Commission

Message from the Chairman

With the end of the year fast approaching, I want to take this opportunity to begin my final Message from the Chairman in the Record by thanking my fellow Commissioners and every member of the Commission staff for their tireless work over the last year. Without each of you, the Commission would not have been able to bring the Commission current with the backlog of matters we inherited in June of last year, when the Commission was reconstituted, and we would not have accomplished the many additional projects that were initiated, continued, or completed during 2009.

The Commissioners had an uncommonly large number of matters before them, due in no small part to the aftermath of the six month dormancy, the remaining legal issues left after the Shays litigation, and the Honest Leadership and Open Government Act (HLOGA) passed in 2007. HLOGA left us with thorny issues on disclosure of lobbyist bundling and travel rates, as we all know. I want to thank Vice Chairman Matt Petersen, who is our incoming Chairman and Commissioner Cyndi Bauerly, who is our incoming Vice-Chair, for their service on two of our most critical committees, Finance and Personnel. Both devoted

Advisory Opinions

AO 2009-26

Federal Candidate May Fund Certain Activities from State Campaign Account

Illinois State Representative Elizabeth Coulson, who is also a federal candidate for the U.S. House, may use her state campaign committee funds or her state office account to sponsor a seniors fair and to mail postcards publicizing that event because those activities are not in connection with any federal or nonfederal election. She may also use her state campaign account or her state office account to pay for a “health care legislative update” letter because the letter is also not in connection with any federal or nonfederal election. Neither the postcards nor the letter would constitute “coordinated communications” under Commission regulations.

Background

Elizabeth Coulson is an Illinois State Representative and a candidate for the U.S. House in 2010. Coulson for Congress (Federal Committee) is Representative Coulson’s principal campaign committee. The Coulson Campaign Committee (State Campaign Committee) is Rep. Coulson’s state campaign committee. Under
Advisory Opinions
(continued from page 1)

Illinois law, Rep. Coulson also receives an office allowance (State Office Account) for the purpose of defraying official office, personnel and constituent services expenses. Illinois law allows state candidates to raise funds in connection with state races from corporations and labor organizations and raise funds from individuals without limits. At least some of the donations in the State Campaign Committee exceed the limitations set by the Federal Election Campaign Act (the Act) or come from sources which are prohibited by the Act.

Rep. Coulson plans to undertake three activities: 1) to organize a “seniors fair”; 2) to mail a postcard publicizing the seniors fair; and 3) to mail a “health care legislative update” letter to health care professionals in her state legislative district.

Seniors Fair. Rep. Coulson plans to organize a “seniors fair” at a local community center in her district. The purpose of this event is to promote health and safety programs available to seniors in Rep. Coulson’s state legislative district. Rep. Coulson has sponsored similar seniors fairs for the past eight years in her role as a state officeholder. Rep. Coulson states that this event will not be used to expressly advocate her election or to promote or support her federal candidacy, nor will it be used to attack or oppose any of her federal election opponents. The seniors fair will not be used for any federal election activity, nor will Rep. Coulson or her agents solicit any contributions at the seniors fair.

Promotional Postcard. Additionally, Rep. Coulson will mail approximately 12,000 postcards to seniors in her district publicizing the seniors fair that she plans to organize. The postcard will note the date, time and location of the seniors fair, in addition to the telephone number of Rep. Coulson’s district office that the recipients may call for more information about the fair. The contents, timing and distribution of the planned postcard mailing will be the same in all material respects as in previous years when Rep. Coulson was not a federal candidate. Rep. Coulson plans to pay for the mailing with funds from her State Office Account or her State Campaign Committee account.

Analysis

Seniors Fair. Rep. Coulson may sponsor the seniors fair because the event is not in connection with any federal or nonfederal election and it does not involve making any “public communications” as defined by the Act. 2 U.S.C. §431(22). The seniors fair also does not result in the making of any contributions to Rep. Coulson.

