



THE FEDERAL ELECTION COMMISSION

RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 5, Number 12

December 1979

REPORTS

YEAR-END REPORT IN NONELECTION YEAR

All Federal candidates and all political committees supporting Federal candidates must file a year-end report of receipts and expenditures by January 31, 1980. The year-end report is the same as a fourth quarter report. The report must be filed by all candidates and committees regardless of how much they have raised or spent during the year or whether they have outstanding debts, with the exception of:

- Candidates and committees which have filed a valid termination report;
- Candidates who have received a personal reporting waiver from filing separate candidate reports;
- Candidates and their authorized committees which participated in a special election during 1979 (see article below).

The report, filed on FEC Form 3, is due on January 31, 1980. FEC Form 3a (postcard form) will not be considered an adequate filing and should not be used for this report. The report must disclose all reportable transactions since the closing date of the last full report and all outstanding debts or obligations through December 31, 1979.

Political committees filing on a monthly basis need not file quarterly reports, but must file a year-end report by January 31, 1980 covering all reportable transactions for the month of December.

The report should be filed with the Clerk of the House, the Secretary of the Senate or the Federal Election Commission, as appropriate. Copies of the report must also be filed with the Secretary of State or equivalent State officer in the appropriate State. Filers must submit legible reports that can be reproduced clearly; candidates or committees which file illegible or barely legible reports will be required to refile. A notice containing additional information, as well as forms, will be sent to all registered candidates and committees. Questions about the notices or requests for additional forms should be addressed to the Office of

Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or telephone 202/523-4068, toll-free 800/424-9530.

YEAR-END REPORT FOR SPECIAL ELECTIONS

Candidates who participated in one of the special elections held during 1979 and committees which supported those candidates must regard 1979 as an election year. Therefore, a year-end report is required if:

1. Receipts or expenditures during the fourth quarter exceeded \$1,000; OR
2. The candidate or committee has outstanding debts or obligations.

The report should cover all transactions since the closing date of the last full report through December 31, 1979. (Any candidate or committee whose reporting obligations have been properly terminated need not file any reports.)

Candidates and committees who have not exceeded the \$1,000 threshold and have no outstanding debts must, nevertheless, file a 3a postcard form, unless the previous report filed was a 3a postcard.

NOTE: Candidates and committees who participated in the Illinois special election should consult the special notice on reporting obligations which they have received from the Commission.

REGULATIONS

REVISIONS AND ADDITIONS TO PUBLIC FINANCING REGULATIONS

As part of its general planning and preparation for the 1980 Presidential election, the FEC has proposed several revisions to the Convention Financing Regulations and additions to the Primary Matching Fund Regulations. (See also *Record*, June 1979, p.1.) In accordance with the law, the Commission submitted its proposals to Congress. Unless the House or Senate disapproves them within 30 legislative days after the date of their submission, the Commission may promulgate the proposed Regulations.

CONVENTION FINANCING REGULATIONS

On October 26, 1979, the Commission submitted its proposed revisions to the Convention Financing Regulations. The proposed Regulations, which define the process by which political parties may qualify for public funds to finance their conventions, cover:

1. The establishment of a convention committee that is responsible for conducting the day-to-day operations of the convention, receiving all public funds and private contributions and making all expenditures on behalf of the national committee.
2. The payment schedule, stipulating a lump sum payment of all public funds to which the convention committee is entitled, once it has established its eligibility. Formerly, the entitlement was disbursed in quarterly payments.
3. The permissible uses for public funds, including advances which the national committee makes to the convention committee and excluding payment of civil or criminal penalties resulting from a violation of the Act.
4. The limits on the total amount which the party may spend on its convention (i.e., the statutory entitlement of \$2 million plus the cost-of-living-adjustment in any combination of private contributions and public funds); and a provision for additional expenditures, though not additional public funds, in "extraordinary and unforeseen circumstances" (e.g., a deadlocked convention, a natural disaster).
5. The permissible contributions and in-kind donations to the convention committee and the host committee (during the "life of the convention") from "local businesses," municipal corporations, government agencies, local labor organizations, corporations, banks and individuals. The Regulations define "life of the convention" and "local business."
6. The permissible expenditures by local government agencies and municipal corporations for the convention.
7. The registration and reporting requirements of the convention committee and all other organizations (the host committee, State or local government agencies and municipal corporations) that deal with national party officials in making convention arrangements.
8. The circumstances under which a repayment of public funds is required, and a procedure to resolve disputes when the committee challenges a Commission determination that repayment is required.

