Record

March 2002 *Federal Election Commission* *Volume 28, Number 3*

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Regulations

Public Hearing on Use of Internet

The FEC will hold a public hearing on March 20 to receive testimony and additional comments about its proposed regulations concerning the use of the Internet for campaign-related activities. The proposed rules address:

- Campaign-related Internet activity conducted by individuals;
- Hyperlinks placed on web sites established by corporations and labor organizations; and
- Press releases that announce candidate endorsements and are placed on web sites established by corporations and labor organizations and made available to the general public.

The hearing will be held at the Federal Election Commission, 999 E St. NW., Washington D.C. It will begin at 10:00 a.m. in the FEC's 9th floor hearing room.

The Notice of Proposed Rulemaking (NPRM) was published in the October 3, 2001, *Federal Register* (66 FR 50358), and was summarized in the November 2001 Record, page 1. The full text of the

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Court Cases

Miles for Senate v. FEC

On January 9, 2002, the U.S. District Court for the District of Minnesota granted judgment in favor of the Commission in this case. The Miles for Senate Committee, Steven H. Miles and Barbara Steinberg (the plaintiffs) filed suit against the Commission on January 18, 2001, appealing a civil money penalty the Commission assessed against Miles for Senate (the Committee) and its treasurer, Barbara Steinberg, LTD. The plaintiffs had argued, among other things, that Commission regulations that distinguish between certified or registered mail and regular mail for the purpose of determining when a report is filed are arbitrary and capricious and in excess of the Commission's rulemaking authority. 11 CFR 104.5(e).

The court found that Mr. Miles and Ms. Steinberg lacked standing to request judicial review, and that the plaintiffs' arguments were untimely because they did not raise them during the Commission's administrative process. Moreover, the court found that, even if the plaintiffs had raised their arguments in a timely manner, the arguments

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Regulations

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NPRM is available on the FEC web site at http://www.fec.gov/register.htm and from the FEC faxline, 202/501-3413.

—Amy Kort

Interpretation of Allocation of Candidate Travel Expenses

On February 6, 2002, the Commission adopted an interpretive rule to clarify that the travel allocation and reporting requirements of 11 CFR 106.3(b) do not apply to the extent that a candidate pays for certain travel expenses using funds authorized and appropriated by the federal government.

Regulations

Commission regulations require candidates for federal office, other than Presidential and Vice-Presidential candidates who receive federal funds, to report expenditures for campaign-related travel. Travel expenditures must be reported when:

- A campaign-related trip is paid for by a candidate from personal funds or from a source other than a political committee;
- A trip involves both campaign-related and non-campaign-related stops, in which case expenses are allocated between campaign and non-campaign activity; and
- A stop involves any campaign activity. 11 CFR 106.3.

Interpretation

The Federal Election Campaign Act (The Act) specifically excludes the federal government from its definition of "person." This being the case, the Commission believes that the allocation and reporting requirements of 11 CFR 106.3(b) are not applicable to the extent that a candidate pays for travel expenses using funds authorized and appropriated by the federal government.

This announcement represents the Commission's interpretation of an existing regulation and is not intended to create or remove any rights or duties, nor is it intended to affect any other aspect of the Act or Commission regulations. Also, this interpretation does not apply to Presidential or Vice-Presidential campaigns that are covered by the Presidential Campaign Fund Act. 26 U.S.C. §9001 et seq.❖

—Gary Mullen

No Increase Necessary in FEC Civil Penalties

On January 24, 2002, the Commission determined that no changes needed to be made to the maximum amount of civil penalties that can be assessed for violations of the Federal Election Campaign Act (the Act). The Federal Civil Penalties Inflation Adjustment Act, as amended by the Debt Collection Improvement Act of 1996 (DCIA), requires that at least once every four years the FEC and other executive agencies adjust for inflation the top amount of their current civil penalties.[1]

The adjustment is determined according to the rise in the Consumer Price Index since the last year that the penalties were adjusted. See 28 U.S.C. §2641nt sec 3(2). The adjusted amounts are then rounded in accordance with a formula set out in the DCIA. 28 U.S.C. §2641nt sec 5(a). The Consumer Price Index rose 7.5 percent since 1997, when the Commission last raised the Act's maximum civil penalties. After rounding the 7.5-percent increase in the penalties according the DCIA's formula, however, the Commission determined that no adjustment was necessary at this time. Since no changes were made to the penalties this year, the Commission will consider the rise in inflation since 1997 when it next recalculates the penalties.

