FEC Record March 2016

Contents

Federal Election Commission
999 E Street, NW
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Toll free 800-424-9530
Local 202-694-1100
Email info@fec.gov

Greg Scott, Asst. Staff Director
George Smaragdis, Deputy Asst. Staff Director, Publications
Alex Knott, Senior Writer

Litigation

FEC v. Craig - (DC Cir - 14-5297)

On March 4, 2016, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the summary judgment issued by the U.S. District Court in *FEC v. Craig* for U.S. Senate, finding that former Senator Larry Craig (Craig) and Craig for U.S. Senate (Craig Committee) unlawfully converted campaign funds to personal use. The Court of Appeals also affirmed the district court's ruling that Craig must pay back the $197,935 he spent in violation of the law to the U.S. Treasury, and must also pay a $45,000 civil penalty.

District Court

The Commission's complaint alleged that Craig, the Craig Committee, and its treasurer violated the Federal Election Campaign Act's (FECA) ban on converting campaign funds to personal use by spending approximately $200,000 on legal expenses related to Craig's 2007 arrest at the Minneapolis-St. Paul International Airport. 52 U.S.C. §30114(b) (at the time 2 U.S.C. §439a(b)).

The defendants moved to dismiss the suit, but the district court denied their motion. The Commission then moved for summary judgment, arguing that Craig's spending violated the FECA. The defendants responded by arguing that the use of campaign funds for the former Senator's legal expenses was permissible under the FECA and not subject to the provisions banning personal use. The defendants further claimed that several FEC advisory opinions, including Advisory Opinion 2013-11 (Miller), approved the use of campaign funds for similar situations.

The district court granted the Commission's motion for summary judgment, finding that the defendants violated the FECA when they used campaign funds to pay legal expenses that Craig incurred for personal criminal conduct, unrelated to his duties as a federal officeholder. The court concluded that the defendants converted $197,535 in campaign funds to personal use. The court ordered Craig to disgorge that $197,535 to the U.S. Treasury and to pay a $45,000 civil penalty.

Ruling
The appeals court agreed with the Commission that the criminal allegations that gave rise to Craig's guilty plea did not concern the Senator's official duties. Therefore, the funds expended by the Craig Committee to defend against the charges were indeed "personal use." The court further concluded that the district court did not abuse its discretion in ordering Craig to disgorge $197,935 to the U.S. Treasury, nor in ordering a civil penalty of $45,000.

(*Posted 03/07/2016; By: Christopher Berg*)

Resources:
- *FEC v. Craig* Ongoing Litigation Page

Independence Institute v. FEC Remanded to Three-Judge District Court

On March 1, 2016, a panel of the U.S. Court of Appeals for the District of Columbia Circuit issued a majority and a dissenting opinion. The majority opinion rejected the district court's dismissal of the Independence Institute's challenge to the Federal Election Campaign Act's (the Act) electioneering communications provisions. The appeals court remanded the case to U.S. District Court for the District of Columbia with instructions to convene a three-judge district court to consider the plaintiff's constitutional challenge under a special judicial review provision of the Bipartisan Campaign Reform Act (BCRA).

Background
On September 2, 2014, the Independence Institute, a 501(c)(3) tax-exempt organization in Colorado, filed suit asking for a preliminary injunction and a three-judge court to hear its challenge to the Federal Election Campaign Act's (the Act) definition of "electioneering communication" and related disclosure requirements. The group contends those requirements are overbroad as applied to its proposed radio ad that would mention a federal candidate and air within 60 days of the general election.

The Act defines an "electioneering communication" as any broadcast, cable or satellite communication that refers to a clearly identified federal candidate, is made within 30 days of a primary election or 60 days of a general, special or runoff election, and is targeted to the relevant electorate. 52 U.S.C. §30104(f)(3)(A)(i). The statute provides that persons making disbursements that aggregate more than $10,000 per year must file a report with the Commission disclosing the names and addresses of all contributors who contributed more than $1,000. 52 U.S.C. §30104(f)(1), (2)(A). Commission regulations provide that when a corporation finances an electioneering communication, only the sources of donations to the corporation made "for the purpose of further electioneering communications" must be disclosed. 11 C.F.R. 104.20(c)(9).

On October 6, 2014, the district court found the plaintiff's challenge to be foreclosed by Supreme Court precedent, principally by *Citizens United v. FEC*, and dismissed the case in its entirety.