PRIMARY REGULATIONS

On October 30, 1979, the Commission submitted proposed Regulations governing eligibility for public matching funds in those cases where primary election candidates, prior to applying for matching funds, exceeded the prescribed expenditure limits. Current Regulations require only that a candidate and his or her committee certify that they will not exceed the expenditure limits after certification. The proposed Regulations would require a candidate

to certify that he or she has not and will not exceed the expenditure limits.

Under the proposed Regulations, for any candidate seeking public funds, the expenditure limits would apply from the beginning of their candidacy rather than from the time when they are certified as being eligible to receive public matching funds. Consequently, a candidate who exceeded the expenditure limits before he or she applied for matching funds would be ineligible to receive public funds. The proposed Regulations would also provide procedures for candidates to challenge a Commission determination that they are ineligible for public funds.

HEARINGS ON CANDIDATE DEBATE REGULATIONS

On October 23 and 24, 1979, the Commission held public hearings on the funding of Federal candidate debates.

Background: Previous hearings on this subject were held in September 1977. (See *Record*, November 1977, p. 1.) On June 12, 1979, the Commission submitted proposed Regulations to Congress. Those Regulations would have created an exemption to the general prohibition against the use of corporate and union funds in connection with Federal elections by permitting unions and corporations to contribute to nonprofit organizations which sponsor nonpartisan candidate debates. After the Regulations had been transmitted to Congress, questions were raised about the Regulations' effect on other groups, principally commercial broadcasters and other news media. On September 18, 1979, the Senate disapproved the proposed Regulations. A month later, the Commission published a new notice requesting additional public comments on the issue and announcing a second round of public hearings.

Hearings: With Chairman Robert Tiernan presiding over the hearings, the Commissioners heard testimony from three witnesses, including representatives of the National Association of Broadcasters (NAB), the Radio and Television News Directors Association (RTNDA) and the League of Women Voters. The NAB representative voiced the fear that FEC regulation of candidate debates would "deprive commercial broadcasters... of the right to provide a forum for Federal candidates," and the RTNDA suggested that the FEC exempt broadcast debates arranged by journalists. The League of Women Voters, faced with the immediate problem of locating funding sources for their planned 1980 debates, expressed the hope that the Commission could find a way to "separate the narrow question of the appropriateness of corporate contributions from the more complex issues of debate structure and the FEC regulatory powers over broadcasters and newspapers."

In addition to hearing oral testimony, the Commission extended the deadline for submitting written testimony on this issue until November 20, 1979.

The RECORD is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Robert O. Tiernan, Chairman; Max L. Friedersdorf, Vice Chairman; Joan D. Aikens; Thomas E. Harris; John W. McGarry; Frank P. Reiche; J.S. Kimmitt, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent Advisory Opinion Requests (AOR's), with a brief description of the subject matter, the date the requests were made public and the number of pages of each request. The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject	Date Made Public	No. of Pages
1979-58	Volunteer activities of law firm partners in Presidential campaign.	10/16/79	4
1979-59	PAC's solicitation of subsidiary's executive and administrative personnel who are stationed abroad.	10/23/79	1
1979-60	Plan to permit union members to authorize the contribution of a portion of their vacation fund to the local's PAC.	10/26/79	3
1979-61	Draft committee's use of funds subsequent to announcement of candidacy.	10/31/79	2
1979-62	PAC's solicitation of two separate trade associations with overlapping membership.	10/31/79	2
1979-63	Acceptance of unsolicited contributions to PAC.	11/2/79	1
1979-64	Solicitation, receipt and use of funds by congressional legislative support organizations.	11/7/79	2
1979-65	Terminated draft committee's affiliation with authorized campaign committee.	11/8/79	1
1979-66	Including information about trade association's PAC in publications of trade association.	11/8/79	2
1979-67	Status and funding sources of university-sponsored internship program; activities of interns.	11/9/79	6

ADVISORY OPINIONS: SUMMARIES

Designated as AO's, Advisory Opinions discuss the application of the Act or Commission Regulations to specific factual situations. Any qualified person requesting an Advisory Opinion who in good faith acts in accordance with the opinion will not be subject to any sanctions under the Act. The opinion may also be relied upon by any other person involved in a specific transaction which is indistinguishable in all material aspects from the activity discussed in the Advisory Opinion. Those seeking guidance for their own activity should consult the full text of an Advisory Opinion and not rely only on the summary given here.