Federal candidates, their agents and entities directly or indirectly established, financed, maintained or controlled by, or acting on behalf of, federal candidates, may not raise or spend funds in connection with federal elections unless those funds are subject to the limitations, prohibitions and reporting requirements of the Act. 2 U.S.C. §441i(e)(1)(A) and 11 CFR 300.61. Also, federal candidates, their agents and entities directly or indirectly established, financed, maintained or controlled by, or acting on behalf of, federal candidates, may not raise or spend funds in connection with nonfederal elections unless those funds are subject to the limitations and prohibitions of the Act. 2 U.S.C. §441i(e)(1)(B) and 11 CFR 300.62. Since Rep. Coulson is a federal candidate and her state committee acts on her behalf, Section 441i(e) would apply to the seniors fair if it were in connection with any federal or nonfederal election. The Commission has previously stated, “if the funds are not raised or spent in

(continued on page 3)
Advisory Opinions (continued from page 2)

connection with an election, then the funds do not fall within the scope of Section 441i(e).” See AO 2003-20.

Although Rep. Coulson is a federal candidate and the State Campaign Committee is established, financed, maintained or controlled by Rep. Coulson, the Commission concludes that the seniors fair is not in connection with any federal or nonfederal election, because the event will not be used to solicit any contributions for Rep. Coulson, nor will any information about the participants be provided to Rep. Coulson’s Federal Committee. The event will not involve any express advocacy of Rep. Coulson’s election or the defeat of her opponents, nor will it be used for any “federal election activity” as defined in 2 U.S.C. §431(20) and 11 CFR 100.24.

Similarly, the Commission concludes that the seniors fair is not in connection with any nonfederal election. Rep. Coulson is not a candidate for state office and the seniors fair will not be used to solicit any donations to Rep. Coulson’s State Campaign Committee. The event will rather be held as a service to Rep. Coulson’s constituents and will be consistent with similar events that Rep. Coulson has held in previous years when she was not a candidate for federal office.

Since the seniors fair is not in connection with any federal or nonfederal election and will not involve public communications or the solicitation of contributions, Rep. Coulson may use nonfederal funds to pay for any costs associated with sponsoring this event.

Promotional Postcard. Rep. Coulson may also pay for postcards publicizing the seniors fair using funds in her State Office Account or her State Campaign Committee because, as with the seniors fair, the postcards are not in connection with any federal or nonfederal election and because the postcards would not be “coordinated communications.” Instead, the postcards will promote an event that the Commission determined is not in connection with a federal or nonfederal election.

The Act and Commission regulations prohibit a state officeholder from spending funds for a public communication that clearly identifies a federal candidate and promotes or supports a candidate unless the funds are subject to the limitations, prohibitions and reporting requirements of the Act. 2 U.S.C. §441i(f); 2 U.S.C. §431(20)(A)(iii). The postcards would be “public communications” under the Act and the postcards would clearly identify Rep. Coulson. However, the Commission concluded that the postcards, as proposed, do not promote, attack, support or oppose (PASO) any candidate for federal office.

Although the postcards clearly identify Rep. Coulson, the Commission has previously determined that the mere identification of an individual who is a federal candidate does not, in itself, PASO that candidate. See AOs 2007-34, 2007-21, 2006-10 and 2003-25. The postcards do not PASO Rep. Coulson, and no other candidate is clearly identified in their proposed contents. As such, Rep. Coulson is not required to pay for the costs of this mass mailing with federal funds.

Furthermore, the Commission concluded that the payment for the postcards by the state campaign committee would not constitute a coordinated communication because the communication would not meet the “payment prong” of the Commission’s three-prong test for determining coordination. If the communication were determined to have been coordinated, the payment for the communication would be considered an in-kind contribution from the person paying for the communication to the candidate or committee with whom it was coordinated. 11 CFR 109.21.

Under the first prong of the definition of coordinated communication, a communication is only subject to the regulations if it “is paid for, in whole or in part, by a person other than that candidate, authorized committee, or political party committee.” 11 CFR 109.21(a)(1). Under this scenario, the postcards would be paid for by Rep. Coulson’s State Office Account or her State Campaign Committee. In AO 2007-01, the Commission concluded that the payment prong was not met if a U.S. Senator’s former state campaign committee paid for solicitations for the purpose of retiring debts remaining from her previous candidacies for state offices, because “the candidate and her agents are paying for these communications.” Thus, since the postcards are being paid for by Rep. Coulson and her agents, the payment prong of the coordination test is not met.