Analysis
To qualify for consideration by a three-judge district court under the BCRA a suit must raise a substantial federal question. The appeals court noted that the Supreme Court's recent *Shapiro v. McManus* decision stressed that the exception for insubstantial claims is narrow and the exception "applies only when the case is 'essentially fictitious, wholly insubstantial, obviously frivolous, and obviously without merit.'"

Independence Institute claims that its as-applied challenge to the electioneering communications rules differs from the one rejected by the Supreme Court in *Citizens United*. Among other things, Independence Institute emphasized that it is a 501(c)(3) charitable organization, while *Citizens United* was a 501(c)(4) advocacy organization. The majority specified that *Citizens United* did not address "whether a speaker's tax status or the nature of the nonprofit organization affects the constitutional analysis of BCRA's disclosure requirement."

The majority concluded that because "Independence Institute has advanced at least one argument – the 501(c)(3) argument – that is not 'essentially fictitious, wholly insubstantial, obviously frivolous, and obviously without merit,'" the case must proceed to a three-judge court.

The appeals court reversed the judgment of the district court denying the request for a three-judge district court, vacated the judgment of the district court in favor of the FEC, and remanded the case to the district court with directions for it to initiate the procedures to convene a three-judge district court.

In a dissenting opinion, one member of the panel concluded that Independence Institute's claims are "squarely foreclosed" by Supreme Court precedent, and that he accordingly would have dismissed the case for lack of jurisdiction.

Appeal from the United States District Court for the District of Columbia: Case 1:14-cv-01500

(*Posted 03/07/2016; By: Alex Knott*)

Resources:
- *Independence Institute v. FEC* Ongoing Litigation Page
- United States Court of Appeals Majority and Dissenting Opinions
- United States Court of Appeals Judgment

CREW, et al. v. FEC (16-259) (New)

On February 16, 2016, Citizens for Responsibility and Ethics in Washington (CREW) and Nicholas Mezlak filed suit in the U.S. District Court for the District of Columbia to challenge the Commission's dismissal of their administrative complaint against Crossroads Grassroots Policy Strategies (Crossroads GPS) and individuals connected to the organization. CREW asks the court to declare the dismissal "arbitrary, capricious, an abuse of discretion, and contrary to law" and to invalidate the disclosure regulation at issue in the case.

Background
CREW, its former executive director Melanie Sloan and Ohio resident and registered voter Jessica Markley filed an administrative complaint (MUR 6696) with the FEC on November 14, 2012. The complaint alleged that Crossroads GPS and individuals connected to the organization (Steven Law, Karl Rove, Haley Barbour, and Caleb Crosby) violated the Federal Election Campaign Act (the Act) by failing to disclose the contributors who funded the group's independent expenditures. See 52 U.S.C. §30104 and 11 CFR 109.10(b)–(e).

On November 17, 2015, the Commission, by a vote of three to three, did not find reason to believe that Crossroads GPS violated the Act. A month later, the Commission unanimously voted to close the file on MUR 6696, thereby dismissing CREW's complaint.

Legal Provisions
Under the Act and Commission regulations, an independent expenditure is an expenditure by a person for a communication that expressly advocates the election or defeat of a clearly identified candidate and that is not coordinated with a federal candidate or political party. 52 U.S.C. §30101(17); 11 CFR 100.16(a).

Political committees and other persons whose independent expenditures aggregate in excess of $250 in a calendar year with respect to a given election must report those expenditures to the FEC -- in some cases within 24 or 48 hours. 52 U.S.C §30104(c)(1); 11 CFR 109.10. For persons other than political committees, those reports must, among other things, identify each person who made a contribution in excess of $200 for the purpose of furthering an independent expenditure. 52 U.S.C. §30104(c)(2).

Court Complaint
The plaintiffs ask the court for a declaratory order stating that the FEC's dismissal of the MUR was arbitrary, capricious, an abuse of discretion and contrary to law. In addition, the plaintiffs allege that the requirement to disclose contributors who gave "for the purpose of furthering the reported independent expenditure" in 11 CFR 109.10(e)(1)(vi) is inconsistent with the statutory requirement to identify those who gave "for the purpose of furthering an independent expenditure," (emphasis added). See 11 CFR 109.10(e)(1)(vi) and 52 U.S.C. §30104(c)(2). For that reason, they ask the court to declare the regulation invalid. See 11 CFR 109.10(e)(1)(vi) and 52 U.S.C. §30104(c)(2). For that reason, they ask the court to declare the regulation invalid. Plaintiffs also allege that the Commission's dismissal was contrary to another provision of FECA which requires that independent expenditure reports must identify each person other than a political committee who contributed more than $200 to the committee or person making the independent expenditure. 52 U.S.C. §30104(c)(1) and (b)(3)(A).

