FEC CONNECT LIVE
INTERACTIVE ONLINE TRAINING PROGRAM

Party Operations Part 1

February 24, 2016
1:15 – 2:45 p.m. Eastern

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2015-16 Election Cycle

Party Operations Part 1

Objectives

- Review fundraising and other methods of support for the party
- Review restrictions on nonfederal fundraising by candidates and officeholders
- Discuss methods of candidate support by the party including coordinated and independent expenditures

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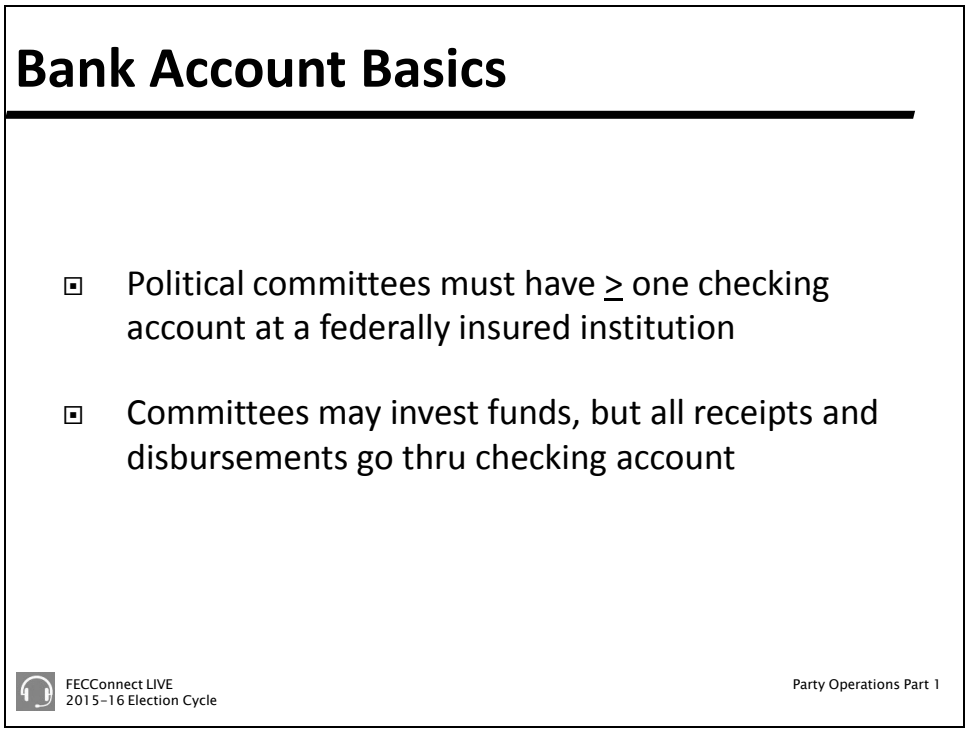
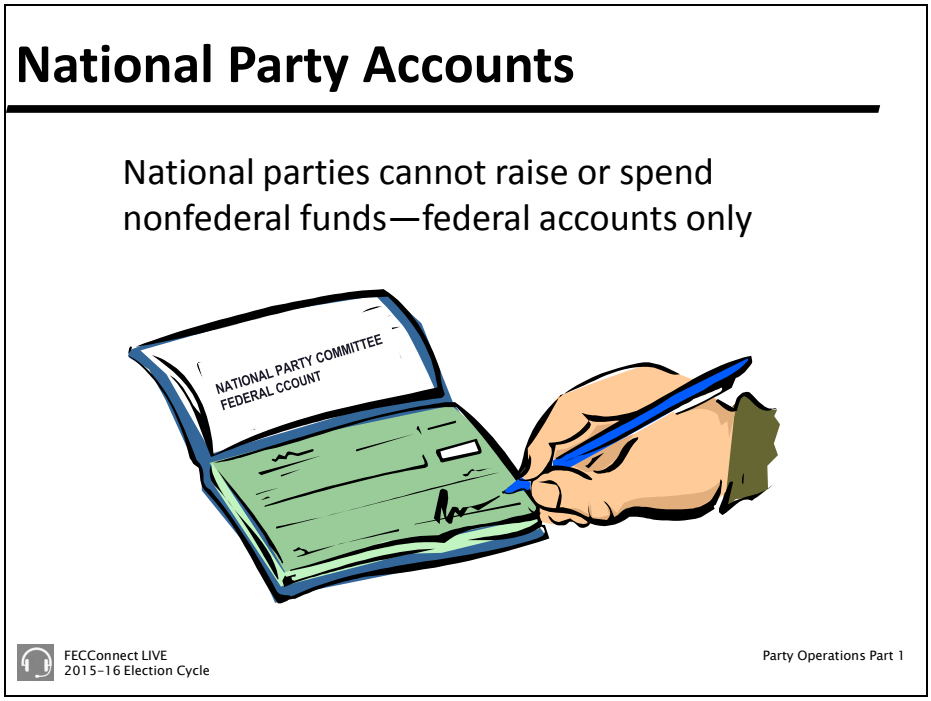
PART A: FUNDRAISING



I. Organize Accounts

A. Establishing a Federal Account (11 CFR 103.2 and 103.3) (*Guide*, pp. 4-5)

1. Party committee must establish one or more federal accounts and designate a campaign depository at a federally insured institution.
2. Committee may invest the funds, but all federal receipts and disbursements must be made through the checking account.



B. National Party Committees (11 CFR 300.10)

National party committees, their agents, or any entity established, financed, maintained or controlled by a national party committee are prohibited from raising, spending, soliciting, receiving or directing funds that are not subject to the limitations, prohibitions and reporting requirements of the Federal Election Campaign Act (i.e., "soft money").

National Party Accounts

NEW

National party committees may establish separate accounts for:

1. Presidential nominating conventions
2. National party headquarters construction, purchase, operation and renovation
3. Election recounts and contests and other legal proceedings

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C. New Accounts for National Party Committees – (*Consolidated and Further Continuing Appropriations Act*, 2015 (H.R. 83))

1. "Convention Account"

a) Separate, segregated account used to defray expenses with respect to a presidential nominating convention.

b) Not available to the national party's senate and congressional campaign committees.

2. "Headquarters Account"

a) Separate, segregated account used to defray expenses with respect to the "construction, purchase, renovation, operation and furnishing of one or more headquarters buildings of the party.

b) Available to all national party committees.

3. "Recount Account"

a) Separate, segregated account used to defray expenses with respect to the "preparation for and the conduct of election recounts and contests and other legal proceedings."

b) Available to all national party committees.

NEW: Interim Reporting Guidance for new National Party Committee Accounts
The Commission issued interim reporting guidance for the new National Party Committee accounts (Convention, Headquarters and Recount/Legal Expenses) in February 2015. National Party Committees should call their assigned Campaign Finance Analysts with any questions regarding the disclosure of this activity.
See Commission Press Release at
http://www.fec.gov/press/press2015/news_releases/20150213release.shtml

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 x 3 =	$100,200
Candidate Committee	$2,000	$5,000	Unlimited Transfers	Unlimited Transfers	NEW
PAC: multicandidate	$5,000	$5,000	$5,000 (combined)	$15,000 x 3 =	$45,000
PAC: Nonmulticandidate	$2,700	$5,000	$10,000 (combined)	$33,400 x 3 =	$100,200
National Party Committee	$5,000	$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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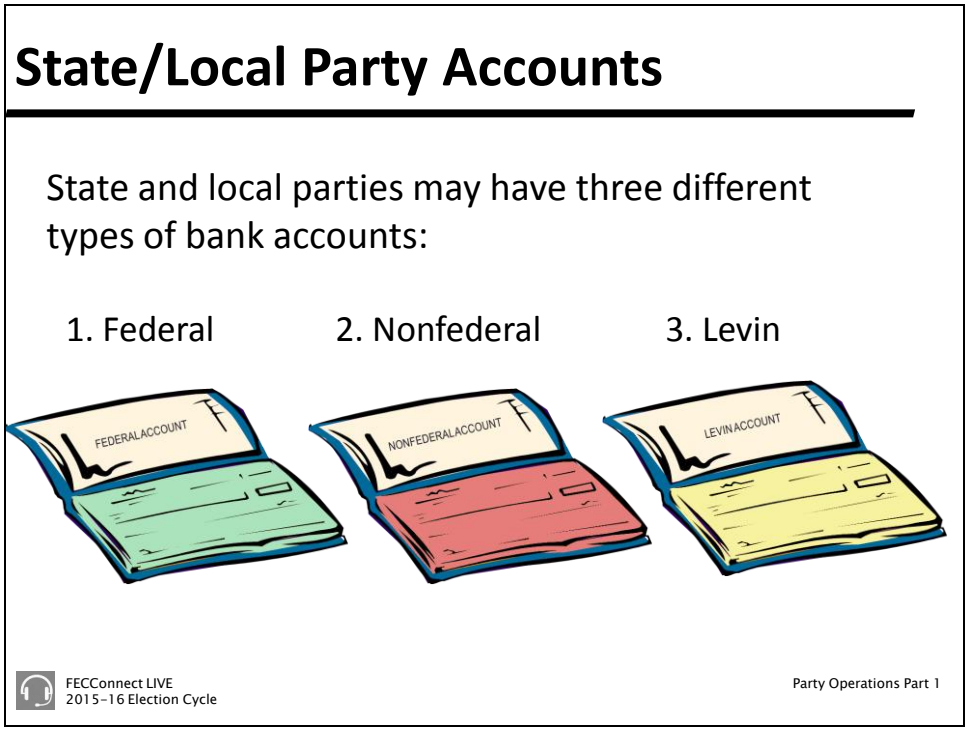

D. **Three Types of Accounts for State/Local Party Committees –** (11 CFR 102.5(a) and 300.30); (*Guide*, pp. 4-5)

1. **Federal Account – Required for Federal Activity**
   Federal funds comply with the limitations, prohibitions and reporting requirements of the Federal Election Campaign Act (the Act).
2. **Nonfederal Account – Optional under Federal Law**
   Nonfederal funds are governed by state law. Not reportable to the FEC.
3. **Levin Account – Optional under Federal Law <u>or</u> Deposit in Nonfederal Account**
   a) Levin funds comply with some of the limits and prohibitions of the Act and are also governed by state law.
   b) Used to pay a portion of certain Federal Election Activity (FEA) which are specific activities defined by BCRA. We will discuss FEA in detail in *Party Operations, Part 2*.

Federal Account Deposits

Must meet one of these conditions:

1. Designated or solicited for federal account
2. Contributors informed that contribution is subject to federal limits/prohibitions

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E. Deposits into the Federal Account – (11 CFR 102.5(a) and 300.30(b)(3)); (*Guide*, p. 5)

1. Solicitation Notice

All funds deposited into the party's federal account must meet one of the following conditions:

a) Designated or Solicited for the Federal Account

Funds must be designated by the contributor or expressly solicited for use in connection with federal elections; <u>or</u>

b) Contributors Informed

Contributors must be informed that contribution is subject to federal limits and prohibitions, e.g., in the initial solicitation.

Scenario #1

Reporting Contributions to the Federal Account

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<u>Reporting Scenario #1</u>
On February 1, 2016, the California Freedom Party sends out a solicitation for contributions. The solicitation states that the funds received will be used in connection with both nonfederal and federal elections. The committee receives a check from Dr. Marvin Monroe in the amount of $2,500 on March 1, 2016.

1. May the committee deposit the check in the federal account?

2. How should the committee report the receipt of the check?

3. When examining the check from Dr. Monroe, what "red flags" should the committee consider when deciding if the check is permissible?