Legislative Update Letter. Rep. Coulson may also use either her State Office Account or her State Campaign Committee to pay for the “health care legislative update letter” because the letter is not in connection with any federal or nonfederal election and it similarly does not PASO any federal candidate. As with the proposed postcard described above, Section 441i(e) would only apply to Rep. Coulson if the activity involved were in connection with any federal or nonfederal election, including any federal election activity described at 11 CFR 100.24. The letter describes Illinois State legislative developments to health care pro-

1 A public communication includes any communication by means of a mass mailing. A “mass mailing” is defined as “a mailing...of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.” 2 U.S.C. §431(23) and 11 CFR 100.27.

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Advisory Opinions
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professionals residing in Rep. Coulson’s
district, and it neither solicits any
donations nor expressly advocates
Rep. Coulson’s election, or the
defeat of any of her opponents. As
such, the Commission concluded
that it is not in connection with any
election.

With respect to the Commission
regulations on “coordinated commu-
nications,” the Commission conclud-
ed that, like the postcard proposal
described above, the health care
letter would not constitute a coordi-
nated communication because the
letter would not satisfy the “payment
prong” of the coordination three-part
test because Rep. Coulson and her
agents would be paying for the com-
unication. 11 CFR 109.21(a)(1).

Date Issued: November 6, 2009;
Length: 10 pages.
—Myles Martin

Advisory Opinion Requests

AOR 2009-27
Preemption of state laws restrict-
ing certain pre-recorded phone calls
(American Future Fund, October 13,
2009)

AOR 2009-28
SSF soliciting the general pub-
lic for earmarked contributions to
candidates passed through the SSF
(Democracy Engine, Inc., PAC,
November 6, 2009)

Alternative Disposition of
Advisory Opinion Request

The Commission considered, but
was unable to reach an agreement
on, an advisory opinion request from
the Jennifer Brunner committee.
AOR 2009-25.

800 Line

Using Information Obtained from FEC
Reports

Political committees registered
with the FEC must file periodic
reports to disclose their receipts
and disbursements. These reports
are available to the public both at
FEC headquarters in Washington,
DC, and on the agency’s website.
While anyone may review commit-
tees’ reports, there are restrictions on
the use of certain information. This
article answers common questions
regarding the use of information
obtained from reports and other
statements filed with the FEC.

What information is available on
reports and statements filed with
the FEC?

Under the Federal Election
Campaign Act (the Act) and FEC
regulations, political commit-
tees must disclose all receipts and
disbursements and provide detailed
information regarding certain trans-
actions. For example, committees
must request and disclose the name,
address, occupation and employer of
all individual donors who contribute
more than $200 during a calendar
year. Contributions from political
committees must be itemized regard-
less of the amount. Similar itemiza-
tion is required for disbursements.

What restrictions apply to the
use of information obtained from
reports and statements filed under
the Act?

The names and addresses of indi-
vidual contributors may not be sold
or used for any commercial purpose
or to solicit any type of contribu-
tion or donation, such as political or
charitable contributions. 2 U.S.C.
§438(a)(4); 11 CFR 104.15. This
“sale and use” restriction is intended
to protect the privacy of individual
donors. (See, for example, Advisory
Opinions (AOs) 2003-24, 1995-05,

Any person who violates this
restriction is subject to the penalties
of 2 U.S.C. §437g.

Do these restrictions apply to
information about PACs?

No. The sale and use restriction
applies only to the use of individual
contributor information, not to the
use of names and addresses of
political committees. The name and
address of a political committee may
be taken from FEC reports and used
to solicit contributions from that po-
litical committee. 11 CFR 104.15(a)

Do these restrictions apply to the
media?