U.S. District Court for the District of Columbia: Case 1:16-cv-00259-BAH

(*Posted 02/25/2016; By: Alex Knott)*

Resources:
- *CREW v. FEC, et al.* (16-259) Ongoing Litigation Page
- MUR 6696

Stop Reckless Economic Instability Caused by Democrats, et al. v. FEC

On February 23, 2016, the U.S. Court of Appeals for the Fourth Circuit issued a decision in *Stop Reckless Economic Instability Caused by Democrats ("Stop PAC"), et al. v. FEC* vacating and remanding in part and affirming in part a judgment of the U.S. District Court for the Eastern District of Virginia.

The plaintiffs — a group of political committees and a federal candidate1 — had challenged the differing contribution limits for multicandidate and non-multicandidate political action committees (PACs). They contended that the limits infringed on their First Amendment rights of association and expression, as well as the Fifth Amendment's guarantee of equal protection. The appeals court dismissed as moot the challenge to the limits for non-multicandidate committees, and affirmed the district court's judgment that the multicandidate limits do not violate the equal protection guarantee of the Fifth Amendment.

Legal Background and Constitutional Challenge
The Federal Election Campaign Act (the Act) and Commission regulations define a multicandidate committee as a political committee (PAC) that has received contributions from more than 50 persons, has contributed to five or more federal candidates, and has been registered with the FEC for at least six months. 52 U.S.C. § 30116(a)(4) and 11 CFR 100.5 (e)(3). A multicandidate committee may contribute up to $5,000 per election to a federal candidate, up to $5,000 per calendar year to a state political party committee, and up to $15,000 per calendar year to a national party committee. During the 2015-16 election cycle, committees that have **not** met the three qualifications above (non-multicandidate committees) may contribute up to $2,700 per election to a federal candidate, up to $10,000 per calendar year to a state political party committee, and up to $33,400 per calendar year to any national party committee. The limits on non-multicandidate committee contributions to candidates and national party committees are indexed for inflation each election cycle.

At the time this suit was filed, Stop PAC was a non-multicandidate committee because it was less than six-months old. Stop PAC challenged the six-month registration period as infringing on its First Amendment rights, and also claimed that the lower $2,700 limit on its contributions to federal candidates violated its Fifth Amendment guarantee of equal protection. Similarly, the Tea Party Fund, a multicandidate plaintiff, alleged that the $5,000 and $15,000 annual limits on its respective contributions to state and national party committees violated the Fifth Amendment by imposing lower limits than would apply if the Fund had not qualified as a multicandidate committee.

In its response, the Commission argued that Stop PAC and American Future PAC (the plaintiff added after Stop PAC became a multicandidate committee) did not have standing to sue because they had not suffered any cognizable injury under law. The Commission also argued that Stop PAC and American Future PAC's challenge was partially moot because both PACs had qualified as multicandidate committees under the Act. The Commission further argued that the plaintiffs' claims lacked merit because the six-month registration period and the challenged contribution limits help prevent the risk and appearance of corruption.

District Court Decision
In its February 27, 2015, opinion, the district court held that the PACs could not "show that they have suffered a cognizable constitutional injury."

The court noted that Stop PAC and American Future PAC were still fully able to associate with candidates of their choice and, citing the Supreme Court's holding in *Buckley v. Valeo*, held that the monetary contribution limits imposed on them as non-multicandidate committees did not violate their First Amendment rights.

The district court also held that the Act's varying contribution limits do not violate the plaintiffs' Fifth Amendment equal protection guarantee because multicandidate and non-multicandidate PACs are not "similarly situated" as they relate to core political purposes. The court stated that even if multicandidate and non-multicandidate committees were similarly situated, the government has a sufficient interest in preventing corruption of the political process and the circumvention of contribution limits to justify different contribution limits that apply to new PACs and those that apply to multicandidate committees.