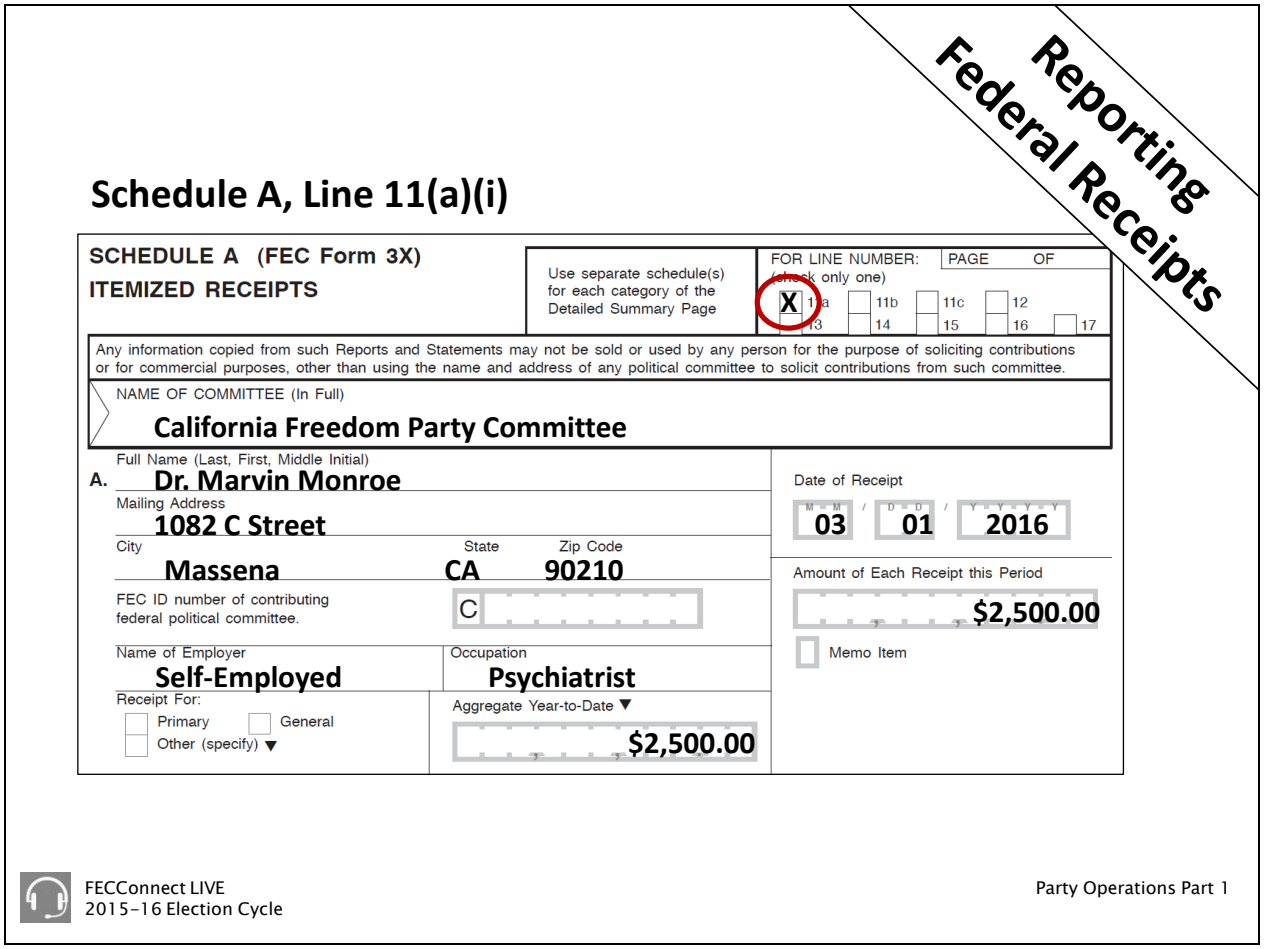
Reporting Scenario #1 Answers:

1. May the committee deposit the check in the federal account?

Answer: Yes, because the solicitation stated that the funds would be used in connection with federal elections. Alternatively, the solicitation could have stated that the contributions are subject to the limits and prohibitions of the Act. Either would satisfy 11 CFR 102.5(a)(2).

2. How should the committee report the receipt of the check?

Answer: The contribution is more than $200 so it should be itemized on Schedule A for Line 11(a)(i).



3. When examining the check from Dr. Monroe, what "red flags" should the committee consider when deciding if the check is permissible?

Answer: Is the check a personal check? Is the check drawn on the account of a corporation or LLP? Is the address on the check a foreign address?

Exemption: Volunteer Activities

- Volunteer Services
- Personal Property
- Home Event – $2,000/year
- Unreimbursed Travel – $2,000/year

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II. Contribution Exemption: Volunteer Services (*Guide*, pp. 27-28)

A. Services of Individual Volunteer
No limit on services provided without compensation by any individual.
11 CFR 100.74.

B. Use of Real or Personal Property (e.g., home or personal computer)

1. Unlimited when Used for Volunteer Services (11 CFR 100.75)

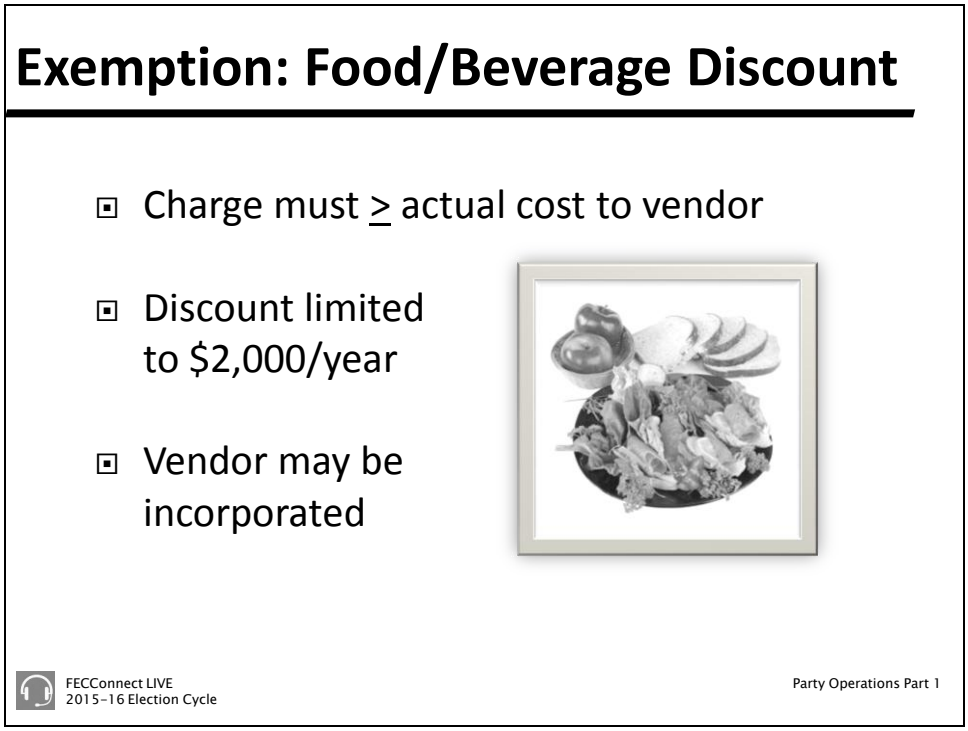
2. Use of Home or Community Room for Event

a) Individual may spend up to $2,000/year for food, beverage and invitations in connection with event held at above locations.
11 CFR 100.77.

b) Community room must be used on a regular basis by community for non-commercial purposes and must be available regardless of political affiliation.

c) Nominal fee paid for use of community room is not a contribution.

C. Unreimbursed Travel
Individual may spend up to $2,000/year for his/her own unreimbursed travel on behalf of the party. 11 CFR 100.79.



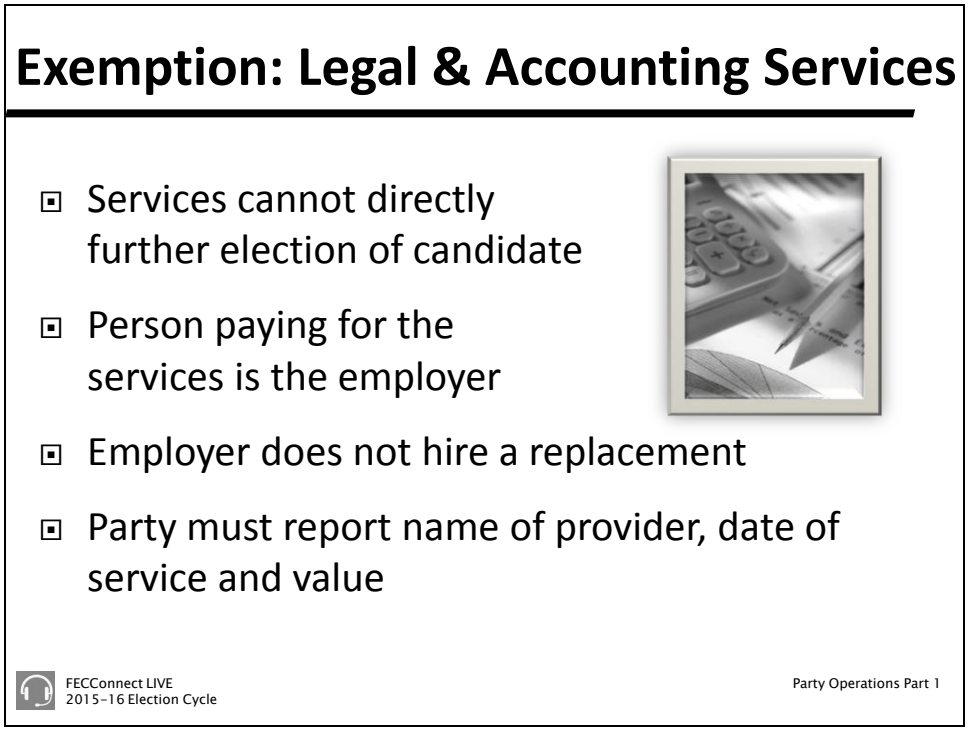
III. Contribution Exemption: Food/Beverage Vendor Discounts (*Guide*, p. 28)

A. How Exemption Works

Food and beverage vendors may sell food or beverages at a discount, provided that:

1. Charge must at least equal actual cost to vendor.
2. Discount may not exceed $2,000/year. 11 CFR 100.78 and 114.1(a)(2)(v).

B. Vendor May be Incorporated



IV. Contribution Exemption: Free Legal and Accounting Services (*Guide*, p. 27)

A. Provided by Employers

An employer (e.g., law or accounting firm) may provide unlimited legal and accounting services as long as certain conditions are met.

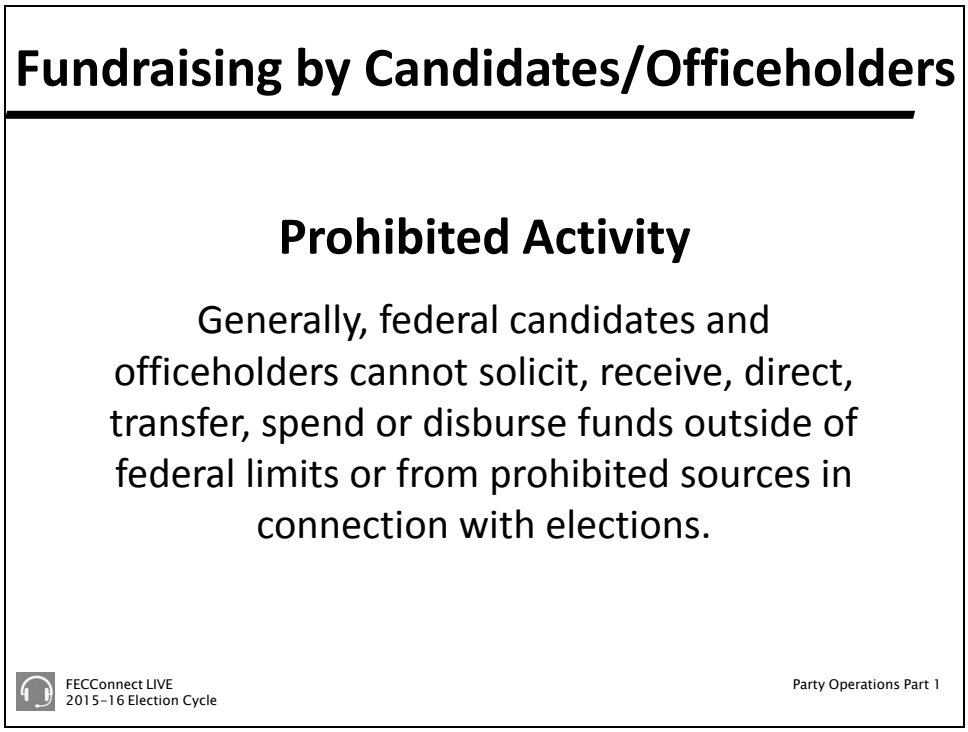
B. Conditions for Exemption

1. Services may not directly further election of specific federal candidate.
2. Entity paying for services must be regular employer of individual performing the service.
3. Employer may not hire additional employees to free regular employees to perform the service.

C. Reporting

Party must report name of provider, date of service and value. Report the value of services received by using a memo entry on Schedule A of Form 3X.
11 CFR 100.85, 104.3(h) and 114.1(a)(2)(vi).

V. Participation by Federal Candidates and Officeholders at Nonfederal Fundraising Events (11 CFR 300.60 – 300.65)



A. Fundraising Restrictions (*Guide*, pp. 22-23)

1. In Connection with Federal Elections

The persons described below may not solicit, receive, direct, transfer, spend or disburse funds in connection with Federal elections unless the amounts consist of Federal funds that are subject to the limitations, prohibitions, and reporting requirements of the Act. 11 CFR 300.61.