No. Information about individual
contributors may be used in news-
papers, magazines, books or similar
communications provided that “the
principal purpose of such com-
munications is not to communicate
any contributor information listed
on such reports for the purpose of
soliciting contributions or for other
commercial purposes.” 11 CFR
104.15(c).

Under this exception, media out-
lets, such as newspapers and news
and opinion websites, may republish
individual contributor information,
including personally identifiable
information available in campaign
finance reports. Contributors should
note that FEC regulations require
committees to seek and disclose an
individual’s “mailing address.” 11
CFR 104.8(a). A mailing address is
any address at which an individual
can receive mail, including a work
address or a P.O. Box.

May an incorporated organization
use information about
contributors obtained from FEC
reports in its products?

No. Information about individual
contributors obtained from FEC
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reports could not be included in an organization’s commercially available products. However, if the contributors are political committees, the inclusion of contributor information as a feature of the organization’s commercially available products would not be prohibited under the Act and regulations. AOs 2004-24 and 1980-101.

What are some ways an incorporated organization could permissibly use information obtained from FEC reports?

In a series of AOs, the Commission has found the following corporate activities permissible:

• The sale of pages copied from FEC reports as long as the pages do not disclose information on individual contributors. AO 1989-19.
• The posting of campaign finance reports (including lists of contributors), filed by federal PACs, on bulletin boards of an incorporated membership organization in order to provide information to members. AO 1988-02.
• A business’s use of the names and addresses of candidates to solicit them as potential clients. AO 1983-44.
• The use of the names and addresses of candidates, campaign workers, campaign consultants and others who provide services to political committees in order to solicit newsletter subscriptions or to obtain leads for news articles. AO 1981-38.

Could a nonprofit organization use the information about contributors from FEC reports to send out their educational information via direct e-mail?

No. In AO 2003-24, the Commission said a 501(c)(3) organization could not obtain information copied from FEC reports in order to send out educational and advocacy information to individuals via direct mail. The communication would result in the individual’s receipt of a later communication that might include a solicitation for funds. Therefore, this action would violate the “sale and use” restrictions of the Act. Under Commission regulations, “soliciting contributions” includes soliciting any type of contribution or donations, such as political or charitable contributions. 11 CFR 104.15(b).

May a candidate use the names and addresses of individual contributors to his opponent or to other candidates or committees to solicit contributions?

No. While the Commission has allowed candidates to use an opponent’s list of contributors to send letters clarifying their views, the letters could not carry a solicitation. AO 1981-05.

When can a candidate use the names and addresses of individual contributors disclosed on the reports filed by other candidates or committees?

In a series of advisory opinions, the Commission has stated the following activities are permissible:

• A candidate may inform individual contributors disclosed on reports filed by an unauthorized political committee that the candidate did not authorize the committee to solicit for the campaign. AO 1984-02.
• A candidate may use information from an opponent’s reports in order to respond to alleged defamatory charges. AO 1981-05.
• A candidate may use in solicitation materials the campaign expenditure data reported by other candidates. AO 1980-78.

May a political committee compile its own list of contributors and distribute it to others?

The sale and use restriction does not prevent a committee from compiling its own list of contributors and distributing it to others. Subject to other applicable requirements of the Act, a committee may donate, sell, rent or trade its contributor list to other committees and organizations. See, for example, AOs 1982-41 and 1981-53.

Treasurers are responsible for ensuring that the mail lists they lease or purchase have not been developed in violation of the sale and use restriction.

How can a political committee permissibly use information obtained from FEC reports?

In a series of advisory opinions, the Commission has found the following activities permissible:

• A PAC may use information from FEC reports to notify campaign contributors that a candidate has switched party affiliation, and has promised to refund contributions upon request. AO 2009-19.
• The use of any information (other than information on individual contributors) in a directory of PACs to be sold commercially. AO 1980-101.

May an individual use FEC contributor information to verify the names of individual contributors contained on a list intended to be used for commercial purposes?

No. By using FEC information to purge individual contributors from an existing list of contributors or to otherwise identify contributors, an individual would be increasing the commercial value of the list, thereby violating Section 438(a)(4)’s ban on commercial use of contributor information. See AO 1985-16.