AO 1979-21: Reimbursement for Use of Payroll Deduction Plan

The Political Contributions Committee (PCC), the separate segregated fund of the Communications Workers of America (CWA), must reimburse the New York Telephone Company (the Company) for expenses incurred by the Company in making a payroll deduction available to CWA for the collection of political contributions from CWA members to the PCC.

The Act and Commission Regulations permit a corporation or labor organization to use general treasury funds to pay for the "establishment, administration and solicitation of contributions to its separate segregated fund." 11 CFR 114.5(b). Therefore, payment by the corporation of the expenses for payroll deduction used for or on behalf of CWA and PCC would be prohibited by 2 U.S.C. §441b. Accordingly, CWA must reimburse the Company. Commissioner Thomas E. Harris filed a dissenting opinion. (Date Issued: October 5, 1979; Length, including dissenting opinion: 5 pages)

AO 1979-43: Vice Presidential Primary

The New Hampshire Vice Presidential primary is not an "election" under the Act or Commission Regulations since the Democratic Vice Presidential nominee is not chosen as a direct result of the New Hampshire primary and because the Vice Presidential primary does not elect delegates to the national nominating convention. The primary election for Vice President is the Democratic National Convention since only that Convention has the authority to select a nominee. (Date Issued: October 5, 1979; Length: 2 pages)

AO 1979-48: Voter Registration Advertisement

Rexnord Inc.'s Political Action Committee (the PAC) may pay for an advertisement, carried in a general circulation newspaper, which reads "Please Register to Vote" and which includes the identification of "Rexnord, Inc." in a lower corner of the advertisement.

However, Rexnord Inc. may not use corporate funds to pay for the ad. A corporation may undertake voter registration activity only if it is restricted to the corporation's stockholders and executive or administrative personnel, or if it is jointly sponsored by a civic or non-profit organization which does not support or endorse candidates or political parties. 11 CFR 114.4(d)(1). Commissioner Max L. Friedersdorf filed a dissenting opinion. (Date Issued: October 31, 1979; Length, including dissenting opinion: 7 pages)

AO 1979-49: Contribution and Expenditure Limits for Unauthorized Committee

Since the Independent Campaign to Elect William E. Simon President (the Committee) is an unauthorized draft committee which has been disavowed by Mr. Simon, and since Mr. Simon is not a candidate under the Act, the Committee may accept contributions of more than \$1,000 but not more than \$5,000 from individual contributors during a calendar year. 2 U.S.C. §441a(a)(1)(C). Moreover, there is no limit on the amount of money which the Committee

may spend in a State campaign to promote Mr. Simon's entry into the 1980 Presidential election. The Act does not prescribe expenditure limits for unauthorized political committees whose activities have been disavowed by the individual being supported by the committee. Since Mr. Simon is not a candidate, the Committee's expenditures on his behalf would not be subject to the special reporting requirements which apply to independent expenditures. However, these Committee expenditures, as well as all Committee receipts, would be governed by all other reporting requirements of the Act. (Date Issued: October 5, 1979; Length: 3 pages)

AO 1979-50: Union PAC's Solicitation of Nonmembers

The Public Affairs Council (the PAC), the separate segregated fund of the National Federation of Federal Employees (NFFE), may not publish a contribution solicitation in the NFFE newspaper which reaches 8,000 people who are not members of NFFE. Those 8,000 individuals represent 15 percent of the newspaper's total circulation. Despite NFFE's intention to include a caveat with the solicitation, stating that only contributions from NFFE members and their families will be accepted and retained, the solicitation is impermissible since it would reach more than an incidental number of nonmembers.