2. In Connection with Nonfederal Elections

In addition, the persons described below may solicit, receive, direct, transfer spend or disburse funds in connection with any nonfederal election, only in amounts and from sources that are consistent with State law, and that do not exceed the Act's contribution limits or come from prohibited sources under the Act. 11 CFR 300.62.

B. Application

The fundraising restrictions apply to the following:

1. **Federal candidates;**
2. **Individuals holding federal office;**
3. **Agents acting on behalf of federal candidate or individual holding federal office**. (See AO 2003-10); **and**
4. **Entities directly or indirectly established, financed, maintained or controlled by, or acting on behalf of, one or more federal candidates or individuals holding federal office** (e.g., a Leadership PAC). See AO 2003-12 and 11 CFR 300.60.

Party Nonfederal Fundraisers

Candidate/Officeholder may:

- Attend, speak or be a featured guest at event where nonfederal or Levin funds are raised
- Solicit funds at event only if solicitation limited to federal funds
  - Written notice limiting solicitation to federal funds OR
  - Oral statement limiting solicitation to federal funds
  - Must be clear and conspicuous; Not clear and conspicuous if difficult to read or hear or if placement is easily overlooked

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C. Attendance at Nonfederal Fundraising Event (11 CFR 300.64(b))

A Federal candidate or officeholder may:

1. Attend, speak at, or be a featured guest at a nonfederal fundraising event.
2. Solicit funds at a nonfederal fundraising event, provided that the solicitation is limited to funds that comply with the amount limitations and source prohibitions of the Act and that are consistent with State law.
   a) A Federal candidate or officeholder may limit such a solicitation by displaying at the fundraising event a clear and conspicuous written notice, or making a clear and conspicuous oral statement, that the solicitation is not for Levin funds (when applicable), does not seek funds in excess of $[Federally permissible amount], and does not seek funds from corporations, labor organizations, national banks, federal government contractors, or foreign nationals.
   b) A written notice or oral statement is not clear and conspicuous if it is difficult to read or hear or if its placement is easily overlooked.

Publicity for Nonfederal Fundraisers

Party committee may use candidate/officeholder name/likeness in publicity that:

- Does not contain a solicitation
- Solicits only federal funds
- Solicits nonfederal or Levin funds, IF . . .
  - The candidate/officeholder is identified in manner not specifically related to fundraising (featured guest, honored guest, special guest, featured speaker, or honored speaker) AND
  - The publicity includes disclaimer that solicitation is not being made by the candidate/officeholder

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D. Publicity for Nonfederal Fundraising Events (11 CFR 300.64(c))

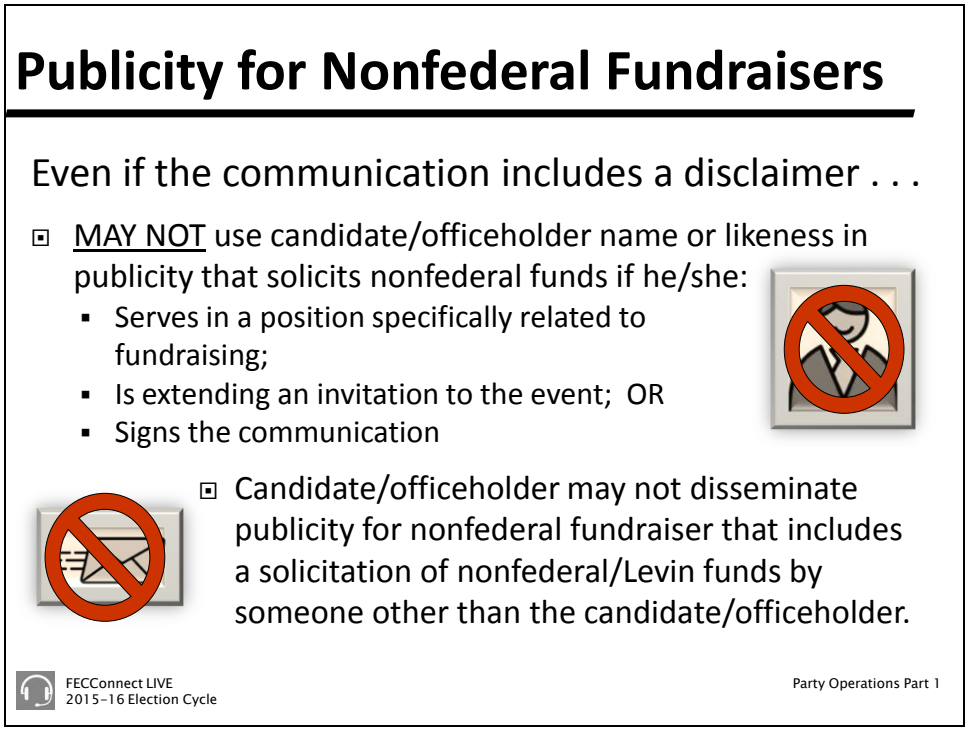
(Publicity for a nonfederal fundraising event includes, but is not limited to, advertisements, announcements, or pre-event invitation materials, regardless of format or medium of communication.)

1. Publicity That Does Not Contain a Solicitation

A federal candidate or officeholder or an agent of either may approve, authorize, agree to, or consent to the use of his or her name or likeness in publicity for a nonfederal fundraising event that does not contain a solicitation.

2. Publicity Containing Solicitation Limited to Federal Funds

A federal candidate or officeholder or an agent of either may approve, authorize, agree to, or consent to the use of his or her name or likeness in publicity for a nonfederal fundraising event that solicits only funds that comply with the amount limitations and source prohibitions of the Act.



3. Publicity Containing Solicitation of Nonfederal Funds

A federal candidate or officeholder or an agent of either may approve, authorize, agree to, or consent to the use of his or her name or likeness in publicity for a nonfederal fundraising event that contains a solicitation of funds outside the amount limitations and source prohibitions of the Act or Levin funds **ONLY** if:

a) The federal candidate or officeholder is identified as a featured guest, honored guest, special guest, featured speaker, or honored speaker, or in any other manner not specifically related to fundraising; **AND**

b) The publicity includes a clear and conspicuous disclaimer that the solicitation is not being made by the Federal candidate or officeholder. 11 CFR 300.64(c)(3)(i)(B).

E. Disclaimers on Publicity

1. Clear and Conspicuous

a) On Written Publicity

The clear and conspicuous disclaimer required by 11 CFR 300.64(c)(3)(i)(B) must meet the existing requirements in 11 CFR 110.11(c)(2) (i.e., contained in a box set apart from the rest of the communication) if the publicity is written. **Disclaimer requirements were discussed in the *Basics and Best Practices* workshop.**

b) On Non-written Publicity

Where publicity is disseminated by non-written means, the clear and conspicuous disclaimer is required only if the publicity is recorded or follows any form of written script.

c) Examples

Examples of clear and conspicuous disclaimers include, but are not limited to:

- "[Name of Federal candidate/officeholder] is appearing at this event only as a featured speaker. [Federal candidate/officeholder] is not asking for funds or donations;" or
- "All funds solicited in connection with this event are by [name of nonfederal candidate or entity], and not by [Federal candidate/officeholder]."

d) Use of Fundraising Titles/Candidate Signature

A Federal candidate or officeholder or an agent of either may not approve, authorize, agree to, or consent to the use of his or her name or likeness in publicity for a nonfederal fundraising event that contains a solicitation of funds outside the amount limitations and source prohibitions of the Act or Levin funds if:

(1) The Federal candidate or officeholder is identified as serving in a position specifically related to fundraising, such as honorary chairperson or member of a host committee, or is identified in the publicity as extending an invitation to the event, <u>even if the communication contains a written disclaimer as described in paragraph (c)(3)(i)(B) of this section</u>; OR

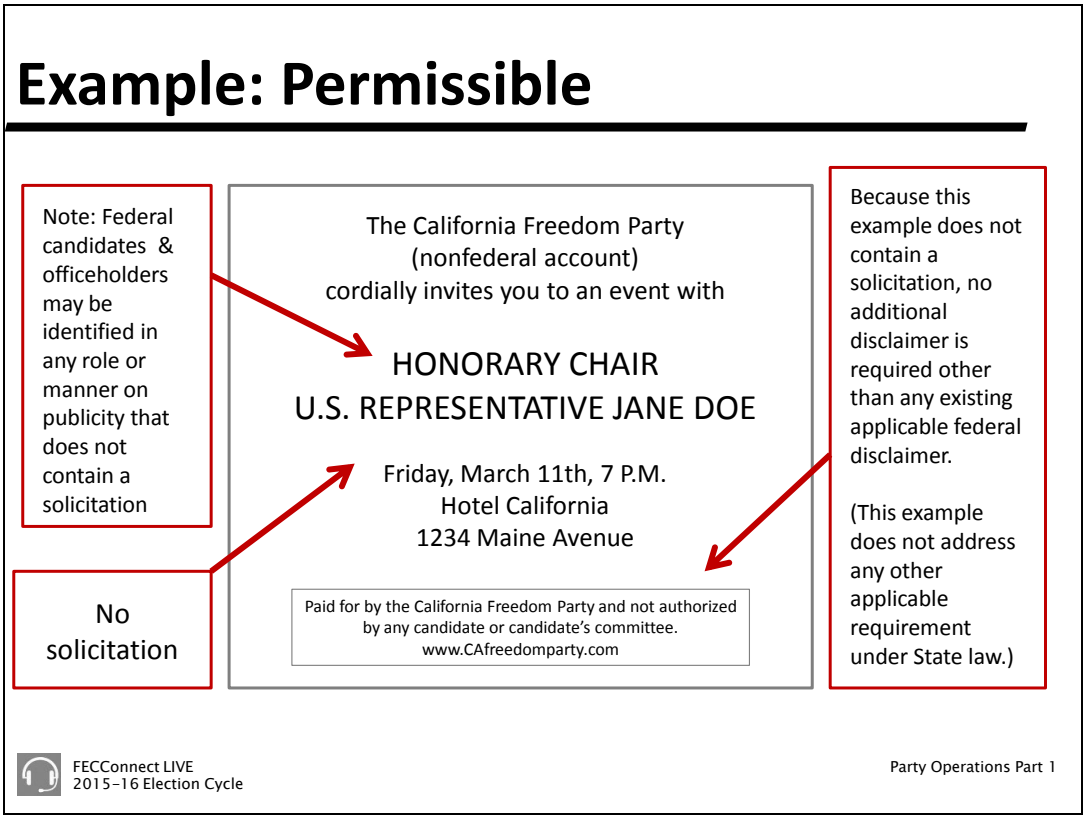
(2) The Federal candidate or officeholder signs the communication, <u>even if the communication contains written disclaimer as described in paragraph (c)(3)(i)(B) of this section</u>.

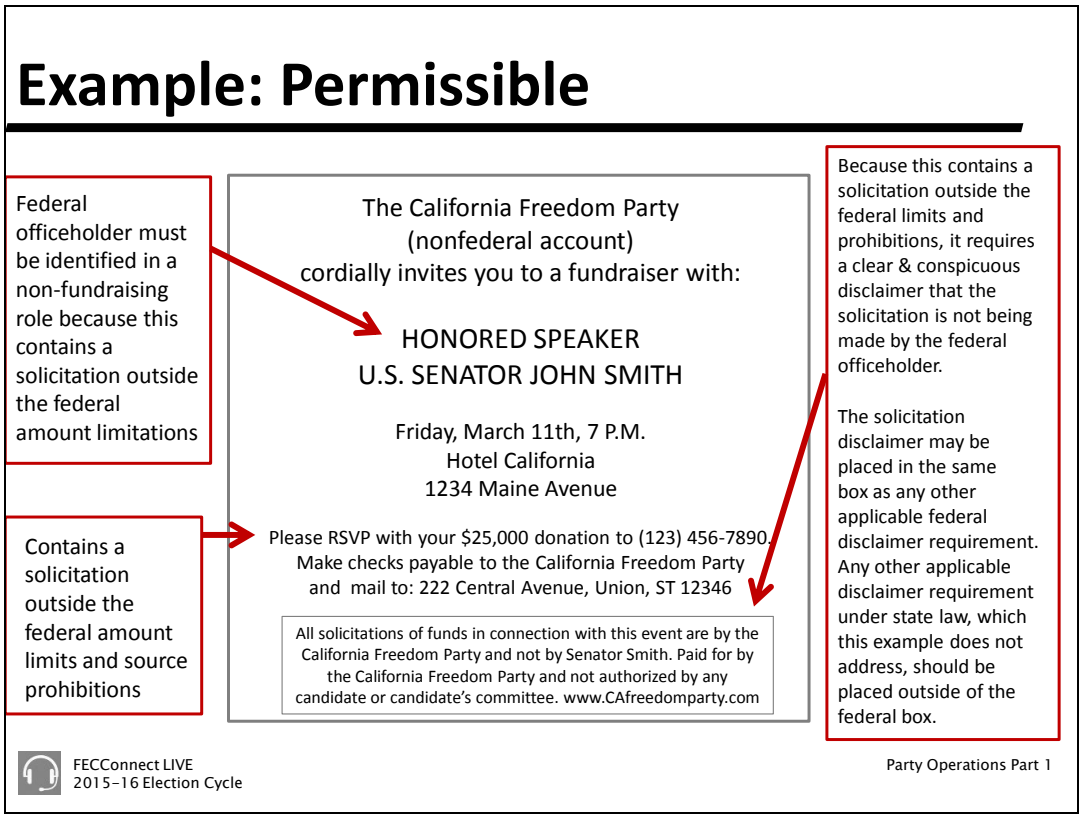
e) Dissemination by Federal Candidate or Agents

A Federal candidate, officeholder, or an agent of either, may not disseminate publicity for a nonfederal fundraising event that contains a solicitation of funds outside the amount limitations and source prohibitions of the Act or Levin funds by someone other than the Federal candidate or officeholder.