Currently, the general provisions at 2 U.S.C. §437g(a)(5) and (6) call for a maximum civil penalty of the greater of the amount of any contribution or expenditure involved in

[1] *The Commission did not address the schedule of penalties under the administrative fine regulations, which became effective January 1, 2001. 11 CFR 111.43.*

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Notice 2002-1
Interpretation of Allocation of Candidate Travel Expenses (67 FR 5445, February 6, 2002).

Notice 2002-2
Notice of Public Hearing on the Internet and Federal Elections (67 FR 6883, February 14, 2002).

the violation or $5,500. The maximum penalty for knowing and willful violations is $11,000. Civil penalties for violating the Act's confidentiality provisions (i.e. for publicizing FEC information concerning investigations and other matters) is $2,200; the penalty is $5,500 for knowing and willful violations. 2 U.S.C. §437g(a)(12). See also 11 CFR 111.24.

—Amy Kort

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were unpersuasive and failed as a matter of law.

Background

The Commission found reason to believe (RTB) that the Committee and its treasurer failed to file a July 15, 2000, Quarterly Report by the deadline, and proposed a $2,700 civil penalty against the Committee and its treasurer under the Administrative Fine regulations. 2 U.S.C. §437g(a)(4)(C) and subpart B of 11 CFR 111. Ms. Steinberg had sent the Committee's report via first class mail on the due date, and the Commission did not receive it until six days later. Under Commission regulations, if a report is sent registered or certified mail, it is considered filed on the date of the U.S. postmark. However, if a report is sent by first class mail, it is considered filed on the date it is received by the FEC or the Secretary of the Senate. 11 CFR 104.5(e). As a result, the Committee's filing was considered six days late.

Commission regulations provide for an administrative process through which respondents can challenge the RTB finding and the proposed civil money penalty. The plaintiffs responded to the Commission's RTB determination to assess the civil money penalty, but failed to respond to the Commission's reviewing officer's recommendations within the 10-day response period. 11 CFR 111.36(f). On December 14, 2000, the Commission made a final determination that the plaintiffs violated the Federal Election Campaign Act (the Act) by filing the report late and assessed the civil money penalty. The plaintiffs petitioned the court for review of this determination on January 17, 2001.

Court Decision

Standing. The court found that Mr. Miles and Ms. Steinberg lacked standing to request judicial review of the matter because they were not respondents in the Commission's determination. The Commission assessed the penalty against the Committee and the incorporated entity Barbara Steinberg, LTD, which was on record as the Committee's treasurer. Under the Act, only a "person against whom an adverse determination is made" may ask for judicial review of an FEC determination. 2 U.S.C. §437g(a)(4)(C)(iii).

Timeliness of Arguments. Under Commission regulations, if respondents fail to raise an argument with the Commission during the administrative process, they waive their right to make that argument in a petition to the court. 11 CFR 111.38. The court found that the plaintiffs had waived the arguments made in their petition by not first making the arguments to the Commission.

Plaintiffs' Motion. In their motion to the court, the plaintiffs argued that the Commission regulation that distinguishes between first class mail and registered or certified mail exceeds the Commission's rulemaking authority and draws an arbitrary distinction. 11 CFR 104.5(e). The court, however, did not find that the regulation exceeded the Commission's authority to make regulations to implement the Act: "Because the regulation merely incorporates the same distinction as that made by the statute, it is impossible to find that the regulation is inconsistent with the statute." 2 U.S.C. §434(a)(5). The court also concluded that it could not respond to the plaintiffs' arguments concerning whether distinguishing among postmarks was a "bad policy." Such arguments, the court explained, should be addressed to legislators and administrators rather than to the courts.

The court dismissed Mr. Miles's and Ms. Steinberg's claims and granted summary judgment to the FEC on the Committee's claims.

