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AO 2003-30

Retiring Campaign Debt and Repaying Candidate Loans

The Fitzgerald for Senate Committee (the Committee) may use its remaining cash-on-hand for any of the permissible uses of campaign funds listed in FEC regulations, including the repayment of personal loans made by the candidate during the 1998 elections. Recently enacted regulations that limit campaigns' ability to repay certain candidate loans do not apply to these repayments.

Background

The Committee is the principal campaign committee of Senator Peter Fitzgerald, who announced on April 15, 2003, that he would not seek re-election in 2004. The Committee wishes to use some of its remaining cash-on-hand to repay debts owed to:

- A bank, for loans incurred in the 1998 primary and general elections;
- Senator Fitzgerald, for loans he made to the Committee with

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Compliance

MUR 5357: Corporation's Reimbursement of Contributions

The Commission has entered into a conciliation agreement with Centex Construction Group, Inc. (CCG), Centex-Rooney Construction Co., Inc. (Rooney), headquartered near Ft. Lauderdale, FL, former CCG and Rooney CEO Bob Moss and various current and former CCG and Rooney officers, resulting in total civil penalties of $168,000. The conciliation agreement settles violations of the Federal Election Campaign Act (the Act) stemming from the company officers' reimbursement of $56,125 in contributions with corporate funds. The reimbursed contributions went to seven federal candidates, two political party committees and one political action committee between 1998 and 2002. The FEC's investigation stemmed from a *sua sponte* submission and complaint filed with the FEC by Centex Corporation, headquartered in Dallas, TX.

Background

The Act prohibits corporations from making contributions or expenditures from their general

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respect to the 1998 primary and general elections;
- Non-bank, non-candidate creditors, for obligations incurred in the 1998 primary and general elections, and for which the amount of debt is disputed; and
- Non-bank, non-candidate creditors, for obligations incurred for the 2004 primary.

Analysis

Commission regulations prohibit personal use of campaign funds, but otherwise permit campaigns to spend funds for any expense that would not exist absent the candidate's campaign or duties as a federal officeholder. In addition to paying expenses in connection with the campaign for federal office, campaign funds may be used only for non-campaign purposes included in an exhaustive list found at 11 CFR 113.2 (a), (b) and (c):[1]

- Ordinary and necessary expenses incurred in connection with the duties of a federal officeholder;
- Donations to a charitable organization; and
- Transfers to a national, state or local committee of a political party.

Such uses are permitted provided that they do not result in campaign funds being converted to personal use by any person. 2 U.S.C. §439a(b)(1).

Repayment of the debts listed above is a permissible use of the Committee's campaign funds. The committee's cash-on-hand consists of contributions lawfully made for the 2004 primary election for which Senator Fitzgerald was a candidate, and debt repayment is an authorized expenditure in connection with Senator Fitzgerald's campaign for federal office.[2]

In implementing the Bipartisan Campaign Reform Act of 2002 (BCRA), the Commission promulgated regulations at 11 CFR 116.11 that limit repayment of certain personal loans from the candidate. These regulations do not apply to the retirement of the Committee's debt owed to Senator Fitzgerald, since it was incurred in connection with a pre-BCRA election. Specifically, the Committee's 1998 primary and general election debt to Senator Fitzgerald was incurred May 12, 1997, and April 16, 1998, well before the BCRA's November 6, 2002, effective date. Therefore, the Committee is not limited in the amount of its debt owed to Senator Fitzgerald that it may repay with 2004 primary contributions, even those contributions received after November 6, 2002.

Date Issued: December 19, 2003; Length: 5 pages.◆

—Jim Wilson

[1] *The Bipartisan Campaign Reform Act (BCRA) deleted the phrase "for any other lawful purpose" from the list of permitted uses of campaign funds at 2 U.S.C. §439a. Therefore, the Commission removed this passage regarding the use of campaign funds from its regulations.*

[2] *When a political committee has a significant amount of debt, use of cash-on-hand for purposes other than debt repayment may affect the committee's future ability to terminate and to go through the debt settlement process. Also, bank loans and lines of credit are not subject to debt settlement or forgiveness because bank loan debt settlement may result in prohibited contributions from banks.*

AO 2003-31

Candidate's Loans to Campaign Apply to Millionaires' Amendment Threshold

Senator Mark Dayton's personal expenditures for campaign expenses will permanently constitute expenditures from personal funds under the Millionaires' Amendment—even if his campaign reimburses him—unless the payments are otherwise exempted from the definitions of "contribution" and "expenditure." A candidate's payment for committee expenses is an "expenditure from personal funds" that counts toward the threshold amount for determining whether a candidate's personal spending has triggered increased contribution limits for his or her opponents. See 2 U.S.C. §434(a)(6)(B)(i).

Background

Under the Federal Election Campaign Act (the Act) and Commission regulations, a candidate may make unlimited contributions from his or her personal funds, including unlimited contributions to his or her campaign. 11 CFR 110.10(a). See AO 1997-10. However, under the Bipartisan Campaign Reform Act's so-called "Millionaires' Amendment," a candidate

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opposing a self-financed candidate may under certain circumstances accept contributions from individuals under increased contribution limits, and, for Senate candidates, the coordinated party expenditure limits for national and state party committees may be suspended. 2 U.S.C. §§441a(i) and 441a-1; 11 CFR 400.40 and 400.41. Increased contribution limits and/or suspended expenditure limits are triggered based on a candidate's "oppositional personal funds amount," (OPFA) which is based in part on the difference between the aggregate amount of expenditures from personal funds that a candidate and an opposing candidate each make in the same election. See 2 U.S.C. §441a(i)(1)(D) and 11 CFR 400.10. An expenditure from personal funds is "an expenditure made by a candidate using personal funds; and a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate's authorized committee." 2 U.S.C. §434(a)(6)(B)(i).

The Act and Commission regulations also contain exceptions from the definitions of "contribution" and "expenditure." Any campaign-related transportation or subsistence expense paid for by an individual, including a candidate, that does not aggregate in excess of $1,000 for a single election and is not reimbursed by the campaign is not a contribution or expenditure. 2 U.S.C. §431(8)(b)(iv); 11 CFR 100.79 and 100.39. Also, any reimbursed campaign-related travel or subsistence expense paid for by an individual, including a candidate, is not a contribution[1] if it is reimbursed by the campaign within 30 days after the expense is incurred or, in the case of a credit card payment, within 60 days after the closing date of the billing statement on which the expense first appears. 11 CFR 116.5(b).