See next two pages for some solicitation examples.

Examples of Permissible Solicitations:





Examples of <u>Impermissible</u> Solicitations:

Example: Impermissible

U.S. Senator John Smith cordially invites you to a fundraising event for the California Freedom Party (nonfederal account).

Friday, March 11th, 7 P.M.
Hotel California
1234 Maine Avenue

Please RSVP with your $25,000 contribution to (123) 456-7890. Make checks payable to the California Freedom Party (nonfederal account) and mail to: 222 Central Avenue, Union, ST 12346

All solicitations of funds in connection with this event are by the California Freedom Party and not by Senator Smith.
Paid for by the California Freedom Party and not authorized by any candidate or candidate's committee. www.CAfreedomparty.com

Contains a solicitation outside the federal amount limits and source prohibitions

In this example, the federal officeholder impermissibly is extending the invitation on publicity containing a solicitation for funds outside the federal limits and prohibitions.

This problem cannot be "cured" by including a disclaimer that the impermissible solicitation is not being made by the federal officeholder.

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Example: Impermissible

Join Honorary Chair U.S. Senator John Smith at a fundraiser for the California Freedom Party (nonfederal account).

Friday, March 11th, 7 P.M.
Hotel California
1234 Maine Avenue

Please RSVP with your $25,000 contribution to (123) 456-7890. Make checks payable to the California Freedom Party (nonfederal account) and mail to: 222 Central Avenue, Union, ST 12346

All solicitations of funds in connection with this event are by the California Freedom Party and not by Senator Smith.
Paid for by the California Freedom Party and not authorized by any candidate or candidate's committee. www.CAfreedomparty.com

Contains a solicitation outside the federal amount limits and source prohibitions

In this example, the federal officeholder impermissibly is identified in a role specifically related to fundraising on publicity containing a solicitation for funds outside the federal limits and prohibitions.

This problem cannot be "cured" by including a disclaimer that the impermissible solicitation is not being made by the federal officeholder.

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PART B: SPENDING PARTY FUNDS

Supporting Candidates

- Contributions
- Exempt Activities
- Coordinated Party Expenditures
- Independent Expenditures
- Federal Election Activities (FEA)

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Contribution Limits

REVIEW

2015-16 Cycle	House Candidate	Senate Candidate
National May Give:	$5,000/election	$5,000/election from Nat'l CCC (plus $46,800 from Nat'l & SCC / campaign)
State and Registered Local May Give:	$5,000/election (combined limit)	$5,000/election (combined limit)
Unregistered Local May Give:	$2,700/election; will trigger registration	$2,700/election; will trigger registration

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I. Contribution Limitations From Party Committees (11 CFR 110.1 and 110.2)

(*Guide* pp. 35-40)

A. By National Party Committees

1. **To Congressional Candidates** – Each may contribute $5,000 per election, per candidate. 11 CFR 110.2(b).
2. **To Senatorial Candidates**
   - **a)** National Committee plus Senatorial Campaign Committee together may contribute $46,800/campaign. (Note: indexed for inflation.) 11 CFR 110.2(e).
   - **b)** Congressional Campaign Committee may contribute $5,000/election. 11 CFR 110.2(b).

B. By State, District and Local Party Committees

1. **To Congressional and Senatorial Candidates**
   - **a)** $5,000 per election, if multicandidate. 11 CFR 110.2(b).
   - **b)** $2,700 per election, if not multicandidate committee. 11 CFR 110.1(b).
   - **c)** Limit shared with all federally <u>registered</u> local party committees within the state. 11 CFR 110.3(b)(3).
2. **Made by Unregistered Local Party Organizations**

   May contribute $2,700/election (indexed for inflation), BUT
   - **a)** Permissible funds must be used.
   - **b)** Counts towards $1,000/calendar year registration threshold. 11 CFR 100.5(c) and 110.1(b). See also AOs 2005-02 and 1999-04.

Scenario #2

Reporting Contributions to Federal Candidates

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<u>Reporting Scenario #2 - Reporting Contributions to Federal Candidates</u>
Congressman Barney Gumble was unsuccessful in his 2014 reelection campaign and lost his seat to local store owner Ned Flanders. Congressman Gumble's campaign has a significant amount of general election debt remaining and the California Freedom Party would like to help the campaign pay it down.

Under what circumstances may the Freedom Party make a contribution to retire Congressman Gumble's general election debt? Are there any special reporting rules?

Scenario #2 Answer:

Contributions to Candidates

Contribution to Retire Candidate Debt

SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER: (check only one)
21b 22 [X] 23 24 25 26
27 28a 28b 28c 29 30b

PAGE OF

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): Oregon Freedom Party

A. Full Name (Last, First, Middle Initial): Friends of Barney Gumble 2014

Mailing Address: 1000 Evergreen Street

City: Eugene State: OR Zip Code: 95786

Purpose of Disbursement:

Candidate Name: Barney Gumble

Category/Type: 011

Office Sought: [X] House [ ] Senate [ ] President

State: OR District: 9

Disbursement For: [ ] Primary [X] General [ ] Other (specify): 2014 Debt Retirement

Date of Disbursement: 03 / 30 / 2016

Amount of Each Disbursement this Period: $2,000.00

[ ] Memo Item

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Under what circumstances may the Freedom Party make a contribution to retire Congressman Gumble's general election debt? Are there any special reporting rules?

Answer: The party may make the contribution if the committee has not already maxed out on its contribution limit to this candidate for the general election 2014. For contributions made to retire debt, be sure to designate the contribution(s) specifically for debt retirement for that particular election. Contributions to candidates are reported on Line 23 of FEC Form 3X.

Exempt Activities

Key Facts:

- Contribution limits do not apply
- Must use federally permissible funds
- Count toward $5,000 exempt activity registration threshold

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II. Exempt Party Activities (*Guide*, pp. 49-50)

A. Special Features of Party Exempt Activities

1. **Volunteer-Intensive**
2. **Unlimited**
   Not subject to contribution or coordinated expenditure limits, provided criteria listed below are met.
3. **Use Federal funds for portions allocable to federal candidates**
4. **Subject to $5,000 Registration Threshold (11 CFR 100.5(c))**
5. **Disclaimer Required (11 CFR 110.11(e))**
   a) Must state that party paid for communication.
   b) Disclaimer does not need to state whether the communication is authorized by a candidate or any authorized committee.

Slate Cards / Sample Ballots

To be Exempt:

- Must name 3 or more candidates
- No general public political advertising (except direct mail)
- Content limited
  - Name of candidate
  - Office held/sought
  - Party affiliation

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B. Three Specific "Exempt Party Activities:"

1. Slate Card/Sample Ballot/Palm Card (11 CFR 100.80 and 100.140)

a) Must name 3 or more candidates for any public office;

b) No general public political advertising, except direct mail (defined as commercial vendor or commercial lists); and

(1) Content restricted to identification of candidates, office currently held, office sought and party affiliation. Excessive biographical information, information on candidate positions or statements of party philosophy fall outside of the exemption.

(2) Photographs and computer graphics may be used. See AO 2008-06 for more information.

Campaign Materials

To be Exempt:

- Only for general election nominees
- Distributed by volunteers
- No general public political advertising
- Paid for by local/state party committee
- Party may not use:
  - Funds designated for a candidate
  - Funds or materials provided by National committee for purchase of the materials

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2. Campaign Materials (11 CFR 100.87 and 100.147)
(Includes pins, bumper stickers, brochures, yard signs, posters, newsletters and party tabloids)

a) Activity may only be conducted for the general election on behalf of the party's nominees.
b) Party committee must use volunteers to distribute;
c) No public political advertising, no direct mail;
d) Payment for materials must be made by party committee. Any payment by state candidate committee to party for state candidate's share of materials is not a contribution to the party;
e) Payments may not be made from funds designated for a particular candidate; and
f) Payments may not be made from funds provided by National committee for purchase of the materials, nor can the National committee provide the materials.
g) In AO 2010-01, the Commission approved a state party committee's payment for and distribution by volunteers of exempt campaign materials on behalf of a state party's "presumptive nominees" before the primary election was held, but only after the date that the party is able to identify its presumptive nominee.

Presidential GOTV-Voter Registration

To be Exempt:

- Only Presidential/VP candidates mentioned
  - Contribution results if other candidates identified
- No general public political advertising
- Phone bank activity exempt if operated by volunteers
- No payment with:
  - Funds designated for a candidate or
  - Funds donated by national committee

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3. Presidential Voter Registration and Get-Out-the-Vote Drives (11 CFR 100.89 and 100.149)

a) In order to be exempt, only the Presidential and Vice-Presidential nominees may be specifically mentioned and targeted;

b) If the activity is also conducted on behalf of other specifically-identified candidates, must be in-kind contributions or coordinated expenditures;

c) Phone bank activities exempt if operated by volunteers;

d) No public political advertising, no direct mail;

e) Payments may not be made from funds designated for a particular candidate; and

f) Payments may not be made from funds donated by the National committee for voter registration and GOTV activities.

Paying for Exempt Activities

- Allocate federal/nonfederal funds ONLY if:
  - Activity mentions both federal/nonfederal candidates
- If exempt activity meets one or more definitions of FEA:
  - Still "exempt" from contribution/expenditure
  - Must be paid as FEA (100% federal)

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2015-16 Election Cycle

Party Operations Part 1

4. Payment for Exempt Activities

a) Allocation of Exempt Activity

(1) If conducted in conjunction with nonfederal activity, may allocate the costs of Exempt Activity between Federal and nonfederal funds. 11 CFR 106.7(d)(3).

(2) May NOT allocate between Federal and nonfederal funds any Exempt Activity that mentions ONLY Federal candidates. 11 CFR 106.7(e)(1).

(3) **Example:** A slate card that lists only candidates for Federal office and does not list a candidate for nonfederal office.

b) Exempt Activity that is also FEA (11 CFR 100.24(b)(3) and 300.33(a)(1) and (2))

(1) If Exempt Activity also meets one of the definitions of FEA, such activity is still exempt from the definition of "contribution" and "expenditure" (i.e., activity is unlimited). However, the activity must be paid for as FEA, i.e., with Federal funds. 11 CFR 100.24(b)(3) and 300.33(a)(1) and (2).

(2) Example: A Presidential Get-Out-the-Vote Drive phone bank may qualify as Exempt Activity under 100.89 and 100.149. However, such a phone bank may also qualify as a "public communication that PASOs a Federal candidate," which is Type 3 FEA. Though Exempt Activity may be allocated between Federal and nonfederal funds, this activity also qualifies as Type 3 FEA, which is not allocable; must use 100% Federal funds.

Coordinated Party Expenditures

- Separate category from usual contribution limits
- Funds spent by party
- On behalf of general election nominee
- Separate limits apply; May designate limit to other party committee
- Party reports; disclaimer required

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2015-16 Election Cycle

Party Operations Part 1

III. Coordinated Party Expenditures (11 CFR 109.32 through 109.37)
(*Guide*, pp. 47-49)
Expenditures made by a party committee on behalf of its nominee in the general election. Committees have a "coordinated party expenditure" limit (calculated each election cycle) that is *separate* from its contribution limit to the candidate. Expenditures may range from paying bills for candidate to paying for "coordinated communications" on behalf of the candidate.

A. In Connection With General Election of Party's Candidates
May be made *before* candidate has been nominated (11 CFR 109.34).