The PAC may solicit NFFE employees who are not NFFE members only in accordance with the Commission's twice-yearly solicitation Regulations. 11 CFR 114.6(c) and (d). However, the PAC may accept unsolicited voluntary contributions at any time from NFFE employees who are not NFFE members. (Date Issued: October 19, 1979; Length: 4 pages)

AO 1979-51: Termination of Dual Candidacy

The "testing-the-waters" exemption does not apply to funds used by Congressman Robert Edgar. That exemption applies only to funds used solely to determine political support for a potential candidacy. Since Congressman Edgar filed a statement of candidacy for the Senate and the Edgar for Congress Committee (the House Committee) has been functioning on his behalf, his candidacy for both offices was established. Therefore, the exemption does not apply and the Edgar for Senate Committee (the Senate Committee) must continue to report its contributions and expenditures until it has filed its termination report.

Since Congressman Edgar has decided not to pursue a Senate candidacy, the Senate Committee may transfer its residual funds to the House Committee subject to the procedures which apply when dual Federal candidates terminate one candidacy and continue with the other. 11 CFR 110.3(a)(2)(v). (Date Issued: November 2, 1979; Length: 3 pages)

AO 1979-52: Use of Corporate Aircraft

The Committee to Elect Ed Howard (the Committee) must reimburse Mr. Howard's corporation, in advance and at the usual and normal charge, for the candidate's use of the corporation's aircraft for campaign purposes. Since Mr. Howard is a pilot and will be flying the aircraft himself, the usual and normal charge would be the charter rate for an aircraft of the same class and type with fuel and without a pilot.

Even though Mr. Howard is the sole stockholder of the corporation which owns the aircraft, reimbursement to the corporation for campaign use of the aircraft is still necessary. Commission Regulations do not distinguish between corporations with many stockholders and those owned by a single stockholder. 11 CFR 114.9(e). If, however, the corporation were dissolved and made a sole proprietorship, 11 CFR 114.9(e) would not apply since the Regulation governs only those aircraft owned (or leased) by corporations and labor unions. (Date Issued: November 8, 1979; Length: 2 pages)

AO 1979-53: Campaign Accounts and Depositories

One individual, designated as treasurer by four different principal campaign committees and a fifth political committee (the Ownership Campaign), may not use a single checking account to handle the financial transactions of all five committees. The Act requires a principal campaign committee to maintain a single checking account for the committee in a campaign depository designated by the candidate. 2 U.S.C. §§432(e) and 437b. Furthermore, Commission Regulations require that all expenditures by the committee be made by checks drawn on that account. Therefore, a separate checking account must be maintained for each committee. All five committees may, however, designate the same bank as the depository for their separate checking accounts. (Date Issued: November 9, 1979; Length: 2 pages)

CHANGE OF ADDRESS

Record subscribers, when calling or mailing in a change of address, are asked to provide the following information: 1) Name of person to whom the *Record* is sent; 2) Old address; 3) New address; 4) Subscription number.

The subscription number is located in the upper left hand corner of the mailing label. It consists of three letters and five numbers. Without this number, there is no guarantee that your subscription can be located on the computer.

NOTE: Registered candidates and committees are automatically sent the *Record* and do not have this subscription number on their mailing labels. Any change of address by a registered entity must, by law, be made in writing as an amendment to FEC Form 1 (Statement of Organization for a Political Committee) or FEC Form 2 (Statement of Candidate), and be placed on the public record.

AO 1979-57: Contributions by Money Order

The Political Action Committee of the Veterans of Foreign Wars (VFW-PAC) may accept money orders, which represent contributions raised by local VFW posts, provided that the local chapters:

1. Restrict contribution solicitations to VFW members (i.e., raffle tickets can be sold only to V.F.W. members);
2. Do not accept cash contributions of more than \$100; and
3. Record, account for, and deposit the contributions in accordance with Commission Regulations. (Date Issued: November 9, 1979; Length: 2 pages)

FEC PUBLIC APPEARANCES

In keeping with its objective of making information available to the public, the Federal Election Commission regularly accepts invitations to address public gatherings on the subject of campaign finance laws and the Commission itself. This regular column lists scheduled Commission appearances, detailing the name of the sponsoring organization, the location of the event and the name of the Commission's speaker. For additional information on any scheduled appearance, please contact the sponsoring organization.