Application to Proposal

Senator Dayton, a candidate for U.S. Senate in 2006, expects personally to make payments for:

- Campaign-related travel expenses in excess of $1,000 that are reimbursed by his campaign committee more than 30 days after the date on which the expense was incurred;
- Campaign-related travel expenses in excess of $1,000 that are charged to his personal credit card and reimbursed by his committee more than 60 days after the closing date of the credit card billing statement on which the expense first appears; and
- Other campaign expenses that are not travel related.

All of these payments will be both expenditures and contributions under the Act because they are a payment made, and a loan or something of value given, for the purpose of influencing an election for federal office. 11 CFR 100.111 and 100.52. Moreover, Senator Dayton's payments for the travel expenses do not fall into the exceptions to the definitions of "contribution" and "expenditure" because they will not be reimbursed within the appropriate timeframes.[2] As a result, any of the payments described above would constitute an expenditure from personal funds within the meaning of the Millionaires' Amendment. 2 U.S.C. §434(a)(6)(B)(i); 11 CFR 400.4(a)(1) and (2).

The fact that Senator Dayton may subsequently be reimbursed does not change the expenses' character as expenditures from personal funds. Neither the Millionaires' Amendment nor the Commission's implementing rules and forms contemplate reductions in expenditures from personal funds. Rather, the OPFA is calculated using the "aggregate amount[s]" of expendi-

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[1] Although the wording of the exception in 11 CFR 116.5(b) does not explicitly mention the definition of "expenditure," the Commission recognizes that for the purposes of the Millionaires' Amendment, all expenditures made by the candidate from personal funds will also be contributions to the campaign. Therefore, it is appropriate in this case to exempt such travel expenses from the definition of "expenditure" as well.

[2] Once Senator Dayton's payments for such expenses exceed $200 in the aggregate for the election cycle, and reimbursement does not bring the amount below this threshold before the end of the reporting period, his campaign committee should report the expenses as in-kind contributions. 11 CFR 104.13(a)(1). See AOs 1992-1 and 1990-9. The committee should report the in-kind contributions as memo entries on Schedule A and should report a disbursement when Senator Dayton is actually reimbursed. 11 CFR 104.13 and AO 1992-1. When reporting a reimbursement, the committee should note the memo entry to which it relates. If the reimbursement is made in a reporting period after the period in which Senator Dayton incurs the expense, then the committee must also report the debt owed if it exceeds $500 or has been outstanding for more than 60 days 11 CFR 104.11.

Web Access to Senate Candidates' Campaign Finance Reports

Senate campaign finance reports are available to the public on the FEC web site. All Senate reports received after May 15, 2000, are currently accessible on the site, and the FEC will make future reports available within 48 hours of receiving them.

To view these reports, go to www.fec.gov, click on "Campaign Finance Reports and Data," and then select "View Financial Reports."

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tures from personal funds from the candidate and his or her opponents. 2 U.S.C. §441a(i)(1)(D). The reporting provisions of the Act and Commission regulations use the terms "aggregate" and "total" interchangeably, and do not consider "aggregate" to mean "net"—in other words, what remains after deductions. Moreover, Congress provided for the subtraction of candidate contributions from personal funds in one of the variables used for OPFA calculation, but did not make a similar provision for the subtraction of any amounts in the variables for the "[g]reatest aggregate amount of expenditures from personal funds" made by the candidate or opposing candidate. 2 U.S.C. §§441a(i)(1)(D)(i) and (ii); 11 CFR 400.10(b). Finally, the Commission does not require a candidate to file a new FEC Form 10 when a committee repays a candidate's loan to the committee. If repayment of such loans decreased the total amount of expenditures from personal funds, the candidate would need to file a new Form 10 with the corrected, decreased expenditure from personal funds amount.

Since any of the expenses listed above paid for by Senator Dayton are permanently expenditures from personal funds for the purposes of the Millionaires' Amendment, the committee must report on Form 10 when they aggregate in excess of twice the threshold amount. 11 CFR 400.21(a) and 400. 24 (a).

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—Amy Kort

AO 2003-32

Federal Candidate's Use of Surplus Funds from Nonfederal Campaign Account

Inez Tenenbaum, a candidate for U.S. Senate, may donate surplus nonfederal funds in her state campaign account to 501(c)(3) charitable organizations that do not conduct any election activity. She may not, however, donate these funds to 501(c)(3) charitable organizations that conduct election activity, including types of federal election activity, as their principal purpose, nor may she donate these funds to the South Carolina Democratic party or a state legislative caucus committee.

Background

As a candidate for South Carolina state office in 2002, Ms. Tenenbaum's campaign maintained a state campaign account into which she placed funds raised for her candidacy. The state campaign account has paid all of its expenses from the 2002 election and is prepared to terminate. The account contains surplus funds that, while compliant with South Carolina law, were not raised in accordance with the contribution limits and source prohibitions of the Federal Election Campaign Act (the Act).

Ms. Tenenbaum would like to donate these funds to several organizations including those organized under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)), the South Carolina Democratic Party and a state legislative caucus committee. Ms. Tenenbaum does not directly or indirectly establish, finance, maintain or control any of the 501(c)(3) organizations that might receive the funds, and the proposed uses are consistent with South Carolina law. Some of the 501(c)(3) organizations to which she would like to donate funds conduct activities in connection with elections, including the federal election activities enumerated at 11 CFR 300.65(c) (e.g., voter registration, voter identification, get-out-the-vote activity and generic campaign activity). Some of these organizations conduct some federal election activity that is not their principal purpose, while others conduct such activity as their principal purpose or would spend the donation specifically on those activities.

Analysis

Donations to 501(c)(3) organizations that do not conduct any election activity. Ms. Tenenbaum may donate the nonfederal funds in her state campaign account to 501(c)(3) organizations that do not conduct any election activity. As amended by the Bipartisan Campaign Reform Act of 2002 (BCRA), the Act limits the ability of federal candidates and officeholders, their agents and entities directly or indirectly established, financed, maintained or controlled by them to raise or spend funds in connection with either federal or nonfederal elections. 2 U.S.C. §441i(e)(1). As a candidate for election to the U.S. Senate, Ms. Tenenbaum is prohibited from soliciting, receiving, directing, transferring or spending any funds in connection with a federal or nonfederal election unless such funds are subject to the limitations and prohibitions of the Act. 2 U.S.C. §§441(e)(1)(A) and (B); 11 CFR 300.61 and 300.62. Donations to 501(c)(3) organizations that conduct no election activity of any kind would not be in connection with a federal or nonfederal election. Therefore, such donations do not fall within the restrictions and prohibitions of 2 U.S.C. §441i(e)(1) and are permissible. These donations cannot be earmarked or designated for any election activity, including federal election activity, or debts arising from any election activity.