May an individual use contributor information for an academic research project?

Yes. In AO 1986-25, the Commission stated that the use of individual contributor information for an academic research project that would (continued on page 6)
not involve the sale or use of that information for a commercial purpose or for soliciting contributions would be permissible.

How can a political committee be sure that no one is using the information it reports to solicit its individual contributors?

A political committee’s mail list is one of its most valuable assets. In order to protect this asset, FEC rules provide a method of detecting whether the names and addresses of individual contributors are being used illegally. A political committee may sprinkle throughout or “salt” each report with up to ten fictitious names. 2 U.S.C. §438(a)(4); 11 CFR 104.3(e).

If a solicitation or commercial mailing is sent to one of the fictitious names, the committee will know that someone has illegally used the names of contributors disclosed on its reports. The committee may file a complaint with the FEC. Salting enables the committee to protect the privacy of its individual contributors.

In disclosing the fictitious contributors on a report, how may committee avoid inflating the figure reported for total contributions?

One way to be sure that the total amount of contributions remains unaltered and accurate is to take a portion of the subtotal for itemized contributions and allocate it, as itemized contributions, among several fictitious contributors. The committee itemizes each fictitious contribution on a Schedule A, providing a real address (such as the address of a committee worker) for each fictitious contributor. The committee must adjust its subtotals for itemized and unitemized contributions accordingly on the Detailed Summary Page.

If a committee uses fictitious names, how should it report them to the FEC?

When a committee uses fictitious names on a report, the list of fictitious contributions should be sent, under separate cover, directly to the Commission’s Reports Analysis Division (not the Secretary of the Senate or the appropriate state filing office) on or before the date the report containing the fictitious names is filed. The fictitious names will be maintained by the Commission and will not become part of the public record.

What should I do if I believe a violation of the sale and use restriction has occurred?

If you believe the sale and use restriction has been violated, you may file a written complaint with the FEC. Send the Commission a letter explaining why you (the complainant) believe the law may have been violated. Describe the specific facts, circumstances and names of the individuals or organizations responsible (the respondents).

Your complaint should also indicate which allegations are based on personal knowledge and which ones are based on outside sources (for example, newspaper articles). The letter must be signed, sworn to and notarized. For additional information, consult the *Filing a Complaint* brochure.

Notwithstanding the protections offered by the sale and use restriction, must a donor provide his/her name, address, occupation and employer?

FEC regulations require committees to make “best efforts” to obtain and report this information for donors whose contributions exceed $200 in a calendar year, but there is no provision that requires a donor to

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provide it. 11 CFR 104.7. It should
be noted, however, that a committee
can only accept up to $50 from an
anonymous source. 11 CFR 110.3(c)
(4).

Can a donor provide a P.O. Box or
work address, instead of a home
address?
FEC regulations refer to an indi-
vidual’s “mailing address,” (11 CFR
104.8(a). So, any address at which
an individual can receive mail would
suffice.

Additional Information
For additional information on
the sale and use restriction, contact
the FEC’s Information Division at
1-800-424-9530 or 202-694-1100 or
by e-mail to info@fec.gov.
—Kathy Carothers

Outreach

Year-End Reporting Roundtable
On January 20, 2010, the Com-
mision will host two roundtable
sessions on reporting, including the
recently enacted lobbyist bundling
disclosure rules. The reporting
workshops will address common
filing problems and provide answers
to questions committees may have
as they prepare to file their Year-End
reports. Attendance is limited to 50
people per session and the registra-
tion fee is $25. The registration form
is available on the FEC’s website at
shtml#roundtables and from Faxline,
the FEC’s automated fax system
(202/501-3413, request document
590). For more information, please
call the Information Division at
800/424-9530, or locally at 202/694-
1100.
—Kathy Carothers

New Orleans Conference
for Campaigns, Party
Committees and Corporate/
Labor/Trade PACs
The Commission will hold a
regional conference in New Or-
leans, Louisiana, on February 9-10,
2010. Commissioners and staff
will conduct a variety of technical
workshops on the federal campaign
finance law. Workshops are designed
for those seeking an introduction
to the basic provisions of the law
as well as for those more experi-
enced in campaign finance law. For
additional information, to view the
conference agenda or to register for
the conference, please visit the con-
gov/info/conferences/2010/newor-
leans.shtml.

