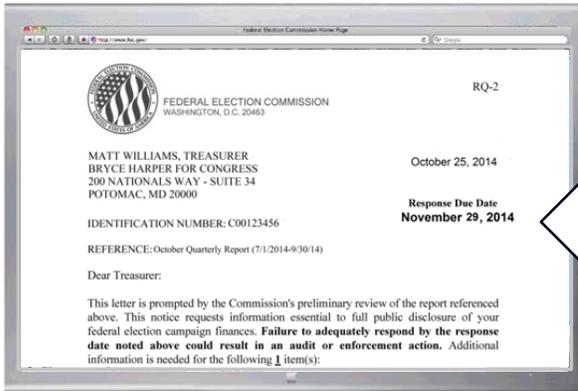
Request for Additional Info

Link to RFAI

Dear Treasurer/Filer,
This e-mail is being sent by the Reports Analysis Division (RAD) of the Federal Election Commission to request additional information on a report(s) or statement filed by your organization. Please note that this is an automated e-mail; any response or information should not be made via e-mail, as your response will be processed through the Request for Additional Information (RFAI), simply click [here](#).
If the above link does not work, you can access the letter by copying the address field of your browser: <http://webteam.fec.gov/fecletter/getletter.do?w=16b=333300120146.cml>
To ensure delivery, add

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Request for Additional Info

Response Due Date
November 29, 2014

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MATT WILLIAMS, TREASURER
BRYCE HARPER FOR CONGRESS
200 NATIONALS WAY - SUITE 34
POTOMAC, MD 20899

October 25, 2014

Response Due Date
November 29, 2014

IDENTIFICATION NUMBER: C00123456

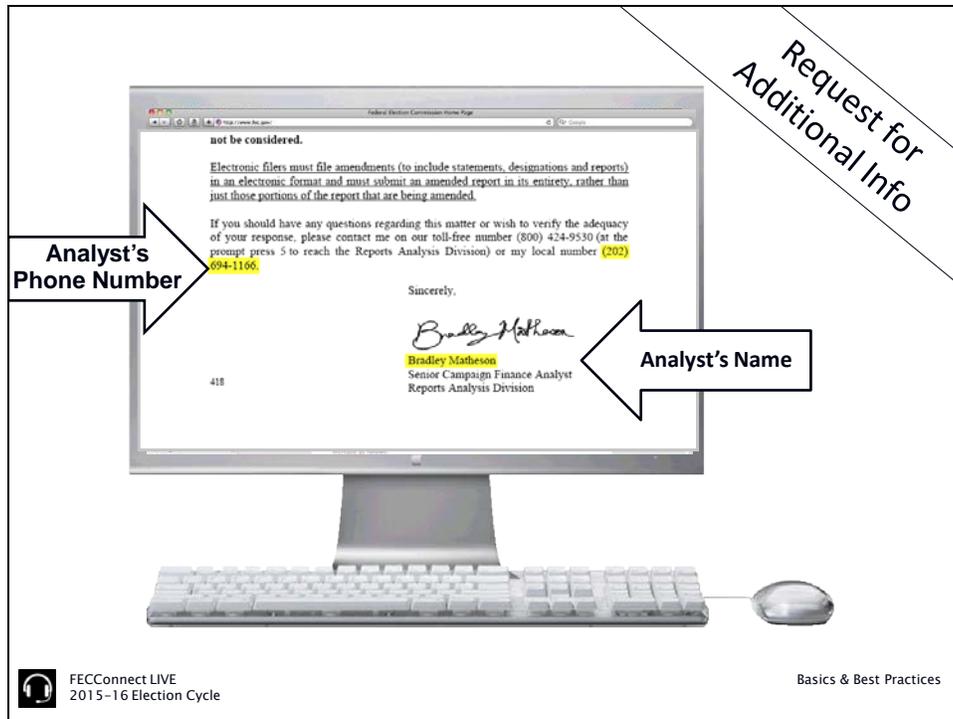
REFERENCE: October Quarterly Report (7/1/2014-9/30/14)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 1 item(s):

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Basics & Best Practices



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

- C. **Responses are assessed by the analysts and in some cases, team leaders.**
1. Analysts do not reply to responses.
 2. Contact is not made with committees in every case when a response is not sufficient. Further explanation below.

3. 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.
4. 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).
5. In some cases, RAD consults with OGC before sending a RFAI and when making a response assessment.

Responding to RFAIs

- ▣ 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, demonstrating safe harbor
guidelines are followed for all contributions with a foreign address)

- D. Must amend report when changing information that affects entries on a report.**
This would include additions, changes or deletions.
- E. Miscellaneous Text Submission (Form 99)**
Used for narrative responses that do not affect actual entries within a report. (For example, when outlining procedures for “best efforts” in obtaining contributor information.)