PACronyms, Other PAC Publications Available

The Commission annually publishes *PACronyms*, an alphabetical listing of acronyms, abbreviations and common names of political action committees (PACs).

For each PAC listed, the index provides the full name of the PAC, its city, state, FEC identification number and, if not identifiable from the full name, its connected, sponsoring or affiliated organization.

The index is helpful in identifying PACs that are not readily identified in their reports and statements on file with the FEC.

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- An alphabetical list of all registered PACs showing each PAC's identification number, address, treasurer and connected organization ($13.25).
- A list of registered PACs arranged by state providing the same information as above ($13.25).
- An alphabetical list of organizations sponsoring PACs showing the PAC's name and identification number ($7.50).

The Disclosure Division can also conduct database research to locate federal political committees when only part of the committee name is known. Call the telephone numbers above for assistance or visit the Public Records Office in Washington at 999 E St., NW.

Donations to 501(c)(3) organizations that conduct election activity as their principal purpose. Ms. Tenenbaum may not donate the nonfederal funds in her state campaign account to 501(c)(3) organizations that conduct election activity, including federal election activity as described in 11 CFR 300.65(c), as their principal purpose. Given the strong likelihood that these organizations would use the donations to fund election activity either directly or indirectly, such donations would be subject to the restrictions and prohibitions of 2 U.S.C. §441i(e)(1), unless one of the exceptions to this section applies.

Under 2 U.S.C. §441i(e)(2), the prohibition above does not apply to the solicitation, receipt or spending of funds by an individual who is or was a candidate for state or local office solely in connection with such election for state or local office, if such activity is permitted by state law. While Ms. Tenenbaum falls within the scope of §441i(e)(2) because she is a former state candidate, the donations must also meet the other elements of this section. Section 441i(e)(2) applies to funds spent "solely in connection with election for State or local office." Donations to 501(c)(3) organizations that conduct federal election activity would not constitute the spending of funds solely in connection with her election for state office, and are therefore not permissible.

Ms. Tenenbaum's request also proposed that the donations should nonetheless be permitted by the exception at §441i(e)(4)(B). This section, however, pertains only to solicitations and does not extend to donations; thus, it does not apply.

Donations to the South Carolina Democratic Party or state legislative caucus committee. Similarly, the Commission concluded that Ms. Tenenbaum's nonfederal campaign funds may not be donated to the South Carolina Democratic Party or a state legislative caucus committee in South Carolina. Since Ms. Tenenbaum is not a candidate in 2004 or 2006 for state or local office, 2 U.S.C. §441(e)(2) does not apply because the donated funds could not be used "solely in connection with [her] election for State or local office." The exception in §441(e)(4)(A) also does not apply because neither the South Carolina Democratic party committee nor a state legislative caucus committee is a 501(c) organization.

Donations to 501(c)(3) organizations that conduct election activity, but not as their principal purpose. Ms. Tenenbaum also asked if she could donate the funds in her state campaign account to 501(c)(3) organizations that conduct election activity, including federal election activity, but whose principal purpose is not to conduct election activity. The Commission considered this question but could not approve a response by the required four votes.

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—Meredith Trimble

AO 2003-33
Charitable Matching Plan with Prizes for Donors

Anheuser-Busch Companies, Inc. may count donations it makes to the United Way through its PAC's Charitable Matching Program toward a contributor's eligibility to receive prizes under the company's United Way program.

Background

Anheuser-Busch currently administers both a Charitable Matching Program to encourage contributions to its PAC and a United Way Program to encourage employees to donate to charity. Under the first, when an individual contributes to the Anheuser-Busch

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Companies, Inc. Political Action Committee (AB-PAC), Anheuser-Busch matches that contribution with a donation to a charity designated by the contributing employee. Under the second, Anheuser-Busch gives prizes such as beer, steins or plaques to employees who donate directly to the United Way.

Prior to 2002, these programs were separate. If an individual participated in the Charitable Matching Program and designated the United Way as his or her charity, then the donation did not count toward the prize thresholds under the United Way Program. In 2002, Anheuser-Busch began to aggregate donations so that these individuals could receive prizes under the United Way Program.

Analysis

Although corporations are prohibited from making contributions or expenditures in connection with any federal election, they are allowed to use their treasury funds to pay establishment, administration and solicitation expenses for their separate segregated fund (i.e., PAC). However, a corporation may not use this process as a means to exchange treasury funds for voluntary contributions. A contributor may not be rewarded for their contribution through a bonus, expense account or any other direct or indirect compensation. 11 CFR 114.5(b).

The Commission has allowed charitable matching programs similar to those offered by Anheuser-Busch. Under the Charitable Matching Program, all treasury funds go to a designated charity, not the individual. The contributor does not receive any tangible benefit and there is no exchange of treasury funds for contributions to AB-PAC. See, for example, AOs 2003-4, 1990-6, and 1989-9.

The Commission has also allowed contributors to be rewarded with prizes or tokens of appreciation. See AO 1981-40. These prizes are permitted so long as they are not disproportionately valuable compared to the contributions raised. The cost of the prizes may not exceed one-third of the money raised. 11 CFR 114.5(b)(2).

Anheuser-Bush's plan combines these two permissible fundraising methods, offering contributors both a charitable match and a token of appreciation. Since the value of the prizes awarded under the United Way Program do not exceed one-third of the amount raised under the Charitable Matching Program, and the prizes are not so valuable as to constitute a tangible benefit to the employee who contributes through the Charitable Matching Program, the plan is permissible.

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—Phillip Deen

AO 2003-34
Reality TV Show to Simulate Presidential Campaign

Three incorporated media companies may fund, produce, air and distribute a reality television series depicting a fictional Presidential campaign without making a prohibited corporate contribution or expenditure because the proposed show falls within the Federal Election Campaign Act's (the Act) press or media exemption.

Background

Showtime Networks, a wholly-owned subsidiary of Viacom, has contracted with TMD Productions (collectively, "the requesters") to produce American Candidate, a "reality documentary series" that will simulate a Presidential campaign. In the show, American citizens will compete in a series of events designed to test their political skills. The competition will include fundraising for charitable organizations, which will be the sole beneficiaries of any funds raised. No fundraising will be done for actual federal candidates, officeholders or committees, and no contestant will be permitted to receive any monetary contributions to his or her fictional campaign. The series may, however, include appearances by and references to actual federal candidates in order to make the simulated campaign appear realistic. Potential contestants must sign a release agreeing to automatic disqualification if they become an actual candidate, or a potential candidate, for any public office. The requesters plan to operate two web sites to promote the series and its contestants and to educate the public about actual political campaigns.