Fourth Circuit Court of Appeals Decision
The appeals court agreed with the Commission's argument that Stop PAC and American Future PAC's claims became moot once they qualified as multicandidate committees, since that change in status ensured that Stop PAC and American Future PAC would never again be bound by the same contribution limits that they were challenging. Accordingly, since Stop PAC and American Future PAC each met multicandidate status before the district court granted summary judgment, the Court of Appeals held that the district court erred in not dismissing the challenge to the contribution limits as they apply to non-multicandidate committees.

With respect to the contribution limits that apply to multicandidate committees, the appeals court held that the Tea Party Fund's challenges were not moot since there is a reasonable expectation that the challenged contribution limits will be applied against the Tea Party Fund during a future election cycle.

The appeals court held that the challenged limits in this case did not violate the Fifth Amendment's equal protection guarantee. The decrease in the amount of contributions that multicandidate political committees may make annually to national, state and local political party committees "is more than counteracted by the increase in the limits in the amount of contributions that [multicandidate committees] can make to individual candidates." The court concluded that since the plaintiffs could not demonstrate that the Act's contribution limits discriminate against multicandidate committees, the Commission was entitled to summary judgment.

United States Court Of Appeals for the Fourth Circuit No. 15-1455

(*Posted 02/29/2016; By: Myles Martin*)

1. The original challenge had included Niger Innis, a federal candidate plaintiff whom the court dismissed at the plaintiffs' request. Non-multicandidate plaintiff Stop PAC became a multicandidate committee on September 11, 2014. Later, another non-multicandidate committee, American Future PAC, was added as a plaintiff to assert Stop PAC's claims. American Future PAC became a multicandidate committee on February 11, 2015.

Resources:
• *Stop PAC, et. al v. FEC* Litigation Page

Advisory Opinions

AO 2015-16: Unsuccessful Primary Campaign May Not Spend General Election Contributions

A federal candidate who lost his primary election may not spend contributions designated for the general election, because he did not participate in that election.

The Commission was unable to reach an agreement by the required four affirmative votes on whether the campaign may donate to charity general election contributions it was unable to refund.

Background

Niger Innis's principal campaign committee (the Committee) is winding down following the congressional candidate's primary election loss on June 10, 2014.

The Committee states that it issued full refunds to all general election contributors in a timely manner. Some of those contributors, reportedly, did not cash their refund checks, despite repeated efforts by Mr. Innis and Committee staff.

These general election contributions -- totaling $8,000 from four individuals -- have caused the Committee to incur certain "unique" transaction-specific fees and legal, accounting, and compliance costs. Because these costs are "a product of the general election contributions themselves," the Committee asked if it could use a portion of the remaining general election contributions to pay for these costs, under the Federal Election Campaign Act (the Act) and Commission regulations.

The Committee also asked if it is prohibited from donating to charity the general election contributions it was unable to refund.

Analysis

The Act's federal candidate contribution limitations apply separately with respect to each election. 52 U.S.C. §30116(a)(1)(i); 11 CFR §110.1(b)(2). Commission regulations provide that a candidate or authorized committee may, prior to a primary election, accept contributions designated by the contributor for use in connection with the general election. 11 CFR §§102.9(e), 110.1(b)(2), 110.2(b)(2). However, if the candidate does not participate in the general, contributions made for that election must be refunded to the contributors, redesignated or reattributed. 11 CFR §102.9(e)(3); see also 11 CFR §110.1(b)(3)(i).

This refund obligation applies to all general election contributions, including those the campaign had already spent on general election expenses prior to losing the primary. It also precludes the campaign from spending additional general election funds, as proposed in the request.

The Commission was unable to agree to an opinion by the required four affirmative votes as to whether the campaign may donate uncashed refunds of general election contributions to a charity, rather than disgorging those funds to the U.S. Treasury.

Date Issued: 02/25/2016; 5 pages

(*Posted 03/02/2016; By: Alex Knott*)

Resources:

- Advisory Opinion 2015-16 [PDF]

AO 2015-14: Internship Stipend and Academic Credit Do Not Constitute Campaign Contributions

A university may provide a stipend and academic credit for a student's campaign internship without making a prohibited contribution, under the Federal Election Campaign Act (the Act) and Commission regulations.

Background
DePauw University is an accredited institution of higher learning and a 501(c)(3) nonprofit organization. The university administers the Hubbard Center Summer Internship Grant Program (Grant Program) as a way to help students gain practical experience to supplement their academic studies.