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|---------|---|
| 12/5 | Council on Governmental Ethics Laws
Annual Conference
Washington, D.C.
Chairman Tiernan and Commissioner Reiche |
| 12/9-11 | Clearinghouse Southwest Regional Seminar
Conference on Election Administration
Austin, Texas
FEC Commissioners and Staff |
| 12/10 | FEC Campaign Finance Seminar
Austin, Texas
FEC Commissioners and Staff |
| 12/12 | Associated Industries of Florida
Elections Seminar
Tampa, Florida
Chairman Tiernan and
Vice Chairman Friedersdorf |
| 12/13 | Colorado Secretary of State
Campaign Finance Workshop
Denver, Colorado
Commissioner Aikens |
| 12/18 | Catholic University Law School
Alumni Association
Chairman Tiernan |

COMPLIANCE

SUMMARY OF MUR'S

Selected compliance cases, which have been closed and put on the public record, are summarized in the *Record*. Compliance matters stem from possible violations of the Act, which come to the Commission's attention either through formal complaints originating outside the Commission or by the FEC's own monitoring procedures. The Federal Election Campaign Act of 1971, as amended (the Act) gives the FEC the exclusive primary jurisdiction for the civil enforcement of the Act. Potential violations are assigned case numbers by the Office of General Counsel and become "Matters Under Review" (MUR's). All MUR investigations are kept confidential by the Commission, as required by the Act.

MUR's may be closed at any one of several points during the enforcement process, including when the Commission:

- Determines that no violation of the Act has occurred;
- Determines that there is no reason to believe, no reasonable cause to believe or no probable cause to believe a violation of the Act has occurred;
- Enters into a conciliation agreement with the respondent;
- Finds probable cause to believe a violation has occurred and decides to sue; or
- Decides at any point during the enforcement process to take no further action.

After the MUR is closed and released by the Office of General Counsel, the Commission makes the MUR file available to the public. This file contains the complaint, the findings of the General Counsel's Office and the Commission's actions with regard to the case, including the full text of any conciliation agreement. The Commission's actions are not necessarily based on, or in agreement with, the General Counsel's analysis.

Selection of MUR's for summary is made only from MUR's closed after January 1, 1979. The *Record* article does not summarize every stage in the compliance process. Rather, the summary provides only enough background to make clear the Commission's final determination. The full text of these MUR's and those which were closed between 1976 and 1978 are available for review and purchase in the Commission's Public Records Office.

MUR 623: Transfers Between Party's State and Federal Committees

On March 28, 1979, the Commission entered into a conciliation agreement with a State political party's Federal elections committee (the Federal committee). The committee had accepted a transfer of funds from an account which included corporate funds, in violation of 2 U.S.C. §441b.

Complaint: During an audit of the State party's Federal committee, the Audit Division discovered, and referred to the General Counsel, the following potential violations of the Act:

continued

1. The party's Federal committee accepted a \$5,000 loan repayment from the party's State committee in a State that permits corporate contributions. Since the State committee, an unregistered committee, accepted corporate contributions and deposited them into a single bank account, the loan repayment to the Federal committee might include corporate funds. Therefore, the Federal committee's acceptance of the repayment might constitute a violation of §441b.
2. The Federal committee also accepted a number of transfers-in from county and local political organizations which did not maintain separate Federal accounts, but which did accept corporate contributions and placed them in the single accounts which they maintained. The Federal committee's acceptance of such transfers might constitute a violation of §441b.

that expressly advocates the election or defeat of a clearly identified candidate. With respect to the other two items in question, neither the order form nor the welcome notice requires the authorization statement since neither expressly advocates the election or defeat of the candidate. Therefore, the General Counsel recommended that the Commission find no reason to believe the Committee had violated the Act.

Commission Determination: On March 14, 1979, the Commission found no reason to believe the Committee had violated the Act.

On July 25, 1978, the Commission found reason to believe that the Federal committee had violated §441b with respect to accepting the loan repayment and the transfers.

General Counsel Reports: Upon notification of the Commission's reason to believe finding, the Federal committee's treasurer attempted to contact the unregistered party committees which had transferred the funds to determine whether or not corporate funds had, in fact, been commingled in the transferred funds. Some of the committees contacted did not have sufficiently detailed records to provide a conclusive answer; others did not respond at all. After a review, the General Counsel concluded that there was insufficient evidence to require the Federal committee to return the transfers. With respect to the loan repayment, the General Counsel recommended that the Commission permit the loan repayment, but require a civil penalty.