Analysis

The Act prohibits "any corporation whatever" from making a contribution or expenditure in connection with a federal election. 2 U.S.C. §441b(a). The Act and FEC regulations, however, make an exception for press entities or media entities, known as the "press exemp-

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tion or media exemption," that exempts from the definitions of "contribution" and "expenditure" any "news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate." 2 U.S.C. §431(9)(B)(i); 11 CFR 100.73 and 100.132. The Act and regulations also include a similar exemption with respect to the definition of an "electioneering communication." 2 U.S.C. §434(f)(3)(B)(i); 11 CFR 100.29(c)(2).

In this case, the Commission concluded that the requesters meet the criteria within the Act and regulations to qualify for the "press or media exemption." First, the requesters qualify as press entities and are not owned or controlled by a political party, political committee or candidate.[1] Second, the series as proposed qualifies as "commentary" within the meaning of the Act and regulations. Thus, to the extent that actual federal candidates or office holders are depicted or discussed in the series and accompanying web sites, no contribution or expenditure will result from corporate payments for the production, promotion, distribution or licensing of rights, even if statements are included in the series or accompanying web sites that expressly advocate the election or defeat of a clearly identified federal candidate. Moreover, no broadcast or cablecast of the series will constitute an electioneering communication.

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—Dorothy Yeager

[1] *See Readers Digest Association v. FEC, 509 F. Supp. 1210, 1215 (S.D.N.Y. 1981) and FEC v. Phillips Publishing, 517 F.Supp. 1308, 1312-1313 (D.D.C. 1981), and AOs 2003-13, 1996-48 and 1982-44.*

AO 2003-35
Presidential Candidate May Withdraw from Matching Payment Program

Congressman Richard A. Gephardt, a Presidential candidate in 2004, could choose to withdraw from the Presidential Primary Matching Payment Account Act's (the Matching Payment Act) public funding program even though the Commission has already certified his eligibility to receive funds under the program, so long as he withdraws before the payment date for receiving funds.[1] Withdrawing from the program would not require him to refund any contributions or obtain the contributors' authorization to retain the contributions. Moreover, if he withdrew from the program, Congressman Gephardt would not be bound by the legal requirements imposed as a result of participating in the public funding program.

Background

On November 4, 2003, Congressman Gephardt and Gephardt for President, Inc., (the Committee) filed their threshold submissions to the Commission to qualify for primary matching funds under the Matching Payment Act, along with the necessary Candidate and Committee Agreements and Certifications under 26 U.S.C. §9033 and 11 CFR 90033.1. The Commission subsequently certified to the Secretary of the U.S. Treasury that Congressman Gephardt was eligible to receive matching funds, which were scheduled to be paid on January 2, 2004.

Analysis

Withdrawal from the program. Neither the Matching Payment Act nor its legislative history addresses a candidate whom the Commission has certified as eligible to receive payments but who no longer wished to participate in the program. However, the legislative history does expressly recognize that a Presidential primary candidate's participation in the program is voluntary. See H.R. Conf. Rep. No. 93-1438, at 116 (1974). Moreover, the Matching Payment Act's dependence on a candidate's written agreement and certification implicitly recognizes the voluntary nature of participation in the program. In addition, the Supreme Court held that the voluntary nature of all of the public funding programs permits the related expenditure limits, while it at the same time found expenditure limits that were not voluntarily accepted as part of a public funding program to be unconstitutional. See *Buckley v Valeo*, 424 U.S. 1, 57 n. 65 (1976). The voluntary nature of the program supports the conclusion that a candidate may withdraw from the program prior to receiving payments.

The Commission's previous resolution of similar issues is also consistent with allowing a candidate to withdraw prior to receiving payments. In 1999 the Commission allowed Elizabeth H. Dole to withdraw from the program. Al-

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[1] *Congressman Gephardt accepted $3,131,788.10 in matching fund payments on January 2, 2004. See related article on page 13. Mr. Gephardt has since withdrawn his candidacy.*

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though Ms. Dole withdrew from the primary election before asking to withdraw from the matching program, her withdrawal from the election did not require her to relinquish her claim to matching funds. Indeed, other candidates in that election cycle received public funds to cover qualified campaign expenses even though their campaigns ended before the initial payment of matching funds.[2]

Finally, the Matching Payment Act, Commission regulations and the U.S. Treasury Department all require the Secretary of the Treasury to distribute the available funds equally and to consider the sequence in which the funds are certified for candidates. 26 U.S.C. §9037(b). In the event of a shortfall, the Secretary considers all funds certified for all candidates in order to determine how the funds should be distributed. If the Commission withdraws its certification of funds for a candidate, those funds will become available for distribution to the remaining eligible candidates. Thus, withdrawing the certification of eligibility for a candidate prior to the date of payment would not prejudice the other fund recipients.

In light of all of these factors, the Commission would withdraw a certification of a candidate's eligibility to receive matching funds prior to initial the payment date for that candidate if the Commission received a written request to do so signed by the candidate.[3] The Commission's withdrawal of its certification would constitute its agreement to a candidate's request to rescind the Candidate and Committee Agreements and Certifications.[4]

Treatment of contributions. Withdrawing from the public funding program does not require the committee to refund contributions or obtain authorization from contributors to retain their contributions. The presumed intent of the contributors is to assist in Congressman Gephardt's 2004 Presidential primary campaign, and the Committee's use of the contributions for this purpose satisfies that intent. Moreover, in some instances a publicly funded candidate does not submit contributions for matching. In these cases the Commission does not require that the contribution be refunded—whether a contribution is matched by public funds is not an aspect of contributor intent that the Commission has previously considered sufficient to trigger refund obligations.

Legal requirements of the Matching Payment Act. The Commission's withdrawal of its certification would be its agreement to rescind the Candidate and Committee Agreements and Certifications submitted by Congressman Gephardt. Thus, the Congressman, the Committee and the Commission would not be bound by the Matching Payment Act obligations that are imposed solely by virtue of that contract. For example, Congressman Gephardt and the Committee would not be required to abide by the expenditure limitations in 11 CFR part 9035 or to permit an audit and examination under 11 CFR part 9038. They would, of course, remain subject to the Federal Election Campaign Act and Commission regulations, and could be subject to an audit under 2 U.S.C. §438(b).

Deferring matching payments. The Matching Payment Act, Commission regulations and the U.S. Treasury Department all require that the Commission promptly certify the amounts to which candidates are eligible. As a result, the Commission may not delay certification of eligible funds while a candidate determines whether he or she wants to participate in the program. However, candidates may choose to withhold their threshold submission until they are prepared to accept matching payments and participate in the program. See 11 CFR 9036.1(a).