Hotel Information.
The conference will be held at the InterConti-
nental New Orleans, 444 St. Charles
Avenue, New Orleans, LA 70130.
The hotel is located in center of New
Orleans, two blocks from the French
Quarter and six blocks from the riv-
erfront. A room rate of $169 single/
double is available for hotel reserva-
tions made by January 8, 2010. To
make your hotel reservations and
reserve this group rate, please call
800/445-6563 or visit the hotel web-
site at https://resweb.passkey.com/
Resweb.do?mode=welcome_ei_
new&eventID=1468821 and iden-
tify yourself as attending the Federal
Election Commission conference.
The hotel will charge the prevail-
ing sales tax, currently 13 percent,
and a $2.00 per room, per night,
occupancy fee. The FEC recom-
mends waiting to make hotel and air
reservations until you have received
confirmation of your conference
registration from Sylvester Manage-
ment Corporation.

Registration Information. The
registration fee for this conference
is $550. A late charge of $50 will
be added for registrations received
after 5 p.m. EST, January 8, 2010.
Complete registration information is
available online at http://www.fec.
gov/info/conferences/2010/newor-
leans.shtml.

FEC Conference Questions
Please direct all questions about
conference registration and fees to
Sylvester Management Corporation
(Phone:1-800/246-7277; e-mail:
rosalyn@sylvestermanagement.
com). For program-related questions
about upcoming conferences and
workshops in 2010, call the FEC’s
Information Division at 1-800/424-
1100 (press 6), or send an e-mail to
Conferences@fec.gov.
—Dorothy Yeager

Conferences in 2010
Conference for Campaigns,
Party Committees and
Corporate/Labor/Trade PACs
InterContinental New Orleans
New Orleans, LA
February 9-10, 2010
Conference for Corporations
and Their PACs
March 9-10, 2010
Westin Washington, DC City
Center
Washington, DC
Conference for Candidates and
Party Committees
May 3-4, 2010
Omni Shoreham Hotel
Washington, DC
Commission
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a lot of hard work and your efforts
clearly were very successful. Also,
Commissioners Ellen Weintraub and
Caroline Hunter worked tirelessly
to advance their positions and to try
to find consensus whenever possible
on our Regulations Committee. Both
dedicated a lot of hard and thank-
less work. They produced very good
results over many hours, many after
normal working hours, negotiating,
trading drafts, and sending emails
to each other and the other Com-
missons. Also thanks to Commis-
sioner Don McGahn, who working
with Commissioner Weintraub on
the Press Committee, kept accurate
information on our efforts and activi-
ties forthcoming to the public in a
prompt, straightforward and educa-
tional manner.

On a personal note, I want to
express my sincere appreciation to
each of my Executive Assistants this
year. Brad Deutsch has been with
me since 2006, even through the six
month dormancy. Brad has been my
loyal right-hand man, advisor, and
mentor in many more ways than
the job description requires. Stacey
Shin, who left this week to practice
law in California, was there helping
in every way, always with a posi-
tive attitude, infectious smile, and
thoughtful foresight on how to get
tings done in a timely and profes-
sional manner. Stacey nearly single-
handledly prepared the first draft of
the well-received Weekly Digest.
The format she created and the
content she suggested was adopted
by the Commissioners without any
major modification. Tom Andersen
analyzed enforcement cases with
great thoroughness and attention to
detail, summarized them, opined on
them, and worked effectively with
all the EAs on the ninth floor, and
when necessary, the Commissioners,
seeking consensus, and arranging
chedules. He is returning to General
ounsel’s Office. Thanks again for
the great help.

We had a good year on a number
of fronts, and I would like to point
some of the accomplishments out in
more detail.