Commission Determination: On November 29, 1978, the Commission found reasonable cause to believe the Federal committee had violated §441b by accepting the loan repayment. After negotiation with the Federal committee's counsel, the civil penalty was reduced. On March 28, 1979, the Commission entered into a conciliation agreement with the Federal committee.

MUR 926: Required Authorization Notices

On March 14, 1979, the Commission found no reason to believe a Presidential campaign committee had violated 2 U.S.C. §441d(1) by failing to include the required authorization notices on its campaign literature.

Complaint: On February 26, 1979, an individual filed a notarized complaint with the Commission alleging that a Presidential campaign committee had failed to include authorization notices on various types of campaign literature. The three items which prompted the complaint were a bumper sticker, an order form for the candidate's new biography and a notice welcoming conference delegates to the candidate's hospitality suite at a political conference.

General Counsel Reports: The General Counsel pointed out that bumper stickers are explicitly excepted, in 11 CFR 110.11(a)(1), from the §441d(1) requirement for authorization statements on general public political advertising

THE LAW IN THE COURTS

LITIGATION STATUS INFORMATION

The following is a list of new litigation involving the Commission, together with the date the suit was filed, the Court involved, the Docket Number and a brief description of the major issue(s) involved in the case. Persons seeking additional information on a particular case should contact the Court where the suit is filed or the Commission.

FEC v. Robert P. Aulston and Elray Venice, U.S. District Court for the Eastern District of Louisiana, Docket No. 79-2719, July 17, 1979.

The FEC alleges that the defendants, who were officers of a national bank, violated 2 U.S.C. §441b by consenting to the bank's making contributions to candidates for public office.

Harley Williams v. FEC, U.S. District Court for the District of Columbia, Docket No. 79-2511, September 21, 1979.

The complainant alleges that the FEC's investigation of a complaint which he filed with the Commission was not "conducted expeditiously," in violation of 2 U.S.C. §437g(a)(3); that the Commission failed to act on the complaint within a 90-day period, in violation of 2 U.S.C. §437g(a)(9); that the Commission informally issued opinions on a pending Advisory Opinion Request, in violation of 2 U.S.C. §437f(a); and the Commission failed to make an Advisory Opinion Request public in accordance with 2 U.S.C. §437f(c).

FEC v. Michael Fieschko, U.S. District Court for the District of Columbia, Docket No. 79-2880, October 25, 1979.

The FEC alleges that Michael Fieschko violated the terms of a conciliation agreement he entered into with the Commission pursuant to 2 U.S.C. §§437g(a)(5) and 437g(a)(7).

FEC v. EASTSIDE DEMOCRATIC COMMITTEE

On October 16, 1979, the Commission and the Eastside Democratic Committee agreed to a consent judgment issued by the U.S. District Court for the District of Maryland. The Commission filed suit on March 5, 1979, alleging that the defendant had violated the Act by failing to report the

receipt and expenditure of a \$5,000 contribution from the Marine Engineers Beneficial Association Political Action Fund, as required by 2 U.S.C. §434(b). The defendant agreed to maintain all committee books and records for a period of three years and to permit the Commission, upon request, to inspect those records. The Court levied a civil penalty of \$500 and retained jurisdiction over the case for three years to ensure compliance with the judgment.

PUBLIC FINANCING

FEC APPROVES ELIGIBILITY OF PRESIDENTIAL CANDIDATE FOR 1980 MATCHING FUNDS

On November 1, 1979, the Commission determined that Senator Howard Baker is the first 1980 Presidential candidate eligible to receive primary matching fund payments. The Commission determination followed a thorough review by the FEC Audit Division of the campaign committee's threshold submission. The submission included contributions amounting to at least \$5,000 from individuals in each of 20 different States. Although individual contributions may give up to \$1,000 to a candidate, only the first \$250 may be matched with public funds. (For information on eligibility, see *Record*, April 1979, p. 6.) The Commission will certify actual payment by the Treasury to Senator Baker in December. The Act does not allow payment of any funds from the Presidential Primary Matching Payment Account until January 1, 1980.