Having already made his threshold submission, Congressman Gephardt's only legal option to delay payment is to request that the Commission withdraw its certification, thus entirely nullifying the agreement. No provision of law would prevent the Congressman from submitting another Candidate and Committee Agreement and Certifications at a later point, and any matchable contributions may be included in a subsequent threshold submission.

Date Issued: December 12, 2003; Length: 7 pages.❖

—Amy Kort

[2] *This withdrawal of certification was distinguished from AO 1996-7, in which the Commission refused to consider a candidate's eligibility because he had stated his ideological opposition to accepting matching funds. In this case, the Commission determined that the candidate did not give the necessary assent to the Candidate Agreement under 26 U.S.C. §9033(a) and 11 CFR 9033.1(a)(2), and to all the conditions stated therein.*

[3] *The certification of funds must not be pledged as security for private financing.*

[4] *The Commission cautions, however, that it must receive request no later than December 30, 2003, so that it has one business day to deliver a certification of withdrawal to the Secretary of the Treasury before he issues payments on the first business day of the Presidential election year.*

AO 2003-36

Fundraising by Federal Candidate/Officeholder for Section 527 Organization

Federal candidates and/or officeholders participating in fundraising activities on behalf of the Republican Governors Association (RGA) may not solicit donations outside the

contribution limits and source prohibitions of the Federal Election Campaign Act (the Act). RGA, which is registered with the IRS under section 527 and acts as the political and public policy organization of the Republican State Governors, conducts its activities in connection with elections other than federal elections. As a result, the Act limits federal candidates' and officeholders' ability to raise funds to support these activities. 2 U.S.C. §441i(e). Federal candidates and/or officeholders may, however, attend and participate in RGA's fundraising events held to support state candidates, state issue messages, RGA and RGA's "Conference Account," and they may solicit funds within the Act's limits and prohibitions, so long as certain procedures are followed.

Moreover, because RGA's activities are in connection with nonfederal elections, it may not accept into any of its accounts donations from sources that are prohibited under the Act from making a contribution in connection with any election to any political office, such as the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association. 2 U.S.C. §441b(a).

Background

RGA is not affiliated with a national, state or local political party committee. It raises exclusively nonfederal funds, does not participate in federal elections and has not engaged, and does not anticipate engaging, in "federal election activity." See 2 U.S.C. §431(20) and 11 CFR 100.24.

RGA's mission is to aid Republican Governors, gubernatorial candidates and other state candidates by:

- Assisting in their elections, as permitted by state law, through direct contributions and participation in the discussion of state and local issues;
- Providing policy assistance through conferences, debates and public messages; and
- Providing a platform for the Governors to express, develop and promote their governing philosophies.

Fundraising for State Candidates, State Messages and RGA

RGA intends for federal candidates and/or officeholders to participate in its fundraising activities:

- As featured guests at RGA fundraising events;
- By having their names appear on a written solicitation for RGA fundraising events as the featured guests or speakers; or
- By signing RGA's written fundraising solicitations.

For any of these fundraising activities, the following conditions will apply:

- Funds raised will be either explicitly solicited for the purpose of assisting only in the election of state candidates or in messages on state issues mentioning only state officials, or solicited only for RGA and not to support any specific state candidates.
- Donations in excess of the federal contribution limits or from prohibited sources will be solicited; however, in solicitations by federal candidates/officeholders, notice will be given to the solicitees that the federal candidate/officeholder is not raising funds outside the Act's amount limits or source prohibitions.
- Oral and written solicitations by federal candidates/officeholders will refer to nonfederal candidates, but will not refer to any federal candidates (other than to name the individual making the solicitation).
- Funds solicited "only for the RGA and not to support any specific State candidates" will be used for RGA's administrative and overhead expenses. They may also be used to pay for public communications that would include a mass mailing fundraising letter not mentioning any federal candidate and signed by the RGA Chair or for an issue message concerning a state issue.

Application of Bipartisan Campaign Reform Act (BCRA). As amended by the BCRA, the Act regulates the conduct of federal candidates and officeholders, their agents and entities directly or indirectly established, maintained, financed or controlled by them when they raise or spend funds in connection with either federal or nonfederal elections. 2 U.S.C. §441i(e)(1). The Commission's regulations stipulate that these persons 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.

Commission regulations define the terms "to solicit" and "to direct" as "to ask." 11 CFR 300.2(m) and (n). Thus, a federal candidate will not be held liable for soliciting funds in violation of these restrictions merely by virtue of attending or participating in a fundraising event at which nonfederal funds are raised. See AOs 2003-3 and 2003-5. In AO 2003-3, the Commission addressed appearances, speeches and solicitations by a federal candidate/officeholder at fundraising events for nonfederal candidates where nonfederal funds were raised. The Commission interpreted the Act and regulations to permit oral solicitations and signatures on written solicitations by the candidate/officeholder, so long as the solicitations included or were accompanied by a disclaimer

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Advisory Opinions

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indicating that the federal candidate/officeholder was only asking for federally permissible funds. See 2 U.S.C. 441i(e)(1)(B); 11 CFR 300.62.

May a covered individual participate as a featured guest at an RGA fundraising event? RGA's activities are in connection with the election of gubernatorial and other state candidates. Thus, federal candidates/officeholders may solicit funds for these activities only in amounts that do not exceed the Act's contribution limits or source prohibitions. 11 CFR 300.62. Federal candidates/officeholders may, subject to certain conditions, appear as featured guests or speakers at RGA fundraisers, and they may otherwise participate in the fundraising activities so long as they do not solicit, direct, receive, transfer or spend funds outside the Act's limits and prohibitions.

If a federal candidate/officeholder makes a speech without asking for donations, he or she does not need to issue a disclaimer, even though speeches by others solicit funds. If the federal candidate/officeholder gives a speech generally soliciting funds without mentioning specific amounts, sources or limitations, written notices must be clearly and conspicuously displayed at the event indicating that the federal candidate/officeholder is soliciting only federally permissible funds. In the absence of written disclaimers, a federal candidate/officeholder must make an oral disclaimer, which need only be made once and need not be made during his or her one-on-one discussions with donors or other people at the event. A federal candidate/officeholder may not inoculate a solicitation of nonfederal funds by reciting a rote limitation, but then encouraging the potential donor to disregard the limitation. See AO 2003-3.

May a federal candidate/officeholder participate by having his or her name appear on written solicitations for an RGA fundraising event as the featured guest or speaker. May he or she sign an RGA solicitation letter?