U.S. District Court District of Minnesota Fourth Division, 01-83 (PAM/JGL)❖

—Amy Kort

New Litigation

Judicial Watch, Inc., and Peter F. Paul v. FEC

On December 7, 2001, Judicial Watch, Inc., a nonprofit, public interest organization, and Peter F. Paul, an alleged donor to Hillary Rodham Clinton's Senatorial campaign committee (the Committee), asked the U.S. District Court for the District of Columbia to find that the Commission acted contrary to law when it failed to respond to an administrative complaint filed by Mr. Paul and allegedly by Judicial Watch. The administrative complaint, filed July 16, 2001, alleged that the Committee violated the Federal Election Campaign Act's (the Act) contribution limits by accepting cash and in-kind contributions from Mr. Paul totaling nearly $2 million. 2 U.S.C. §441a and 11 CFR 110.1 and 110.9. The administrative complaint further alleged that the Committee failed to report the contributions. 2 U.S.C. §434(b) and 11 CFR 104.3.

In their request for declaratory relief, the plaintiffs allege that the Commission did not act on the complaint within 120 days, as required by the Act. They ask that the court:

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- Declare the Commission's failure to act on the complaint contrary to law;
- Direct the Commission to act within 30 days; and
- Retain jurisdiction over this action.

U.S. District Court for the District of Columbia, 1:01CV02527.❖

—*Amy Kort*

On Appeal

Christine Beaumont, et al. v. FEC

On January 25, 2002, the U.S. Court of Appeals for the Fourth Circuit affirmed a district court decision that found the prohibitions on corporate contributions and expenditures of the Federal Election Campaign Act (the Act) and Commission regulations were unconstitutional as applied to North Carolina Right to Life, Inc. (NCRL), a nonprofit, MCFL-type corporation.[1] The appeals court also affirmed the district court's finding that the Act's prohibition on corporate contributions and expenditures, and Commission regulations that implement the prohibition, were not facially unconstitutional.

District Court Decision. On January 24, 2001, the U.S. District Court for the Eastern District of North Carolina, Northern Division, permanently enjoined the Commission from relying on, enforcing or prosecuting against the plaintiffs violations of 2 U.S.C. §441b, which prohibits corporations from making contributions and expenditures in connection with a federal election. The court also permanently enjoined the Commission from enforcing against the plaintiffs Commission regulations that:

- Prohibit all corporations from making contributions (11 CFR 114.2(b)); and
- Create an exemption from the ban on corporate expenditures for certain nonprofit corporations, pursuant to the Supreme Court's decision in *FEC v. Massachusetts Citizens for Life* (*MCFL*). Under this regulation, the NCRL did not qualify for the exemption because it accepted a small amount of corporate donations. 11 CFR 114.10.

The district court did not find 2 U.S.C. §441b and its implementing regulations unconstitutional on their face. The court concluded that the constitutionality of the statute should be considered on a case-by-case basis. See the March 2000 *Record*, page 2.

Appeals Court Decision. The appeals court found that a complete ban on corporate contributions and expenditures in connection with federal elections, with an exception to the corporate expenditure ban "so narrow that NCRL does not fit into it," burdened the plaintiffs' First Amendment speech and association interests. The court explained that "Organizations that in substance pose no risk of 'unfair deployment of wealth for political purposes' may not be banned from participating in political activity simply because they have taken on the corporate form."

The FEC argued that the Act did not absolutely ban corporations from engaging in political activity. Rather, it permits corporations to establish political action committees, which can make contributions and expenditures subject to the Act's limits. The appeals court, however, found that the reporting requirements and administrative burdens associated with maintaining a political committee "stretch far beyond the more straightforward disclosure requirements of unincorporated associations." The court concluded that, as a nonprofit advocacy group, the "NCRL is more akin to an individual or an unincorporated advocacy group than a for-profit corporation."

The appeals court found that the criteria at 11 CFR 114.10, which create a test for whether a nonprofit corporation qualifies for the *MCFL* exemption, merely codify the list of nonprofit corporate attributes considered by the Supreme Court in *MCFL*. Relying upon a previous Fourth Circuit case involving NCRL, the appeals court held that these rigid criteria could not be used to determine whether an organization qualified for the constitutionally-mandated exception. The court ruled that the NCRL was constitutionally entitled to the exception and was not barred from making independent expenditures to influence federal elections.