COMMISSION APPROVES SAMPLING TECHNIQUES

Recently, the accounting firm of Ernst & Whinney completed a study for the Commission on various statistical sampling techniques which might be used for the processing, verification and certification of matching fund submissions during the 1980 Presidential election. Ernst & Whinney recommended that the Commission adopt the PPS (Probability Proportional to Size) sampling method for these purposes. The FEC Audit Division concurred in that recommendation, and on October 18, 1979, the Commission approved the use of PPS statistical sampling techniques.

Adoption of the PPS method will require the data entry of certain information contained in the candidate's matching fund submission list. To ensure the accuracy of this data entry and to expedite the matching fund process, the Commission is requesting that Presidential campaigns submit the required contributor information on computer tapes as well as on a printed listing.

FEDERAL REGISTER NOTICES

The list below identifies all FEC documents which appeared in the *Federal Register* between October 5, 1979, and November 12, 1979. Copies of these notices are not available from the FEC.

Notice	Title	Federal Register Publication Date	Citation
1979-16	Availability of Indices to Statements and Reports	10/9/79	44 FR 58140
1979-17	Proposed Regulations on the Funding of Candidate Debates	10/12/79	44 FR 59162
1979-18	Presidential Election Campaign Fund: Federal Financing of Presidential Nominating Conventions; Transmittal of Regulations to Congress	11/1/79	44 FR 63036
1979-19	Presidential Election Campaign Fund: Eligibility of Candidates Who Exceed Expenditure Limitations Prior to Seeking Matching Funds; Transmittal of Regulations to Congress	11/5/79	44 FR 63756
1979-20	Presidential Election Campaign Fund: Suspension of Matching Fund Payments to Candidates Who Have Received Public Funds and Subsequently Exceed Expenditure Limitations; Proposed Regulations	11/5/79	44 FR 63753
1979-21	Funding of Federal Candidate Debates; Extension of Comment Period on Proposed Regulations	11/7/79	44 FR 64773

STAFF

FEC NAMES ACTING GENERAL COUNSEL

On November 1, 1979, Charles N. Steele was named Acting General Counsel for the FEC. Mr. Steele, who received both his A.B. and LL.B. from Harvard University, has been with the Commission since 1976. Prior to his designation as Acting General Counsel, Mr. Steele was Associate General Counsel for Enforcement and Litigation.

The former General Counsel, William C. Oldaker, resigned from that position on October 31, 1979. He joined the FEC in 1975, and had been General Counsel since January 1, 1977.

AUDITS

AUDITS RELEASED TO THE PUBLIC

The Federal Election Campaign Act requires the Commission to periodically conduct audits and field investigations with respect to reports and statements filed under the Act. The Commission is also required to conduct audits of all campaigns of Presidential candidates who receive public funds. Audit reports that have been approved by the Commission, either through a tally vote or after discussion in open session, are released as **final audit reports**. If an audit report has been discussed in open session, but has not been approved by the Commission, the report is available as an **interim audit report**. Both final and interim reports are available through the Office of Public Records and Press Office. In the list below, interim reports are designated by an asterisk (*). All others are final audit reports. The following is a chronological listing of audits released between October 6, 1979, and November 12, 1979:

Audit Report	Date Made Public
3. State Democratic Committee of Missouri – Voter Registration Drive	10/10/79
4. Masters, Mates and Pilots Pensioners Action Fund	10/10/79
5. Democratic State Committee of New Jersey: Voters Registration Account; Telethon Account	10/10/79
6. Montoya for Senator Club	10/10/79
7. Committee for Thorough Agricultural Political Education	10/30/79
8. Democratic Party of Wisconsin/Federal Account	11/7/79
9. American Apparel Manufacturers Political Action Committee	11/9/79
10. Ron Faucheux, LA/1	11/9/79
*11. National Federation of Republican Women	11/8/79
*12. National Black Republican Council	11/8/79

Audit Report	Date Made Public
1. McCarthy '76 Michigan (Detroit Area)	10/10/79
2. Texas Democratic Get Out the Vote Committee	10/10/79

FEDERAL ELECTION COMMISSION
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