The significant issues in determining whether a publicity statement is subject to the Act's and regulations' restrictions on fundraising are:

- Whether the publicity constitutes a solicitation for funds; and
- Whether the federal candidate/officeholder approved, authorized, agreed or consented to be featured, or named, in the publicity.

The mere mention of a federal candidate or officeholder in the text of a written solicitation does not, in itself, constitute a solicitation or direction of nonfederal funds by that individual. See AO 2003-3.

If a federal candidate or officeholder agrees to be named or featured in a solicitation, then the solicitation must contain a clear and conspicuous express statement that it is limited to funds that comply with the Act's limits and prohibitions. Similarly, such a statement must be provided if the federal candidate or officeholder signs a written fundraising solicitation for RGA. Note that including a disclaimer in a fundraiser's publicity does not relieve a federal candidate/officeholder of the requirements to provide a disclaimer, if required, at his or her actual appearance at the subsequent event.[1]

Fundraising for the Conference Account

RGA also maintains a segregated Conference Account, from which it pays for the administrative and event costs associated with the RGA's Annual Conference and its nationwide series of Governors' Forums. Events funded by the Conference Account are policy discussions and not political events, and they do not include planning for campaigning or fundraising or for the solicitation of funds for federal or nonfederal candidates or political committees. The large majority of Conference Account expenses pay for hotel fees, catering and meeting space. Funds received and disbursed by the Conference Account are not incorporated into RGA's reports filed with the states in which it conducts its activities. However, funds received and disbursed by the Conference Account are included in RGA's filings with the IRS and are not separated out from the other activities of RGA in those filings.

[1] *Although Advisory Opinion 2003-3 might be read to mean that a disclaimer is required in publicity or other written solicitations that explicitly ask for donations "in amounts exceeding the Act's limitations and from sources prohibited from contributing under the Act," that was not the Commission's meaning. The Commission wishes to make clear that the covered individual may not approve, authorize, agree, or consent to appear in publicity that would constitute a solicitation by the covered person of funds that are in excess of the limits or prohibitions of the Act, regardless of the appearance of such a disclaimer. However, the Commission could not agree whether the use of a covered person's name in a position not specifically related to fundraising, such as "honorary chairperson," on a solicitation not signed by the covered person, is prohibited under the Act.*

FECFile Help on Web

The manual for the Commission's FECFile 5 electronic filing software is available on the FEC's web site. You can download a PDF version of the manual at http://www.fec.gov/elecfil/electron.html.

A federal candidate/officeholder must comply with the requirements described above when participating in fundraising activities specifically for RGA's Conference Account. RGA is registered with the IRS as a section 527 political organization. As recognized by the Supreme Court in *McConnell v. Federal Election Commission*,

> "[s]ection 527 political organizations are, unlike 501(c) groups, organized for the express purpose of engaging in partisan political activity. They include any 'party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures' for the purpose of 'influencing or attempting to influence the selection, nomination, or appointment of any individual for Federal, State, or local public office.'" 26 U.S.C. §527(e). *McConnell*, 124 S.Ct., at 678, n.67.

RGA states as its purpose on its IRS registration form that it "supports the election of Republican Governors and other nonfederal candidates, promotes Republican policies, and engages in other state and local election activities." Additionally, the RGA may have claimed that Conference Account income is exempt function income under 26 U.S.C. §527. As such, donations or "contributions" to the Conference Account must be treated in the same manner as donations for other purposes of RGA. Therefore, the solicitation of funds for the Conference Account constitutes fundraising in connection with an election other than an election for federal office under 2 U.S.C. §441i(e)(1)(B) and 11 CFR 300.62.

Moreover, the Conference Account may not accept donations from a corporation established by the authority of Congress. The Act prohibits "any corporation established by authority of any law of Congress" from making a contribution in connection with any election to any political office. 2 U.S.C. §441b(a). As indicated above, contributions or donations to RGA's Conference Account would be in connection with a nonfederal election. Therefore, the Conference Account may not accept contributions or donations from the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

Date Issued: January 12, 2004; Length: 8 pages.✥

—Amy Kort

Advisory Opinion Requests

AOR 2003-39

Permissibility of trade association plan to match SSF contributions with donations to charities (Credit Union National Association, Credit Union Legislative Action Council of CUNA and North Carolina Local Government Employees' Federal Credit Union, December 30, 2003)

AOR 2003-40

Aggregating independent expenditures to trigger 48-hour notice requirement (U.S. Navy Veterans' Good Government Fund, December 31, 2003)

AOR 2004-1

Presidential candidate's endorsement of federal candidate in public communication within 120 days of election; implication of coordination between the campaigns (Bush-Cheney '04 and Alice Forgy Kerr for Congress, January 12, 2004—20-day expedited response)✥

BCRA on the FEC's Web Site

The Commission has a section on its web site (www.fec.gov) devoted to the Bipartisan Campaign Reform Act of 2002 (BCRA).

The page provides links to:

- The Federal Election Campaign Act, as amended by the BCRA;
- Summaries of major BCRA-related changes to the federal campaign finance law;
- Summaries of litigation involving challenges to the new law;
- *Federal Register* notices announcing new and revised Commission regulations that implement the BCRA;
- BCRA-related advisory opinions; and
- Information on educational outreach offered by the Commission, including upcoming Roundtable sessions and the Commission's 2004 conference schedule.

The section also allows individuals to view the Commission's calendar for rulemakings, including dates for the Notices of Proposed Rulemaking, public hearings, final rules and effective dates for regulations concerning:

- Soft money;
- Electioneering Communications;
- Contribution Limitations and Prohibitions;
- Coordinated and Independent Expenditures;
- The Millionaires' Amendment;
- Consolidated Reporting rules; and
- Other provisions of the BCRA.

The BCRA section of the web site will be continuously updated. Visit www.fec.gov and click on the BCRA icon.

Compliance

(continued from page 1)

treasury funds in connection with any election of any candidate for federal office. 2 U.S.C. §441b(a). In addition, the Act prohibits making a contribution in the name of another, knowingly permitting one's name to be used to effect such a contribution and knowingly accepting such a contribution. Further, no person may knowingly help or assist any person in making a contribution in the name of another. 2 U.S.C. §441f and 11 CFR 110.4(b)(1)(iii). This prohibition also applies to any person who provides the money to others to effect contributions in their names. 11 CFR 110.4(b)(2).