The Grant Program provides stipends of up to $3,000 to DePauw students who accept unpaid internships with non-profits, the government or start-ups. The stipends are intended to offset students' basic living expenses during the internship, and not to pay them for the work they perform. The Hubbard Center grants stipends based on how well the internships "relate and connect to [students'] academic, personal, and professional goals." Participating students must document their experience with weekly blog entries and enroll in a summer internship symposium the following fall. Some students use these summer internships to fulfill DePauw's requirement for two "Extended Studies" experiences, in which students "intensely focus on a particular topic, problem, or skill-set."

In 2015, DePauw student Victoria Houghtalen participated in an eight-week, unpaid summer internship with Hillary for America, the principal campaign committee for presidential candidate Hillary Clinton (the Committee). Ms. Houghtalen earned "Extended Studies" credit for the internship and received a $3,000 stipend from the Hubbard Center. The Committee asks if Ms. Houghtalen's receiving the academic credit and stipend would constitute a prohibited corporate contribution to the campaign.

Legal Analysis and Conclusions
The Act and Commission regulations prohibit a corporation from making any contribution to a candidate in connection with a federal election. 52 U.S.C. §30118(a), (b)(2); see also 11 CFR §114.2(b). This includes "the payment by any person of *compensation for the personal services* of another person which are rendered to a political committee without charge for any purpose." 52 U.S.C. §30101 (8)(A)(ii); 11 CFR §100.54 (emphasis added).

In this request, however, the Commission concluded that DePauw's award of the stipend does not constitute a contribution because the stipends here are provided to students for bona fide educational objectives and not for the provision of personal services to federal campaigns. Additionally, because DePauw adheres to accepted accreditation standards generally applicable to institutions of higher education, and administers its Grant Program and Extended Studies requirement in a nonpartisan manner, awarding Extended Studies credit to Ms. Houghtalen does not result in a prohibited corporate contribution to the Committee. See AO 1975-100 (Moss); Factual and Legal Analysis at 7, MUR 6620 (Friends of Brian Woodworth) (July 2, 2013).

Date Issued 02/11/2016; 5 pages

(*Posted 02/23/2016; By: Alex Knott*)

Resources:

- Advisory Opinion 2015-14 [PDF]
- Commission Discussion of Advisory Opinion 2015-14 
- Concurring Statement from Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Lee E. Goodman
- First Concurring Statement from Commissioner Ellen L. Weintraub
- Second Concurring Statement from Commissioner Ellen L. Weintraub

Pending Advisory Opinion Requests as of February 29, 2016

Advisory Opinion Requests (AORs) pending before the Commission as of the end of the month are listed below. Procedures for commenting on pending AORs are described here.

- AOR 2016-01 [PDF]
  Use of web platform to provide news and original content to users (Ethiq received on February 23, 2016)
- AOR 2016-02 [PDF]
  Affiliation of corporations and their SSFs (Enable received on February 24, 2016)

(*Posted 03/04/2016; By: Alex Knott*)

Resources:

- Advisory Opinion Search

Reporting

North Carolina Redistricting Alters Pre-Primary Reporting Schedule

On February 23, 2016, the state of North Carolina changed the primary election date for its U.S. House of Representatives races from March 15 to June 7. The date change was necessitated by court-ordered redistricting. The primary date for Senate and Presidential campaigns remains March 15. As a result, pre-primary reports will be due on the following dates:

- **House Campaigns**: House campaigns in North Carolina must now file their pre-primary report on May 26 (covering activity from April 1 to May 18), rather than March 3. Their next FEC report is the April Quarterly report, due on April 15.

- **Senate and Presidential Campaigns**: Senate and Presidential campaigns must file a pre-primary report on March 3 (covering activity from January 1 to February 24). (Exception: Monthly-filing presidential campaigns must follow their regular monthly filing schedule.)

- **Quarterly-Filing PACs and Party Committees**: Unauthorized committees that file reports on a quarterly schedule must file pre-primary reports in conjunction with the North Carolina primaries if they make any previously undisclosed contributions or expenditures in connection with those elections before the close of books for those reports. Consult the FEC's Compliance Map or call 800/424-9530 (press 6) to determine if your committee must file a pre-primary report.