Elimination of Backlog Created
During the Dormancy
The Commission was comprised
of only two Commissioners from
January 1 to June 10 of last year,
and was accordingly unable to take
any formal action on enforcement
or other Commission matters during
that period. Accordingly, a signifi-
cant backlog of enforcement, regula-
tion adoption and advisory opinion
matters were awaiting the current
Commissioners when we were re-
constituted on June 10, 2008.

By the spring of 2009, the Com-
mision had formally acted on all
backlogged matters, and, since then
has remained current on all matters
submitted to the Commission that
came before it for consideration.
These results were due to the height-
ened pace of the enforcement docket
commenced by the Commissioners
last year, which continued into the
early part of this year. All this was
possible only by the extraordinary
commitment to that accelerated pace
by the staff of the Office of General
ounsel, led by Tommie Duncan, and
the Audit Division, led by Joe Stoltz.

Agency Procedures Improvements
In the fall of 2008, during the
term of the previous Chairman, Don
McGahn, an initiative was under-
taken to conduct a full-scale, broad
ranging examination of Commission
policies and procedures. This review
included a notice in the Federal
register asking for public feedback
on how well the Commission had
been fulfilling its mission, and more
importantly, how the Commission
can improve fairness, efficiency and
transparency going forward. The
Agency received numerous thought-
ful, knowledgeable, and persuasive
written comments as well as oral tes-
timony at two days of formal public
hearings before the full Commission

These comments have already led
to several new initiatives adopted by
the Commission. These include (a)
the adoption of a new audit hearing
process; (b) the adoption of modifi-
cations to the Commission’s proce-
dures for consideration of Advisory
Opinions by clarifying the role of
the General Counsel; and (c) the
adoption of an additional procedural
rights for respondents in enforce-
ment cases by providing them with
written notices of non-complaint
generated referrals and an opportu-
nity to respond prior to consideration
by the Commission of whether it
has reason to believe that a violation
of the Act has occurred. To further
transparency, the Commission also
recently adopted a policy to resume
its previous practice of placing all
First General Counsel Reports on
the public record at the close of an
enforcement matter.

Certain other initiatives are under
active consideration. These include
(a) providing a written status report
to respondents and to the Commis-
sioners of all matters that have not
received Commission action within
12 months; (b) including Audit and
Reports Analysis Division matters in
the statute of limitations scheduling
process; and (c) accelerating en-
forcement steps for statute of limita-
tions imperiled cases.

The Weekly Digest
In May, the Commission adopted
a policy of issuing a Weekly Digest
covering the spectrum of the FEC’s
public activities. The Digests, which
supplement the Commission’s other
press releases, are aimed at provid-
ing increased transparency to the
public through a weekly synopsis
of Commission actions and events
and a preview of upcoming ac-
tivities. The program has received
substantial praise from members of
the regulated community and their
counsel for providing a convenient
and accessible one-stop summary of
all Commission matters for a given
week with one click on the computer.
Website Improvement Initiative

This year the Commission launched its first formal initiative in Agency history designed to examine and obtain suggestions and opinions from outside the Agency on all aspects of ways to improve its websites and methods of internet communications. Nearly all of our disclosure mission and method of communication with the public is currently accomplished through our website and email, and we undertook this initiative in order to ensure that the Agency’s website and email communication become and remain the state of the art in all aspects. Several governmental agencies and non-profit entities went out of their way to give input, and did so enthusiastically, in order to make the Commission’s website the most user-friendly, thorough and, in terms of technology, the most sophisticated and advanced.

The Commission received numerous public comments and held two days of public hearings on July 29 and August 25, 2009, as part of this website improvement initiative. The comments and testimony provided the Commission with over 250 inventive ideas and strategies from experts and lay people alike, and the Commission has since moved forward with its initiative to make the FEC website as accessible, navigable, and informative as possible. Following this process, all suggestions were carefully cataloged by my Executive Assistant Stacey Shin, by subject matter. Our staff has since developed a plan to accomplish many of the suggested improvements and is working on a strategic plan for the rest. The Commission has already received an interim report relating to both. When completed, I am convinced that the Commission will have the best possible website and method of communication in an efficient, thorough and user-friendly manner. Our goal is to be ranked at least in the top 10, if not the very top, of all government agencies.