CCG is a wholly-owned subsidiary of Centex Corporation and acts as an umbrella group for regional construction units, including Rooney. In March 1998, Mr. Moss, who was at the time the Chairman, President and CEO of Rooney, met with CCG President Brice Hill and its former Executive Vice President and COO Kenneth Bailey to discuss the company's discretionary bonus program. Mr. Moss suggested that the company should compensate or reward Rooney employees for political contributions they made during the year by recognizing the contributions as the primary component of the discretionary bonus process paid out of a CCG account. Mr. Hill agreed that it would be appropriate to consider employee political contributions, as well as other political and community activities, when determining bonus amounts.

Rooney management encouraged employees to send copies of contribution checks to either Mr. Moss or Gary Esporrin, then Rooney's CFO. Employees understood that each of these political contributions would be considered in determining their year-end bonuses. Some of these contributions were solicited by Rooney executives, including Mr. Moss. At bonus time, the contribution amounts were increased to offset tax liability and added to the bonus amounts each employee would have otherwise received from any incentive plan. Mr. Moss ultimately approved the discretionary management bonuses, and the Rooney bonus pool was reviewed and approved by CCG. The plan continued from fiscal year 1998 through fiscal year 2003.

There is no indication that any Centex Corporation executive or any of the recipient federal candidates and political committees were aware that the contributions were being reimbursed with corporate funds.[1] When Centex Corporation senior management learned of the reimbursement scheme, it began an internal investigation that resulted in the voluntary disclosure made to the Commission. All of the respondents fully cooperated with the Commission throughout the course of its investigation, which helped facilitate a timely resolution of the matter.

Civil Penalties

Centex Construction Group, Inc., Centex-Rooney Construction Co., Inc., and the following corporate officers who consented to the reimbursement plan are responsible for $112,000 of the civil penalty: Mr. Moss, Mr. Esporrin, Mr. Hill, Mr. Bailey, Chris Genry and Mark Layman. These respondents agreed to cease and desist from further such violations of the Act and waived their rights to a refund of all political contributions from the recipient committees. In addition, CCG and Rooney will instruct the recipient committees to disgorge the prohibited contributions in question to the U.S. Treasury.

The officers and employees who served as conduits for the contributions were Mr. Moss, Mr. Esporrin, Bruce Moldow, Gary Glenewinkel, D.J. McGlothern, Albert Petrangeli, Ted Adams, J. Michael Wood, Raymond Southern, Larry Casey and David Hamlin. They are responsible for $56,000 of the civil penalty and also agreed to cease and desist from further such violations of the Act and to waive their rights to a refund of all political contributions from the recipient committees.◆

—Amy Kort

[1] *When Mr. Moss was promoted to CEO of CCG in January 2000, he met the Chairman and CEO of Centex Corporation. Mr. Moss raised the issue of the company's political contribution strategy, but did not discuss the discretionary management bonus program with the CEO. The CEO told Mr. Moss to follow company guidelines and legal advice. After the meeting, Mr. Moss told certain CCG personnel that the discretionary management bonus program should be continued.*

Public Appearances

February 2, 2004
American University
Washington, DC
Vice Chair Weintraub

February 6-7, 2004
University of Pennsylvania Law Review
Philadelphia, PA
Chairman Smith

February 9, 2004
American University
Washington, DC
Chairman Smith

February 13-15, 2004
National Association of State Election Directors
Washington, DC
Eileen Canavan

Public Funding

Commission Certifies Matching Funds for Presidential Candidates

On December 30, 2003, the Commission certified $15,417,353.84 in federal matching funds to six Presidential candidates for the 2004 election.[1] The U.S. Treasury Department made the payments on January 2, 2004.

Under the Presidential Primary Matching Payment Account Act, the federal government will match up to $250 of an individual's total contributions to an eligible Presidential primary candidate. A candidate must establish eligibility to receive matching payments by raising in excess of $5,000 in each of at least 20 states (i.e., over $100,000). Although an individual may contribute up to $2,000 to a primary candidate, only a maximum of $250 per individual applies toward the $5,000 threshold in each state. Candidates who receive matching payments must agree to limit their spending and submit to an audit by the Commission. 26 U.S.C. §9033(a) and (b); 11 CFR 9033.1 and 9033.3.

Candidates may submit requests for matching funds once each month. The Commission will certify an amount to be paid by the U.S. Treasury the following month. Only contributions from individuals in amounts of $250 or less are matchable. The chart below lists the amount certified to each candidate.

While the current Fund balance is sufficient to pay these certifications in full, there may not be enough money in the Fund to pay full certifications in February. In the event of a shortfall in the Fund, the U.S. Treasury will make reduced payments until the Fund has been replenished by future checkoff designations on 2003 tax returns, at which time each campaign will receive the amount it is due. See the January 2004 *Record*, page 23.

The Commission has also certified $14,592,000 to each of the two major political parties, for their 2004 Presidential Nominating Conventions.✥

—Amy Kort

[1] *Note that Howard Dean, John Kerry and President Bush have declined to participate in the Matching Fund program.*

Matching Funds for 2004 Presidential Candidates: December Certification

Candidate	Certification December 2003	Cumulative Certifications
Wesley K. Clark (D)	$3,733,354.47	$3,733,354.47
John R. Edwards (D)	$3,368,039.67	$3,368,039.67
Richard A. Gephardt (D)	$3,131,788.10	$3,131,788.10
Dennis J. Kucinich (D)	$735,665.22	$735,665.22
Lyndon H. LaRouche, Jr. (D)	$838,848.34	$838,848.34
Joseph Lieberman (D)	$3,609,658.04	$3,609,658.04

Dean Requests Withdrawal of Certification for Matching Funds

On December 18, 2003, the Commission withdrew its certification that Presidential candidate Howard Dean and his authorized committee, Dean for America (the Committee), were eligible to receive public matching payments. The action came after Dr. Dean informed the Commission that he "no longer wish[es] to participate in the Matching Payment system administered by the Commission" and "withdraw[s] the candidate agreement filed with the Commission pursuant to 11 C.F.R. § 9033.1 and 2." Since the Committee will not be receiving federal matching funds, the Commission will not conduct a mandatory audit of the Committee pursuant to 26 U.S.C. §9038(a).✥

—Amy Kort

Conference in Tampa

Late registration for the FEC's February 11-12 conference in Tampa, FL, will be accepted on a first-come, first served basis. The conference will address issues of concern to House and Senate campaigns, political party committees and corporations, labor organizations, trade associations, membership organizations and their respective PACs. The two person per organization limit has been waived for this conference. For complete, up-to-date registration information visit the FEC web site at http://www.fec.gov/pages/infosvc.htm#Conferences.

Administrative Fines

Committees Fined for Nonfiled and Late Reports

The Commission recently publicized its final action on 41 new Administrative Fine cases, bringing the total number of cases released to the public to 874, with $1,164,638 in fines collected by the Commission.