Coordinated Party Expenditures

- National Party Committee
  - Limit for House, Senate, Presidential candidates
- State Party Committee
  - Limit for House, Senate candidates
  - Presidential candidates (only if designated)
- Local/District Party Committee
  - No coordinated party spending authority unless designated

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2015-16 Election Cycle

Party Operations Part 1

B. Who Makes Them (11 CFR 109.32(b)):

1. National Party Committee

For House, Senate and Presidential candidates.

2. State Party Committee

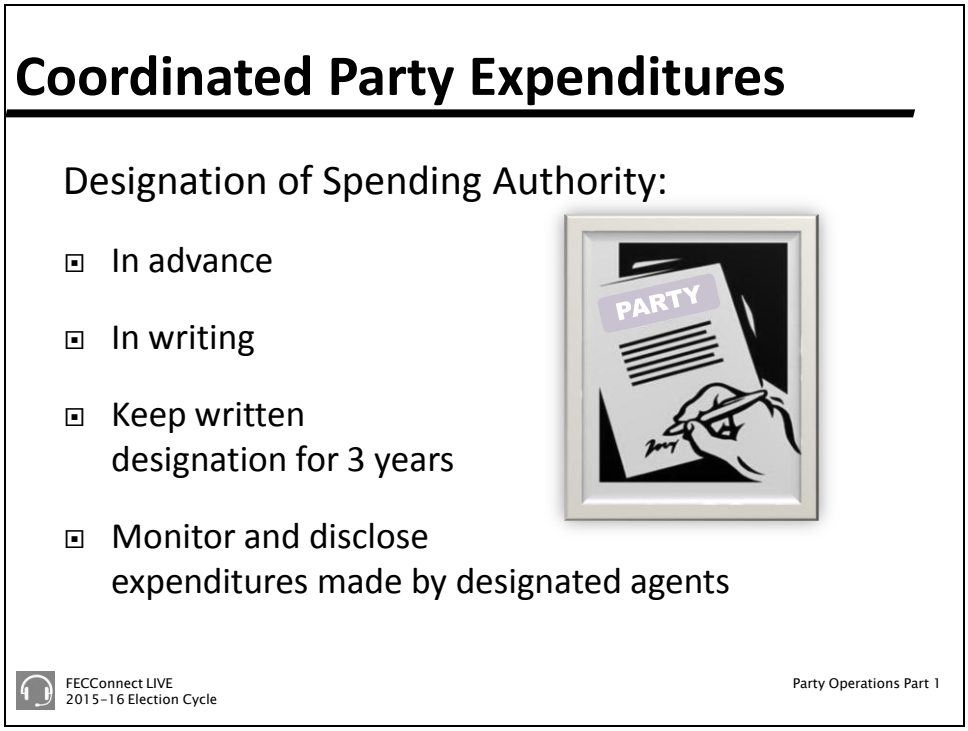
a) For House and Senate candidates.

b) For Presidential candidates, but *only* if designated, in advance and in writing, by the national committee.

3. Local or District Party Committee

a) For House, Senate, Presidential candidates but

b) *Only if designated, in advance and in writing*, by national or state committee, as appropriate.



C. Designation

1. Committee may designate other party committees to spend **against** its limit.
2. Must be done in advance and in writing.
3. Must be received by the **designee** committee *before* any expenditure is made.
4. Retain, for recordkeeping **purposes**, copy of written designation for three years.

D. Payment

Party committee makes actual payment to the vendor—funds <u>may not</u> be given directly to the candidate's campaign committee.

Coordinated Party Expenditures

- House Candidates
  - $10,000 increased by COLA, or the Senate limit for states with only one representative
- Senate Candidates
  - $20,000 increased by COLA, or the State's VAP x $.02 increased by COLA
- Presidential Candidates
  - National VAP x $.02 increased by COLA

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2015-16 Election Cycle

Party Operations Part 1

E. Limits (based on formula):

1. **<u>Separate</u> Limits for State and National parties.**
2. **For Congressional Candidates**
   $10,000 plus Cost-of-Living Adjustment (COLA) (**2016 limit**: $48,100 [$96,100 for states with only one Congressional district]).
3. **For Senate Candidates**
   $20,000 plus COLA or the state VAP x $.02 plus COLA, whichever is greater (e.g., 2016 state limits range from $96,100 in lesser populated states to $2,886,500 in California).
4. **For Presidential Candidate**
   National VAP x $.02 plus COLA (2016 limit = $23,821,100).

F. Reporting

1. Reported by party on Schedule F.
2. Candidate committee does not report the benefit of the activity.

G. Use only Federal Funds

Party must make expenditure from its federal account.

Coordinated Party Expenditures

Disclaimer on Public Communications:

- Name of the party committee paying for the communication
- If communication made with the candidate's approval and after the nomination, then authorization statement required
- Subject to disclaimer rules for printed communications

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2015-16 Election Cycle

Party Operations Part 1

H. Disclaimer Requirements for Public Communications (11 CFR 110.11(d)) (*Guide*, pp. 64-66)

1. Disclaimer Must State:

a) Name of party committee that paid for communication; and

b) If made with the approval of the candidate, that the communication is authorized by the candidate or his/her committee (not necessary if communication disseminated before candidate's nomination; see 11 CFR 110.11(d)(1)(ii)).

2. Not Subject to "Stand by Your Ad" Rules Requiring Voiceover/Appearance by Candidate.

3. Subject to Rules for Printed Communications.

Coordination

- If communication is coordinated, considered in-kind or coordinated party expenditure, subject to limits.
- Coordination three-part test:
  - ✓ Source of payment;
  - ✓ "Content standard" re: timing and subject matter of communication; AND
  - ✓ "Conduct standard" re: interaction between campaign and payee.

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2015-16 Election Cycle

Party Operations Part 1

I. Three-Prong Coordinated Communication Test (11 CFR 109.37 and 109.21(d)) (*Guide*, pp. 59-62)

1. Three-Pronged Test Overview:

- Source of payment;
- Content is republication of candidate material, express advocacy or communication made that refers to a clearly identified candidate; and
- Conduct involves the candidate or the candidate's agents in request or suggestion, material involvement, or substantial discussion, or involves republication of candidate material, use of common vendor, or use of prior employee or contractor.

Three-Part Coordination Test

- Source of payment
  - Party committee

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2015-16 Election Cycle

Party Operations Part 1

2. Source of Payment
The source of payment for a Coordinated Party Expenditure is the political party committee making the expenditure.

Three-Part Coordination Test

- Content Standard

  Meeting one of these:
  - Electioneering Communication
  - Republication of Campaign Materials
  - Express Advocacy
  - Public Communication within Certain Time Frame before Election

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2015-16 Election Cycle

Party Operations Part 1

3. "Content Standard"

Will satisfy test if communication meets any one of these standards:

a) "Electioneering Communication";

b) Public Communication that Republishes, Disseminates or Distributes Candidate-Prepared Campaign Materials;

c) Public Communication with Express Advocacy; or

d) Public Communication within Certain Time Frame Before Election (No express advocacy required)

(1) Refers to clearly identified candidate;

(2) Is directed to voters in the jurisdiction of the clearly identified candidate or to voters in a jurisdiction where one or more candidates of the political party appear on the ballot.

Time Frames

1. House/Senate candidates: ≤ 90 days before primary or general election
2. Presidential candidates: 120 days before primary through date of general election
3. Political parties:
   - Midterm cycle, ≤ 90 days before primary or general election
   - Presidential cycle, 120 days before primary through the general election

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2015-16 Election Cycle

Party Operations Part 1

(3) Time Frames

- Senate and House candidates = 90 days before a primary or general election.
- Presidential candidates = 120 days before the primary through the date of the general election on a state-by-state basis.
- Political parties = 90 days before a primary or general election in a midterm election cycle (2014) and 120 days before the primary running through the date of the general election in a presidential election cycle (2016).

Three-Part Coordination Test

- Conduct Standard
  - Request or Suggestion
  - Material Involvement
  - Substantial Discussion
  - Common Vendor
  - Former Employee/Independent Contractor

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2015-16 Election Cycle

Party Operations Part 1

4. "Conduct Standard"

Will satisfy test if communication meets any one of these five standards:

a) Request or Suggestion (11 CFR 109.21(d)(1))
b) Material Involvement (11 CFR 109.21(d)(2))
c) Substantial Discussion (11 CFR 109.21(d)(3))
d) Employment of Common Vendor During Previous 120 days (11 CFR 109.21(d)(4))
e) Use of Former Employee/Independent Contractor During Previous 120 days (11 CFR 109.21(d)(5))

Three-Part Coordination Test

Source of payment

+ "Content standard"

+ "Conduct standard"

= Coordinated Communication

= In-Kind Contribution / Coordinated Party Expenditure

Subject to Limits and Prohibitions

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2015-16 Election Cycle

Party Operations Part 1

Safe Harbors

- Endorsements/solicitations by federal candidates
- 120-day temporal limit for common vendor and former employee conduct standards
- Establishment and use of "firewall"
- Use of publicly available information
- Certain commercial transactions

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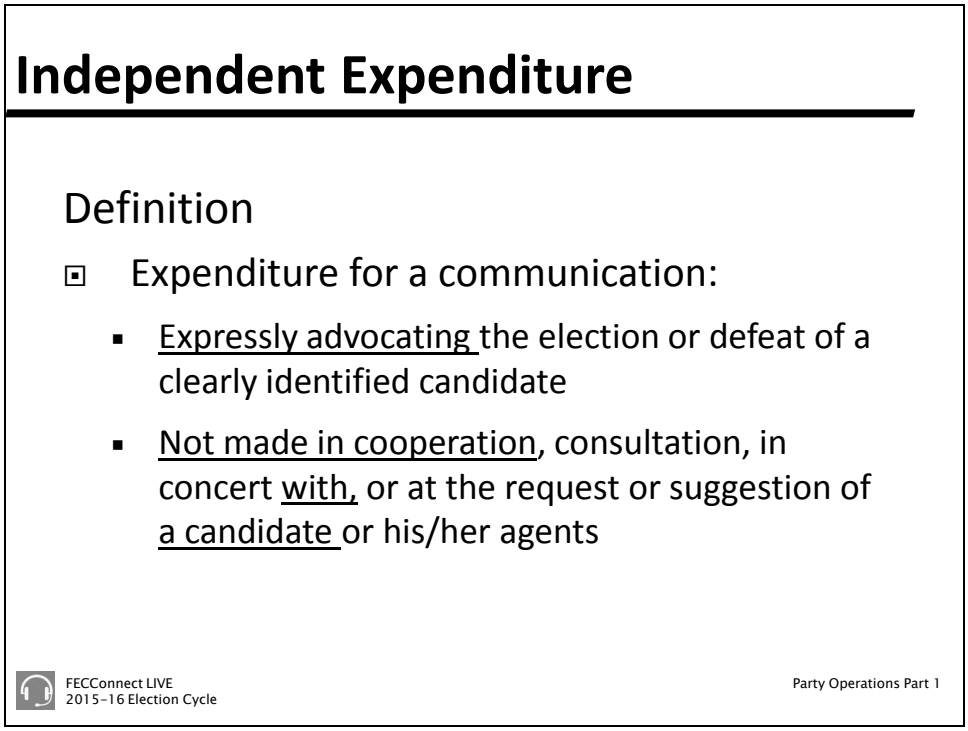
2015-16 Election Cycle

Party Operations Part 1

J. Safe Harbor for Endorsements and Solicitations by Federal Candidates

1. A public communication in which a Federal candidate endorses another candidate for Federal or nonfederal office is not coordinated with the endorsing candidate unless the public communication PASOs the endorsing candidate (or another candidate who seeks election to the same office). 11 CFR 109.21(g)(1).
2. A public communication in which a Federal candidate solicits funds for another candidate for Federal or nonfederal office, a political committee, or a charitable organization organized under 26 USC §501(c) is not coordinated unless the communication PASOs the soliciting candidate. 11 CFR 109.21(g)(2).
3. **120-day temporal limit for common vendor and former employee conduct standards**
4. **Safe harbor for establishment and use of firewall**
   Written firewall policy required. Must be designed and implemented to prohibit flow of information between:
   - Employees or consultants providing services for person paying for communication;
   - Vendors currently/previously providing services to candidate/authorized committee, candidate's opponent/authorized committee or party. 11 CFR 109.23(h).
5. **Safe harbor for use of publicly available information**
6. **Safe harbor for certain commercial transactions**
   Federal candidate may appear in public communications in his/her capacity as a business owner or operator that existed prior to the candidacy provided that:
   - The medium, timing, content and geographic distribution of the public communication(s) are consistent with public communications made prior to the candidacy; and
   - The public communication does not promote, attack, support or oppose that candidate or another candidate seeking the same office. 11 CFR 109.21(i).