Responding to Misappropriation

- ▣ Contact the FEC
 - RAD Analyst can help with reporting challenges
 - OGC can help with *sua sponte* submission
- ▣ Consult with Counsel
 - Determine if *sua sponte* submission is appropriate
- ▣ Notify law enforcement
- ▣ Do best to file complete and accurate reports by the established deadlines



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2015-16 Election Cycle

Basics & Best Practices

Internal Controls Resources

- ▣ Best Practices for Committee Management (Brochure)
- ▣ Best Practices: Internal Controls & Recordkeeping (Video)
- ▣ Internal Controls for Political Committees (Audit Handout)
- ▣ Policy: Safe Harbor for Misreporting Due to Embezzlement
 - *Record* Summary of Policy Statement

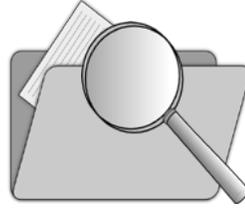


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Basics & Best Practices

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



F. Referrals to the Audit Division

1. Factors for making referrals to the Audit Division

- a) Level of financial activity;
- b) Responses to RFAs:
 - (1) Late or no response,
 - (2) Inadequate response.

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.

OGC & ADRO Referrals

- ▣ Policy includes referral thresholds
- ▣ RAD calls committee before referring to OGC or ADRO to explain RFAI and request response
- ▣ Adequate and timely response may prevent referral



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G. 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. Committee will receive a phone call from RAD prior to a referral to ADRO or OGC to explain RFAI and request a response.
3. An adequate response is required by the timeframe given to prevent the matter from being referred.

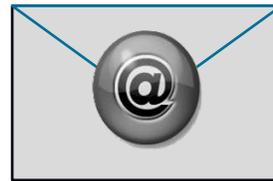
PART 4: HIGHLIGHT COMPLIANCE RESOURCES

Objectives

- ▣ **Review Basic Provisions of FECA**
- ▣ Examine Recordkeeping and Filing Requirements
- ▣ Recommend “Best Practices”
- ▣ **Highlight Compliance Resources**



Compliance Help



www.fec.gov

1-800-424-9530

info@fec.gov

Compliance Help

The screenshot shows the Federal Election Commission (FEC) website. The main heading is "Help with Reporting and Compliance". Below this, there is a paragraph explaining the Commission's assistance. The page is organized into several sections: "Compliance Map", "Filing Information" (with links for Reporting Dates, Electronic Filing, Registration and Reporting Forms, and Filing With Other Agencies -- IRS), "Publications" (with links for Campaign Guides, Brochures, The Record Newsletter, and BCRA Information), and "Educational Outreach". A left sidebar contains links for Campaign Finance Disclosure Portal, Meetings and Hearings, Enforcement Matters, Help with Reporting and Compliance, Law, Regulations and Procedures, and Commission Calendar. The top navigation bar includes "ABOUT THE FEC", "PRESS OFFICE", "QUICK ANSWERS", "CONTACT US", "SITE MAP", and a search box. The footer of the screenshot includes "FECCONNECT LIVE 2015-16 Election Cycle" and "Basics & Best Practices".

<http://www.fec.gov/info/compliance.shtml>

Compliance Help

The screenshot shows the Federal Election Commission (FEC) website's "Publications" page. The main heading is "Publications". Below this, there is a paragraph explaining the variety of free publications available. A list of publications is provided, including "The campaign guides", "The brochures and articles", "The Record", and "The BCRA page". A sign-up option for e-mail updates is also present. The page features a large image of the U.S. Capitol building with the text "Congressional Candidates and Committees June 2014". A left sidebar contains links for Campaign Finance Disclosure Portal, Meetings and Hearings, Enforcement Matters, Help with Reporting and Compliance, Law, Regulations and Procedures, and Commission Calendar. The top navigation bar includes "ABOUT THE FEC", "PRESS OFFICE", "QUICK ANSWERS", "CONTACT US", "SITE MAP", and a search box. The footer of the screenshot includes "FECCONNECT LIVE 2015-16 Election Cycle" and "Basics & Best Practices".

<http://www.fec.gov/info/publications.shtml>

Compliance Help

The screenshot shows the 'Educational Outreach' page on the Federal Election Commission's website. It features a navigation menu on the left with options like 'Campaign Finance Disclosure Portal', 'Help with Reporting and Compliance', and 'Law, Regulations and Procedures'. The main content area includes a 'FEC Connect LIVE' logo, a 'FEC Connect OnDEMAND' logo, and a 'FEC Connect ONE:ONE' logo. Below these is a '2015 Conference Schedule' table.

Program Information	Date	Location	Registration
Conference for House & Senate Campaigns, Political Party Committees and Corporate/Labor/Trade PACs	August 25-26	Chicago, IL	Please subscribe to our email list to be notified when registration opens.
Conference for House & Senate Campaigns, Political Party Committees and Corporate/Labor/Trade PACs	October 20-21	San Diego, CA	Please subscribe to our email list to be notified when registration opens.

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<http://www.fec.gov/info/outreach.shtml>

Compliance Help

The screenshot shows the 'FECConnect OnDEMAND' page on the Federal Election Commission's website. It features a navigation menu on the left with options like 'Campaign Finance Disclosure Portal', 'Help with Reporting and Compliance', and 'Law, Regulations and Procedures'. The main content area includes a 'FEC Connect OnDEMAND' logo, a 'YouTube @ FECTube' logo, and a 'Basics: FEC and the Campaign Finance Law' section with video thumbnails.