Civil money penalties for late reports are determined by the number of days the report was late, the amount of financial activity involved and any prior penalties for violations under the administrative fines regulations. Penalties for late reports—and for reports filed so late as to be considered nonfiled—are also determined by the financial activity for the reporting period and any prior violations. Election sensitive reports, which include reports and notices filed prior to an election (i.e., 12 day pre-election, October quarterly and October monthly reports), receive higher penalties. Penalties for 48-hour notices that are filed late or not at all are determined by the amount of the contribution(s) not timely reported and any prior violations.

The committees and the treasurers are assessed civil money penalties when the Commission makes its final determination. Unpaid civil money penalties are referred to the Department of the Treasury for collection.

The committees listed in the chart at right, along with their treasurers, were assessed civil money penalties under the administrative fines regulations.

Closed Administrative Fine case files are available through the FEC Press Office, at 800/424-9530 (press 2), and the Public Records Office, at 800/424-9530 (press 3).❖

—Amy Kort

Committees Fined and Penalties Assessed

1. Akram for Congress, Inc.		$4,375[1]
2. Americans United in Support of Democracy		$900[1]
3. Bakery Confectionery Tobacco Workers & Grain Millers International Union Local No. 19 Political Organization (BCTGM)		$312[1]
4. Barham for Congress, Inc.		$0[2]
5. Battles for Congress		$3,375[1]
6. Ben Jones for Congress		$900
7. Brightharp for Congress		$598
8. Committee to Elect Kutsch		$1,800[1]
9. Dorsey National Fund	October Quarterly 2002	$2,500
10. Dorsey National Fund	12 Day Pre-General 2002	$1,250
11. Dub Maines for Congress		$1,350[1,2]
12. Ed Tinsley for Congress		$0[2]
13. Friends for Farley		$900
14. Friends of Bob Gross Committee		$2,700[1]
15. Friends of Margaret Workman		$11,250[1]
16. Jay Blossman for U.S. Senate		$525[2]
17. Jeff Fink for Congress		$186
18. Joe Grimaud for Congress Committee		$5,500[3]
19. Joe Slovinec for Congress Campaign Committee		$0[2]
20. John Taylor for Congress		$1,125[2]
21. Kennecott Holdings Corporation PAC (aka Kennecott PAC)		$1,000
22. Lori Lustig for Congress		$1,800[1]
23. Mike Greene for Congress Committee		$5,625[1]
24. Mike Hathorn for Congress Committee		$800
25. National Italian American Political Action Committee		$2,025[1,2]
26. Ogles for Congress		$2,700
27. Philip Lowe for Congress		$11,875[1]
28. Randy Knepper for Congress		$4,500[1]
29. Riverside County Republican Central Committee		____[4]
30. Roberts 2002		$5,650[1]
31. Skorski for Congress		$2,700[1]
32. Stephanie Tubbs Jones for US Congress		$400
33. Stuart Johnson for Congress		$2,700[5]
34. Syed Mahmood for Congress		$2,250[1]

[1] *This civil money penalty has not been collected.*

[2] *This penalty was reduced due to the level of activity on the report.*

[3] *This penalty was reviewed in the U.S. District Court for the District of South Carolina, Columbia Division. The court entered a judgment in the Commission's favor on August 18, 2003. The Commission referred the debt for collection after the respondents did not appeal within 60 days of the court's decision. See* Cannon v. FEC, *summarized in the October 2003* Record, *page 13.*

[4] *The Commission took no further action in this case.*

[5] *The Commission has collected $1,045.59 of the penalty.*

Committees Fined and Penalties Assessed, cont.

35. Take Back the House	$1,800[1]
36. Tim Johnson for South Dakota, Inc.	$1,350
37. Uniformed Firefighters Association PAC (FIRE PAC)	$2,250
38. United Association of Journeymen & Apprentices/ Plumbing & Pipe Fitting Industry Local Union 335 October Quarterly 2002	$1,100
39. United Association of Journeymen & Apprentices/ Plumbing & Pipe Fitting Industry Local Union 335 30-Day Post General 2002	$475
40. United Republican Finance Committee	$350
41. 15th District Democratic Party	$900[1]

[1]This civil money penalty has not been collected.

Outreach

DC Conference for House and Senate Campaigns and Party Committees

The FEC will hold a conference in Washington, DC, March 16-17, 2004, for House and Senate campaigns and political party committees. The conference will consist of a series of workshops conducted by Commissioners and experienced FEC staff who will explain how the federal campaign finance law, as amended by the Bipartisan Campaign Reform Act of 2002 (BCRA), applies to each of these groups. Workshops will specifically address rules for fundraising and reporting and will explain the new provisions of the BCRA. A representative from the IRS will also be available to answer election-related tax questions.

The conference will be held at the Loews L'Enfant Plaza Hotel, located near the National Mall and Smithsonian museums in Washington, DC. The conference registration fee is $350, which covers the cost of the conference, materials and meals. A $10 late fee will be assessed for registration forms received after February 20.

The Loews L'Enfant Plaza Hotel is located at 480 L'Enfant Plaza S.W., Washington, DC. A room rate of $189 per night (single or double) is available for conference attendees who make reservations on or before February 20. To make reservations, call toll free (800/635-5065) or locally (202/484-1000, ext. 5000) and state that you are attending the FEC conference. After February 20, room rates are based on availability. Parking is available at the hotel for a fee of $15 per day and $22 overnight. The hotel is located near the L'Enfant Plaza Metro and the Virginia Railway Express stations.

Registration

Complete conference program and registration information is available online. Conference registrations will be accepted on a first-come, first-served basis, and registrations are limited to two representatives per organization. FEC conferences are selling out quickly, so please register early. For registration information concerning any FEC conference:

- Call Sylvester Management Corporation at 800/246-7277;
- Visit the FEC web site at http://www.fec.gov/pages/infosvc.htm#Conferences; or
- Send an e-mail to lauren@sylvestermanagement.com.

—Amy Kort

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The first number in each citation refers to the "number" (month) of the 2004 *Record* issue in which the article appeared. The second number, following the colon, indicates the page number in that issue. For example, "1:4" means that the article is in the January issue on page 4.

Advisory Opinions

Conference Schedule for 2004

Conference for House and Senate Campaigns, Political Party Committees and Corporate/Labor/Trade PACs
February 11-12, 2004
Tampa, FL

Conference for House and Senate Campaigns and Political Party Committees
March 16-17, 2004
Washington, DC

Conference for Corporations and their PACs
April 22-23, 2004
Washington, DC

Conference for Trade Associations, Membership Organizations and their PACs
May 25-26, 2004
Boston, MA

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