IV. Independent Expenditures (11 CFR 100.16) (*Guide*, pp. 62-63)

A. Definition

Expenditure for a communication expressly advocating the election or defeat of a clearly identified candidate, that is not made in cooperation, consultation, or concert with, or at the request or suggestion of a candidate, or his/her agents (i.e., is not coordinated). 11 CFR 100.16.

B. Unlimited

No limitation on amounts expended.

Disclaimer and Reporting

- Name of party committee paying for it
- Not authorized by any candidate or candidate's committee
- Report on Schedule E

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2015-16 Election Cycle

Party Operations Part 1

C. Disclaimer (*Guide*, pp. 64-66)

1. Must State:

a) Name of party committee that paid for expenditure; and

b) That the expenditure is not authorized by any candidate or candidate's committee. 11 CFR 110.11(d)(3).

2. Specific Disclaimer Requirements

a) Printed communications subject to specific rules at 11 CFR 110.11(c)(1) and (2).

b) Radio/television ads subject to special rules at 11 CFR 110.11(c)(4).

D. Reporting

1. Reported by party committee on Schedule E.

2. Special notices required if party spends more than $10,000 in any calendar year or more than $1,000 in last twenty days before the election. (*Guide*, pp. 93-95)

Scenario #3

Reporting Coordinated Party Expenditures

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2015-16 Election Cycle

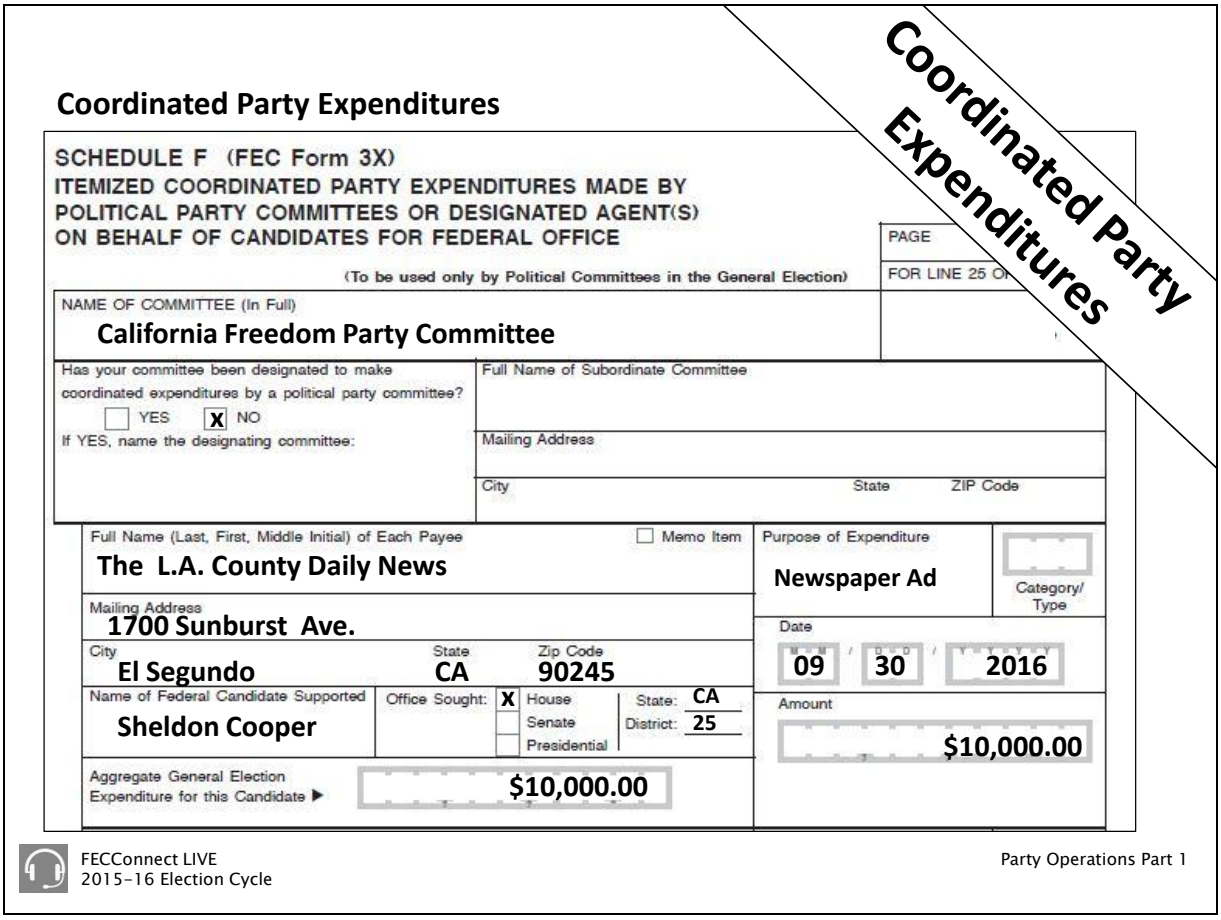
Party Operations Part 1

<u>Reporting Scenario #3: Coordinated Party Expenditures</u>

Background: On September 30, 2016— a little over a month before the November 8th general election—the California Freedom Party runs $10,000 in advertisements in *The L.A. County Daily News* supporting the party's 25th District House candidate, Sheldon Cooper.

1. **How would you report this ad if you had coordinated it and treated it as a Coordinated Party Expenditure assuming payment was made on September 30th?**

Scenario #3 Answer:



1. How would you report this ad if you had coordinated it and treated it as a Coordinated Party Expenditure assuming payment was made on September 30th?

Answer: Coordinated party expenditures are reported on Schedule F.

Coordinated Party Expenditures

- Itemize on Schedule F.
- If contracted but not paid, itemize as memo entry.
- Reference date of dissemination in purpose box when reporting payment on subsequent report.

Scenario #4

Reporting
Independent Expenditures

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2015-16 Election Cycle

Party Operations Part 1

Reporting Scenario #4: Independent Expenditures

What if the party ran several advertisements but did NOT coordinate with the candidate?

Background: On October 3, 2016—in its final campaign push before the November 8th general election—the California Freedom Party Committee runs $10,000 in ads in *The L.A. County Daily News* newspaper supporting its 25th District House candidate, Sheldon Cooper. Two days later- on October 5 - the party runs $4,000 more in ads in the *Daily News* attacking Cooper's opponent, Leonard Hofstadter. Then, just a week before the election—on November 1—the party runs a $7,500 radio ad on KELC-AM supporting Cooper. Payment for all of these ads occurred on November 23, 2016.

1. **How would you classify these ads for purposes of the law?**

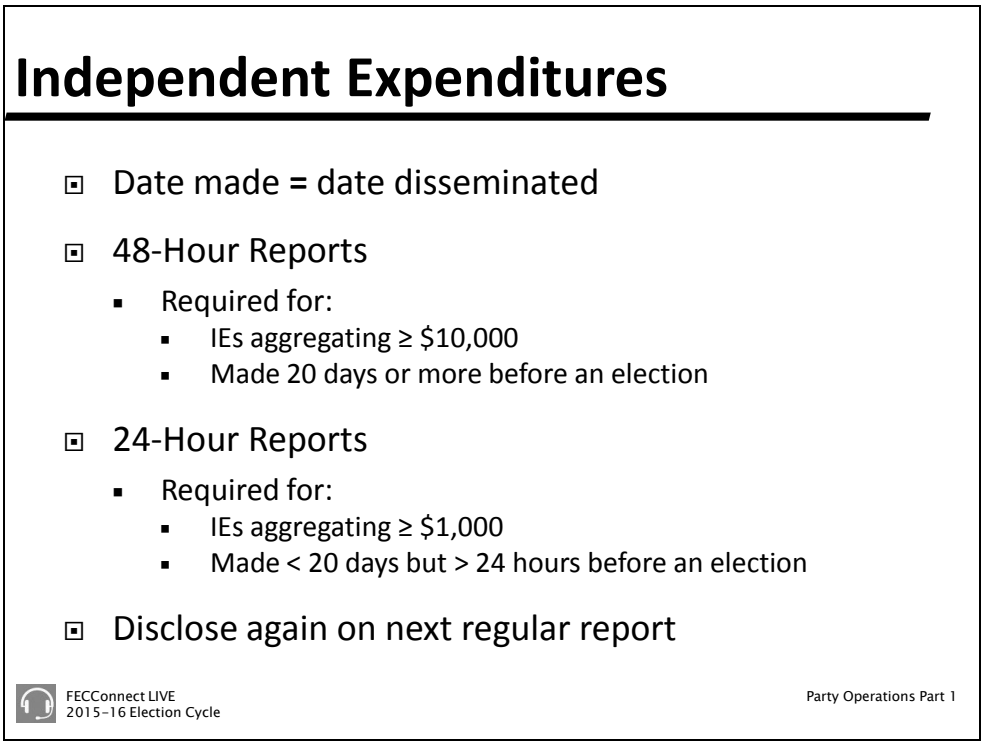
2. **If they are independent expenditures, how would you report them?**

3. **How would you report these three ads if you had not coordinated them, assuming payment was again made on November 23?**

Scenario #4 Answers:

1. How would you classify these ads for purposes of the law?

Answer: If not coordinated, then they may possibly be independent expenditures or public communications (FEA). Since we will assume that the ads will expressly advocate the named candidates' election or defeat, they are independent expenditures.



Commission Interpretive Rule on When Certain Independent Expenditures are Considered to be "Publicly Disseminated" for Reporting Purposes (76 FR 61254 (10/4/11))

- Applies to yard signs, mini-billboards, handbills, t-shirts, hats, buttons and similar communications.
- Reasonable dates that may be treated as date of public dissemination include, but are not limited to:
  1. The date filer receives delivery of communication;
  2. The date filer distributes communication to its members or employees for later public dissemination;
  3. The date a filer distributes the communications to its affiliate or member organizations for later public dissemination;
  4. The date as of which the filer authorizes its members or employees to display the communication; or
  5. The date of actual public dissemination, if that date is known to the filer.
- May NOT choose a date later than actual dissemination or a date after the election to which IE pertains.

2. If they are independent expenditures, how would you report them?

Answer: If not coordinated and if they contained express advocacy, yes, they would be considered independent expenditures. An independent expenditure is an expenditure for a communication that expressly advocates the election/defeat of a clearly identified candidate and that is not coordinated with a candidate or the candidate's agents. Party committees use Schedule E to report independent expenditures made.

- An independent expenditure is considered made when it is publicly distributed or otherwise publicly disseminated.
- Committees must file a **48-hour report** for independent expenditures that aggregate $10,000 or more, per election, per office, anytime during a calendar year up to and including the 20th day before an election.
- Committees must file a 24-hour report for independent expenditures that aggregate $1,000 or more, per election, per office, and is made less than 20 days but more than 24 hours before the day of an election, the committee must file a 24-hour report on Schedule E disclosing the independent expenditure.
- Must disclose again, on Schedule E, on the next regular FEC report.
- Committees must report both the date of dissemination and the date of payment (and debt, if these take place during different reporting periods). In January 2014, the Commission updated its Schedule E to account for instances where the date of dissemination and the date of payment may differ, for instance where an IE may be disseminated in a different reporting period than when the bill is paid. Let's look at some different examples using our scenario.

48-Hour IE Report

Initial Reporting – 48-Hour Schedule E

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

PAGE 1
FOR LINE 24

NAME OF COMMITTEE (In Full): California Freedom Party Committee

FEC IDENTIFICATION NO: C 00000004

Check if [ ] [X] 48-hour report [ ] New report [ ] Amends report filed on M M / D D / Y Y Y Y

Full Name of Payee: The L.A. County Daily News [ ] Memo Item

Date of Public Distribution/Dissemination: 10 / 03 / 2016

Mailing Address: 1700 Sunburst Ave.

Amount: $10,000.00

City: El Segundo State: CA Zip Code: 90245

Date of Disbursement or Obligation: M M / D D / Y Y Y Y

Purpose of Expenditure: Newspaper Ad

Category/Type:

Name of Federal Candidate: Sheldon Cooper

[X] Support [ ] Oppose

Office Sought: [X] House District: 25 [ ] President [ ] Senate State: CA

Calendar Year-To-Date Per Election for Office Sought: $10,000.00

Disbursement For: [ ] Primary [X] General [ ] Other (specify) ▶

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2015-16 Election Cycle

Party Operations Part 1

48-Hour IE Report

Initial Reporting – 48-Hour Schedule E

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

PAGE 1
FOR LINE 2

NAME OF COMMITTEE (In Full): California Freedom Party Committee

FEC IDENTIFICATION N: C 00000004

Check if [ ] [X] 48-hour report [ ] New report [ ] Amends report filed on M M / D D / Y Y Y Y

Full Name of Payee: The L.A. County Daily News [ ] Memo Item

Date of Public Distribution/Dissemination: 10 / 05 / 2016

Mailing Address: 1700 Sunburst Ave.