(Posted: 02/26/2016; By: Dorothy Yeager)

Outreach

FEC to Host Orlando Conference in April

The Commission will hold a regional conference in Orlando, Florida, on April 19 & 20, 2016. Commissioners and staff will conduct a variety of technical workshops on the federal campaign finance laws affecting federal candidates, parties and PACs. Workshops are designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law. To view the conference agenda or to register for the conference, please visit the conference website at http://www.fec.gov/info/conferences/2016/orlando.shtml.

Hotel Information. The conference will be held at The B Resort & Spa, located at 1905 Hotel Plaza Boulevard in Lake Buena Vista, FL. To make hotel reservations and reserve the contracted group rate of $159 per night, book by March 29 at https://res.windsurfercrs.com/ibe/details.aspx?propertyid=14265&nights=1&checkin=04/14/2016&group=1604FEDERA. Alternatively, guests may call (866) 990-6850 by March 29. To receive the group rate, guests must identify themselves as members of the "Federal Election Commission Conference." Please wait to make hotel and air reservations until you have received confirmation of your conference registration from our contractor, Sylvester Management Corporation.

Registration Information. The registration fee is $595 per attendee, which includes a $30 nonrefundable transaction fee. The registration fee increases to $620 per attendee for registrations received after March 25, 2016. A refund (minus the transaction fee) will be made for all cancellations received by March 25, 2016; no refund will be made for cancellations received after that date. Complete registration information is available online at http://www.fec.gov/info/conferences/2016/orlando.shtml.

Workshop Materials. Attendees may elect to receive electronic copies of workshop materials in advance for use on their personal electronic devices. Alternatively, conference attendees may elect to receive a binder with printed materials at the conference.

FEC Conference Questions
Please direct all questions about conference registration and fees to Sylvester Management Corporation at 1-800/246-7277 or email: Rosalyn@sylvestermanagement.com. For other questions about the conference and workshops, call the FEC's Information Division at 1-800/424-9530, or send an email to conferences@fec.gov.

(Posted 03/02/2016; By: Isaac Baker)

Resources:

- FEC Educational Outreach Opportunities

Compliance

FEC Cites Committees for Failure to File 12-Day Pre-Primary Reports

On February 26, 2016, the Federal Election Commission cited seven campaign committees for failing to file the 12-Day Pre-Primary Election Reports required by the Federal Election Campaign Act of 1971, as amended (the Act), for the Alabama, Arkansas and Texas primary elections to be held on March 1, 2016.

As of February 25, 2016, the required disclosure report had not been received from:

- Gigliotti for Congress (TX-04)
- Gonzales for Congress (TX-18)
- Citizens for Xavier Salinas (TX-15)
- Curry for Congress (AR-02)
- John Martin for Senate 2016 (AL)
- Friends of Dominique Garcia (TX-29)
- McMichael for Congress 2016 (TX-08)

The reports were due on February 18, 2016, and should have included financial activity for the period January 1, 2016, through February 10, 2016. If sent by certified or registered mail, the report should have been postmarked by February 15, 2016.

The Commission notified committees involved in the Alabama, Arkansas and Texas primary elections of their potential filing requirements on January 25, 2016. Those committees that did not file on the due date were sent notification on February 19, 2016 that their reports had not been received and that their names would be published if they did not respond within four business days.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends $5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(*Posted 02/29/2016*)

Resources:

- FEC Non-Filer Press Release
- Compliance Map
- The Administrative Fine Program
- FEC Reporting Dates
- Late Filing and Other Enforcement Penalties (Reports Analysis Division)

FEC Cites Committee for Failure to File 12-Day Pre-Primary Report

On March 4, 2016, the Federal Election Commission cited a campaign committee for failing to file the 12-Day Pre-Primary Election Report required by the Federal Election Campaign Act of 1971, as amended (the Act), for the Mississippi primary election to be held on March 8, 2016.

As of March 3, 2016, the required disclosure report had not been received from:

- Friends of Bennie Thompson (MS-02)

The report was due on February 25, 2016, and should have included financial activity for the period January 1, 2016 through February 17, 2016. If sent by certified or registered mail, the report should have been postmarked by February 22, 2016.

The Commission notified committees involved in the Mississippi primary elections of their potential filing requirements on February 1, 2016. Those committees that did not file on the due date were sent notification on February 26, 2016 that their reports had not been received and that their names would be published if they did not respond within four business days.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends $5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

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