This initiative has already led to several improvements that make information on the FEC website easier to find and use. For example, campaign finance data is now available in formats that are flexible and compatible with the current generation of software for users who download information, and users can sign up to receive RSS feeds and email notifications whenever specific information is updated. The Agency has also taken steps to present information in more dynamic and intuitive ways. Streaming audio is now available for all public meetings and hearings, and we hope to soon add video streaming. The Agency also added new video content, hosted on YouTube, and a multimedia E-Learning page to the site. The Commission is currently reviewing every aspect of its web content to replace technical and legal language with plain English wherever possible. A review and streamlining of the website’s navigation will be complete by early summer of next year, so that navigating the site will be equally clear and intuitive for users.

Users of our website will see other improvements in the next few months. These include (a) a compliance map to provide quick access to each state’s ballot deadlines, election dates, reporting schedules and other essential compliance information; (b) data presentation and programming interfaces that will allow users direct access to the programs the Commission uses to assemble and display campaign finance information; and (c) a regulations database for searching rulemaking materials.

The Commission greatly appreciates the advice and experience shared by commenters. Because these web improvements are part of an on-going conversation with those who use the FEC website, our staff launched an FEC blog to support continuous collaboration with users. I encourage you to share your reactions to the changes we’ve made at http://www.fec.gov/blog/.

Digital Archiving of All Closed Enforcement Matters and Administrative Fine Actions Online

In June, the Commission launched the final phase of a project to make its full archive of closed enforcement matters, called Matters Under Review, or MURs, and all closed Administrative Fines matters, and all related documents regarding our Advisory Opinions available online. As a result, by the end of this calendar year, there will be nearly one million new pages of information readily available to the public on our website. As mentioned by one of the technical commenters at our Website hearing, transparency is not considered to exist, in this day and age, unless information can be found on the internet. While this material could be found if one were to physically visit our premises and scroll through mind-numbing microfilm rolls, it will now be available at the click of a computer key.

The MUR digital archiving project is estimated to be completed in the next week or two. This will result in approximately 4,600 closed MURs – consisting of approximately 770,000 pages of documents covering the 24-year period from the inception of the Agency to 1998 – being accessible in digital form on the FEC website. Upon completion, this project will be the largest expansion of the digitization of enforcement matters in the history of the Agency.

The Commission is similarly in the final phases of a project to add its complete case files of over 2,000 Administrative Fine actions to the website database.

Further, the Agency has accelerated its process of adding related documents to the Advisory Opinion files, such as draft opinions and comments. This project is near completion and has been given new emphasis by the Office of General Counsel in recent months.

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These new pages, nearly one million in number, will be available to the public, globally, regarding disclosure of Agency actions on enforcement of the laws and regulations, and providing expanded guidance on compliance through Advisory Opinions.

I am pleased to say that, in addition to the regular workload of the Commission on matters for which we often hold diverse opinions, these initiatives have been met with, and approved by, the near unanimous support of the Commissioners.

As I reflect on the year, it is clear that all of these accomplishments have been due to the dedicated, mission-oriented, friendly, hard-working and collegial staff. Simply put, I have never worked in a place with so many dedicated people and when I joined the FEC I never would have ever expected to find so many great employees working for the Agency.

Finally, I want to thank Vice Chairman Matt Petersen for his support and assistance during the last year. I wish him the best of luck as he takes over the gavel on January 1, and I know, with the support of the Commissioners and the entire FEC staff, he will have a successful chairmanship in 2010. Additionally, I am confident that Commissioner Cyndi Bauerly will do a great job as Vice-Chair. Both are hard working, dedicated public servants, and they will lead the Commission effectively and productively in the upcoming year.

Best Wishes to all of you and your families and friends for a joyous Holiday Season and a Happy New Year.

—Chairman Steven T. Walther

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