Amount: $4,000.00

City: El Segundo State: CA Zip Code: 90245

Date of Disbursement or Obligation: M M / D D / Y Y Y Y

Purpose of Expenditure: Newspaper Ad

Category/Type:

Name of Federal Candidate: Leonard Hofstadter

[ ] Support [X] Oppose

Office Sought: [X] House District: 25 [ ] President [ ] Senate State: CA

Calendar Year-To-Date Per Election for Office Sought: $14,000.00

Disbursement For: [ ] Primary [X] General [ ] Other (specify) ▶

FECConnect LIVE
2015-16 Election Cycle

Party Operations Part 1

3. How would you report these three ads if you had not coordinated them, assuming payment was again made on November 23?

October 3 - $10,000 newspaper ad October 5 - $4,000 newspaper ad November 1 - $7,500 radio ad

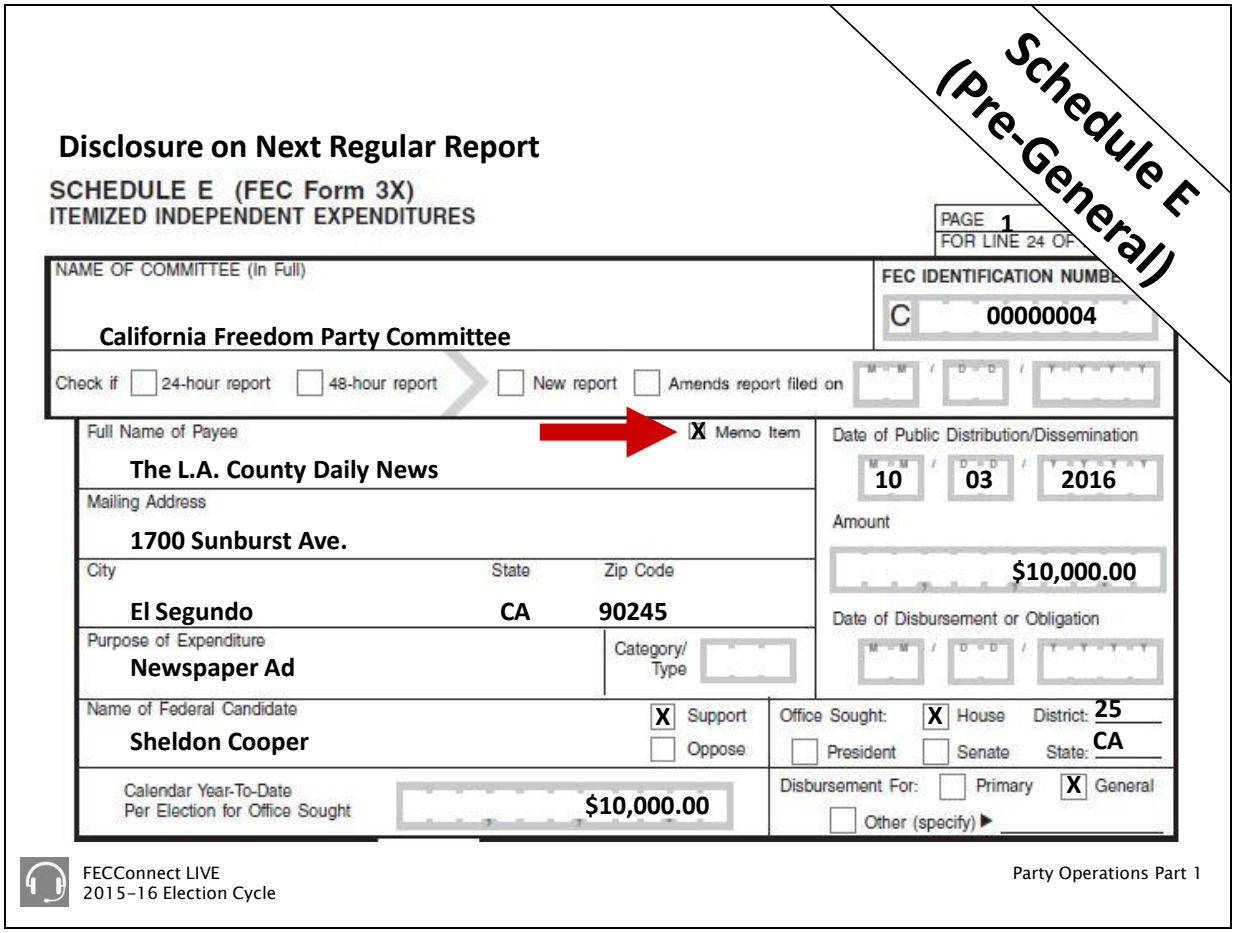
Answer: The first two ads aggregated more than $10,000 for the calendar year for the California 25th District general election and were made **more than 20 days before election**. This triggers the requirement to file 48-hour reports on a stand-alone Schedule E *solely to indicate the date the communications were disseminated*. In this case, the requirement was triggered on October 5th, so the 48-Hour reports are due October 7th.

4. Now, while we have fulfilled the notice requirement for these two communications, where else must we disclose the dissemination date of these ads?

5. So the money has not actually left our account. What else do we have to disclose in addition to the date of the independent expenditures, as disclosed on Schedule E?

4. Now, while we have fulfilled the notice requirement for these two communications, where else must we disclose the dissemination date of these ads?

Answer: On our next scheduled report (the 12 Day Pre-General in this example, covering October 1-19, 2016, and due October 27, 2016), using Schedule E again. They are itemized as memo entries on Schedule E, however, because we will not have paid the newspaper by the time the report is due.



Schedule E (Pre-General)

Disclosure on Next Regular Report

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

PAGE 1
FOR LINE 24 OF

NAME OF COMMITTEE (In Full): California Freedom Party Committee

FEC IDENTIFICATION NUMBER: C 00000004

Check if ☐ 24-hour report ☐ 48-hour report ☐ New report ☐ Amends report filed on M M / D D / Y Y Y Y

Full Name of Payee: The L.A. County Daily News

☒ Memo Item

Mailing Address: 1700 Sunburst Ave.

City: El Segundo State: CA Zip Code: 90245

Purpose of Expenditure: Newspaper Ad

Category/Type:

Date of Public Distribution/Dissemination: 10 / 05 / 2016

Amount: $4,000.00

Date of Disbursement or Obligation: M M / D D / Y Y Y Y

Name of Federal Candidate: Leonard Hofstadter

☐ Support ☒ Oppose

Office Sought: ☒ House ☐ President ☐ Senate District: 25 State: CA

Calendar Year-To-Date Per Election for Office Sought: $14,000.00

Disbursement For: ☐ Primary ☒ General ☐ Other (specify) ▶

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2015-16 Election Cycle

Party Operations Part 1

5. So the money has not actually left our account. What else do we have to disclose in addition to the date of the independent expenditures, as disclosed on Schedule E?

Answer: Show a debt owed to the newspaper on Schedule D, supporting Line 10, on the same report (12 Day Pre-General) and on subsequent reports until it is repaid.

IE – Report Debt Owed

Other Reporting -- Debt

SCHEDULE D (FEC Form 3X)
DEBTS AND OBLIGATIONS
Excluding Loans

(Use separate schedule(s) for each numbered line)

PAGE 1 OF 1

FOR LINE NUMBER: (check only one) [ ] 9 [X] 10

NAME OF COMMITTEE (In Full)
California Freedom Party Committee

A. Full Name (Last, First, Middle Initial) of Debtor or Creditor
The L.A. County Daily News

Mailing Address
1700 Sunburst Ave.

City: El Segundo, CA State: Zip Code: 90245

Nature of Debt (Purpose):
Newspaper Ads/IEs
10/03/16 and 10/05/16

Outstanding Balance Beginning This Period: $0.00

Amount Incurred This Period: $14,000.00

Payment This Period: $0.00

Outstanding Balance at Close of This Period: $14,000.00

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2015-16 Election Cycle

Party Operations Part 1

6. What will our reporting obligations be after payment is made on November 23?

7. Do we have anything left to report?

6. What will our reporting obligations be after payment is made on November 23?

Answer: Disclose the payments on Schedules E in the next scheduled report (30-Day Post General, covering October 20 – November 28, 2016, and due December 8, 2016).

Subsequent Payment

Schedule E (Post-General)

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

PAGE 1
FOR LINE 24 OF

NAME OF COMMITTEE (In Full): California Freedom Party Committee

FEC IDENTIFICATION NUMBER: C 00000004

Check if ☐ 24-hour report ☐ 48-hour report ☐ New report ☐ Amends report filed on M M / D D / Y Y Y Y

Full Name of Payee: The L.A. County Daily News ☐ Memo Item

Mailing Address: 1700 Sunburst Ave.

City: El Segundo State: CA Zip Code: 90245

Purpose of Expenditure: Newspaper Ad – 10/03/16

Category/Type:

Date of Public Distribution/Dissemination: 10 / 03 / 2016

Amount: $10,000.00

Date of Disbursement or Obligation: 11 / 23 / 2016

Name of Federal Candidate: Sheldon Cooper

[X] Support ☐ Oppose

Office Sought: [X] House District: 25 ☐ President ☐ Senate State: CA

Calendar Year-To-Date Per Election for Office Sought: $21,500.00

Disbursement For: ☐ Primary [X] General ☐ Other (specify) ▶

FECConnect LIVE
2015-16 Election Cycle

Party Operations Part 1

Schedule E (Post-General)

Subsequent Payment

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

PAGE 1
FOR LINE 24 OF

NAME OF COMMITTEE (In Full): California Freedom Party Committee

FEC IDENTIFICATION NUMBER: C 00000004

Check if ☐ 24-hour report ☐ 48-hour report ☐ New report ☐ Amends report filed on M M / D D / Y Y Y Y

Full Name of Payee: The L.A. County Daily News ☐ Memo Item

Mailing Address: 1700 Sunburst Ave.

City: El Segundo State: CA Zip Code: 90245

Purpose of Expenditure: Newspaper Ad – 10/05/16

Category/Type:

Name of Federal Candidate: Leonard Hofstadter ☐ Support [X] Oppose

Calendar Year-To-Date Per Election for Office Sought: $21,500.00

Date of Public Distribution/Dissemination: 10 / 05 / 2016

Amount: $4,000.00

Date of Disbursement or Obligation: 11 / 23 / 2016

Office Sought: [X] House District: 25 ☐ President ☐ Senate State: CA

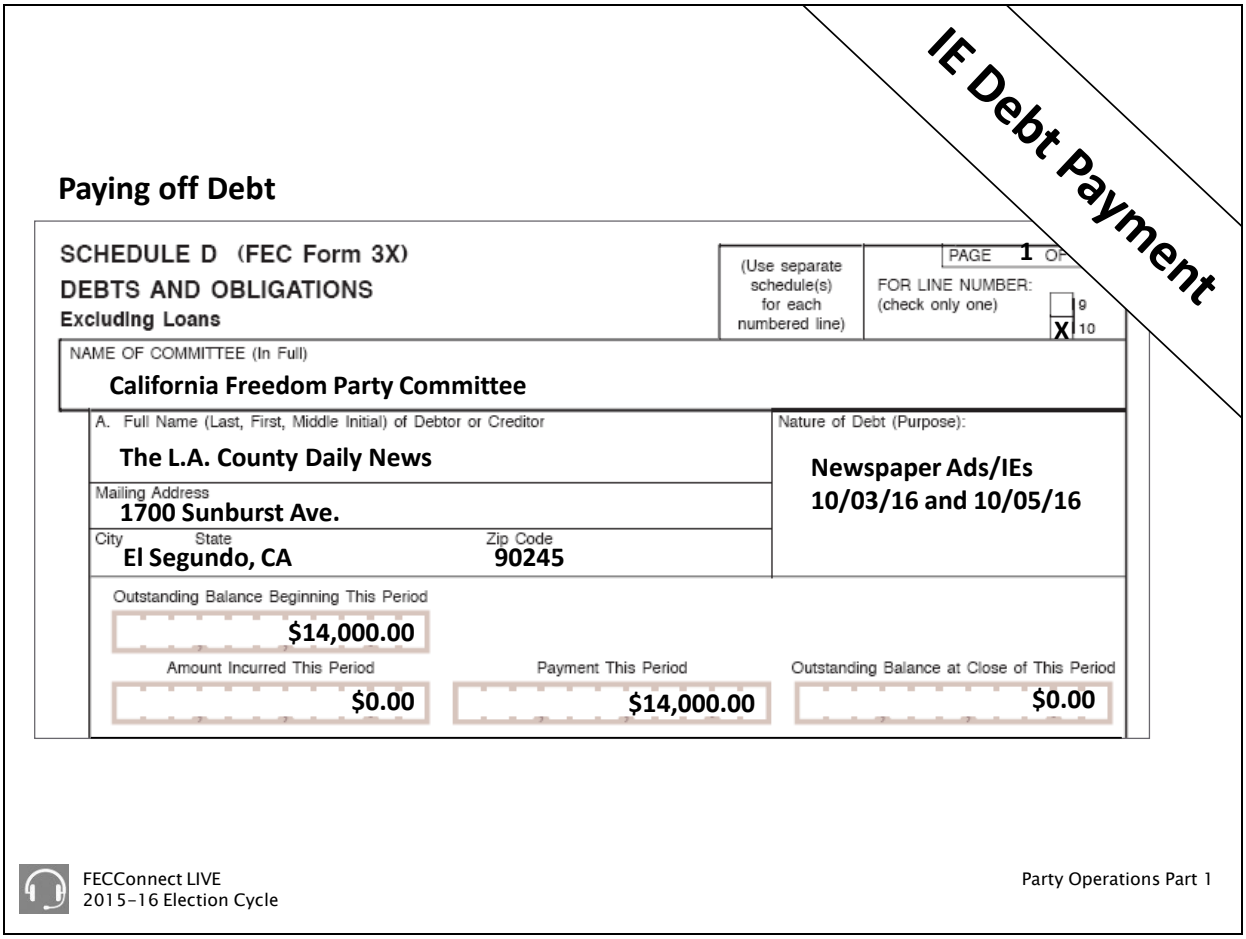
Disbursement For: ☐ Primary [X] General ☐ Other (specify) ▶

FECConnect LIVE
2015-16 Election Cycle

Party Operations Part 1

7. Do we have anything left to report?

Answer: Yes, report the payment of the debt on Schedule D.