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2015-16 Election Cycle

Basics & Best Practices

<http://www.fec.gov/info/elearning.shtml>

Compliance Help

The screenshot shows the Federal Election Commission website. The main navigation bar includes 'ABOUT THE FEC', 'PRESS OFFICE', 'QUICK ANSWERS', 'CONTACT US', and 'SITE MAP'. A search bar is located on the right. The 'QUICK ANSWERS' dropdown menu is open, with 'Candidates' highlighted in red. Other menu items include 'General', 'Disclosure', 'Compliance', 'Filing', 'PACs', 'Parties', and 'Public Funding'. The main content area features a large banner for 'Administering and Enforcing Federal Campaign Finance Laws'. Below the banner, there are sections for 'Campaign Finance Disclosure Portal', 'Meetings and Hearings', 'Enforcement Matters', 'Help with Reporting and Compliance', 'Law, Regulations and Procedures', 'Commission Calendar', 'Recent Developments in the Law', 'FEC Jobs', and 'Documents on Enforcement & Compliance Practices'. A search bar on the right shows results for 'Rulemaking', 'Advisory opinions', and 'Enforcement cases'. Recent legal developments include 'Corporate Speech - Citizens United', 'Hybrid PACs - Center', and 'Super PACs - SpeechNow'. The footer contains 'FEConnect LIVE 2015-16 Election Cycle' and 'Basics & Best Practices'.

http://www.fec.gov/ans/answers_candidate.shtml

Compliance Help

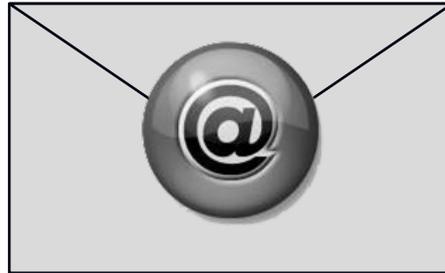
The screenshot shows the 'FECMail Subscription Service' page on the Federal Election Commission website. The main heading is 'Sign-up to receive e-mail updates'. Below the heading, there is a text box for entering an email address and a 'Subscribe' button. The page includes a section titled 'How to Subscribe' with three numbered steps: 1. Enter your e-mail address in the box at the top of this page. 2. Click on the "Subscribe" button. 3. Select the FEC.gov topics that interest you. There is also a section for 'Individual pages throughout FEC.gov also offer subscription links, marked with a [link icon]. To receive updates for a particular page, simply click on the link.' The footer contains 'FEConnect LIVE 2015-16 Election Cycle' and 'Basics & Best Practices'.

<http://www.fec.gov/info/fecmail.shtml>

Compliance Help



1-800-424-9530



info@fec.gov

Toll-free Information Line

- ▣ For tech support with e-filing, press 4 for the Electronic Filing Office
- ▣ For reporting help, press 5 to reach your RAD Analyst
- ▣ For other questions, press 6 for an Information Specialist



RAD FAQs Web Page



FEDERAL ELECTION COMMISSION

ABOUT THE FEC | PRESS OFFICE | QUICK ANSWERS | CONTACT US | SITE MAP

HOME / RAD

Reports Analysis Division

[Click Here to Find Your Campaign Finance Analyst](#)

REPORTS ANALYSIS DIVISION MISSION STATEMENT

The ultimate mission of the Reports Analysis Division (RAD) is to ensure that campaigns and political committees file timely and accurate reports that fully disclose their financial activities. RAD is responsible for reviewing statements and financial reports filed by political committees participating in Federal elections, providing assistance and guidance to the committees to properly file their reports, and for taking appropriate action to ensure compliance with the FEC. By enforcing the rules in a fair and objective manner, RAD fosters the electorate's faith in the ultimate integrity of the nation's political process.

The Reports Analysis Division is composed of 38 analysts tasked with reviewing approximately 50,000 financial reports per year. Each analyst is assigned 200-400 committees and is available to assist committee representatives over the phone on a daily basis. The division assists committee officials in complying with reporting requirements and conducts detailed examinations of the campaign finance reports filed by political committees. RAD also implements the hot-line and Administrative Fine programs. For more information, see our [Description of the RAD Review Process \(PDF\)](#).

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

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

Latest FEC Updates



 Live Commission Meeting Video and Recorded Podcasts

FECUpdates on Twitter 

 FEC Record

Press Releases and Weekly Digest 

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Commission Meetings: <http://www.fec.gov/agenda/agendas.shtml>
FEC Record Blog: <http://www.fec.gov/pages/fecrecord/fecrecord.shtml>
Press Office: <http://www.fec.gov/press/index.shtml>

Workshop Evaluation

Help Us Help You!

Please complete an evaluation
of this workshop.

<https://www.surveymonkey.com/r/S25ZRDY>



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Workshop Evaluation: <https://www.surveymonkey.com/r/S25ZRDY>