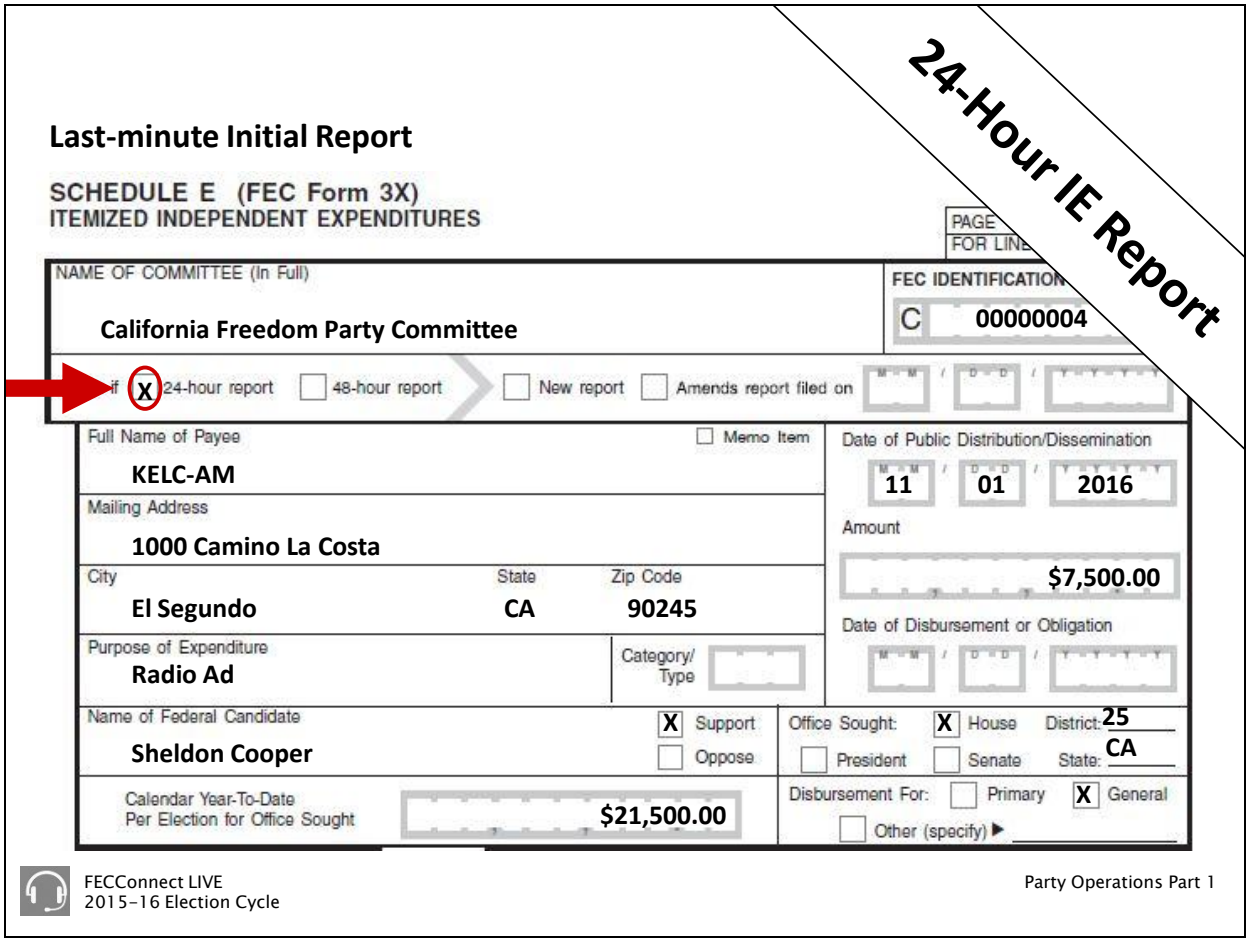


8. Now, what about our third ad - the radio ad? What special reporting, if any, did it trigger?

Review: On November 1, one week before the November 8th general election, the party runs a $7,500 radio ad on KELC-FM supporting Sheldon Cooper.

8. Now, what about our third ad - the radio ad? What special reporting, if any, did it trigger?

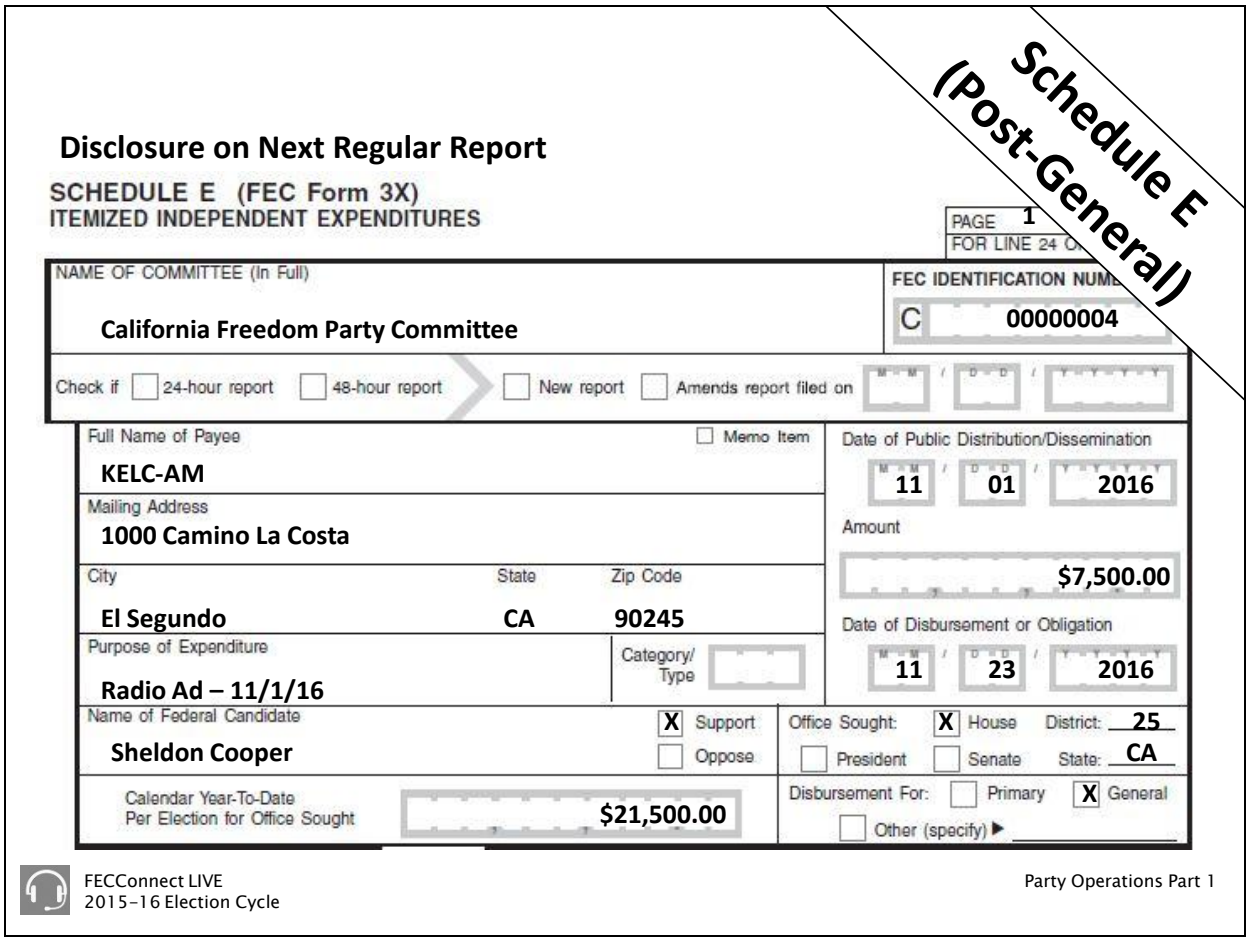
Answer: The third expenditure aggregates more than $1,000 for the California District 25 general election and was made in the last 20 days of the election; therefore, it has triggered the requirement to file a 24-hour report on Schedule E, *again just a notice to report the date of dissemination.* Since the requirement was triggered on November 1, the 24-hour report is due November 2.



9. Now, we have again only reported the date of dissemination but we haven't made the payment. How do we report the payment? Is there any debt to report?

9. Now, we have again only reported the date of dissemination but we haven't made the payment. How do we report the payment? Is there any debt to report?

Answer: We report the payment on our next scheduled report, the 30-Day Post General (10/20/16 – 11/28/16), on Schedule E. There is no debt to report because we paid for the ad within the same reporting period in which the ad was run.



Tricky Issues: Reporting Last-Minute Advertising

- **Debts**
  - Debts include ads that are contracted for but not paid for in that reporting period.
  - When payment for ad is made in subsequent reporting period, report payment on Schedule E or F, and include date of dissemination in purpose field.
  - Update Schedule D with payment; cross-reference Schedule E or F.

- **24-Hour Reporting**
  - Must file a **24-hour report** for independent expenditures aggregating (per calendar year, per election, per office) $1,000 or more made less than 20 days but more than 24 hours before the day of an election.
  - Aggregation is done on a per calendar year, per election, per office sought (race) basis.
  - Use Schedule E on Form 3X – check "24-hour report" box.
  - Must be received by FEC within 24 hours after the independent expenditure is publicly distributed or otherwise publicly disseminated.
  - Must be certified (signed) by treasurer (e-filers should type the treasurers name following the certification on the notice).
  - For paper filers, can use overnight delivery, hand-delivery or fax to 202-219-0174 (certified or registered mail date will not be considered filed date for these).
  - Last-minute independent expenditures must be disclosed again on Schedule E of the next scheduled report that the committee files.
  - A 24-hour report is required each time an additional $1,000 is aggregated in independent expenditures.
  - The 24-hour report time frames for each state are located on our website at http://www.fec.gov/info/report_dates.shtml#ie.

- **48-Hour Reporting**
  - In addition, must file a **48-hour report** for independent expenditures that aggregate $10,000 or more, anytime during a calendar year up to and including the 20th day before an election.
  - Use Schedule E on Form 3X – check "48-hour report" box.
  - Must be received by FEC within 48 hours after expenditure is publicly distributed or otherwise publicly disseminated.
  - Must be certified (signed) by treasurer (e-filers should type the treasurer's name following the certification on the notice).
  - For paper filers, can use overnight delivery, hand-delivery or fax to 202-219-0174 (certified or registered mail date will not be considered filed date for these).
  - Last-minute independent expenditures must be disclosed again on Schedule E of the next scheduled report that the committee files.
  - Aggregation is done on a per calendar year, per election, per office sought (race) basis.
  - A 48-hour report is required each time an additional $10,000 is aggregated in independent expenditures.
  - The 48-hour report time frames for each state are located on our website at http://www.fec.gov/info/report_dates.shtml#ie.

Workshop Evaluation

Help Us Help You!

Please complete an evaluation of this workshop.

https://www.surveymonkey.com/r/NMPSLXJ

FECConnect LIVE
2015-16 Election Cycle

Party Operations Part 1