The court also ruled that the prohibition on corporate contributions was unconstitutional as applied to NCRL. The court reasoned that same rationale the Supreme Court used to find the ban on independent expenditures unconstitutional as applied to *MCFL* also applied to contributions. The court found that contributions by an MCFL-type corporation carried no greater risk of political corruption than did independent expenditures by such an organization. Thus, the appeals

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[1] *In* FEC v. Massachusetts Citizens for Life *(MCFL) 479 U.S. 238 (1986), the Supreme Court concluded that 2 U.S.C. §441b could not constitutionally prohibit certain nonprofit corporations from making independent expenditures. MCFL was exempt from this ban because it had the following features:*

- *It was formed to promote political ideas and did not engage in business activities;*
- *It did not have shareholders or other persons who had a claim on its assets or earnings, or who had other disincentives to disassociate themselves from the organization; and*
- *It was not established by a business corporation or labor union and had a policy of not accepting donations from such entities.*

Commission regulations at 11 CFR 114.10 establish a test based on these features to determine whether a corporation qualifies for the exemption.

court concluded that, as applied to the NCRL, the prohibition on corporate contributions was not closely drawn to match a sufficiently important government interest in preventing real or perceived corruption of the political system.

The appeals court, however, found that the Act's corporate prohibition was constitutional in the "overwhelming majority of applications," and, thus, was not facially unconstitutional. 2 U.S.C. §441b(a). The court rejected the plaintiffs' argument that the statute was unconstitutional because it did not contain an *MCFL* exception, citing a case in which the Supreme Court had rejected a similar argument concerning a state statute modeled on §441b(a).

The appeals court affirmed the district court's permanent injunction barring the FEC from prosecuting the plaintiffs for violations of §441b and 11 CFR 114.2(b) and 114.10. The appeals court also affirmed the district court's finding that the statute and its implementing regulations are not facially unconstitutional.

U.S. Fourth Circuit Court of Appeals, 01-1348 and 01-1479; U.S. District Court for the Eastern District of North Carolina, Northern Division, 2:00-cv-2-BO(2).✥

—Amy Kort

AFL-CIO v. FEC

On February 15, 2002, the Commission appealed this case to the U.S. Court of Appeals for the District of Columbia Circuit. The appeal challenged a December 19, 2001, decision by the U.S. District Court for the District of Columbia, which found that the confidentiality provision of the Federal Election Campaign Act (the Act) and an FEC regulation prohibit the Commission from making public the investigatory files of matters under review (MURs). The district court also found that the Commission is required to redact names and other individual identifying information from the files prior to release under the Freedom of Information Act (FOIA). The Commission has previously made public the underlying documents from closed enforcement matters.

See the February 2002 Record, page 3.✥

—Amy Kort

Advisory Opinions

AO 2001-17

Reporting Contributions Made Via Single Check Split Between Federal and Nonfederal Accounts

The DNC Services Corporation/ Democratic National Committee (DNC) must use memo entries with explicit cross-references to report single contribution checks that it splits between its federal and nonfederal accounts. The checks will be accompanied by the DNC's donor card, which informs the contributor that amounts in excess of the federal contribution limits will be deposited in a nonfederal account. If the DNC fails to obtain written donor permission to split the check, it will transfer any portion deposited into its federal accounts to its nonfederal accounts within 60 days of receiving the contribution. The DNC must report the transfer first as a refund to the contributor and then as a donation of that amount from the contributor to the nonfederal account.[1]

Background

Donor Card. The DNC donor card solicits funds for both the federal and nonfederal accounts. It asks the donor to apportion the contribution in writing to a federal or nonfederal account and requires the donor's signature. The card:

- Informs individuals and federal political action committees that their contributions will be used in connection with federal elections and subject to the limits and prohibitions of the Federal Election Campaign Act (the Act),[2] and asks those persons to make their contributions payable to the DNC federal account, or to designate the "Federal Account below" (on the donor card), in order to allow for deposit in the federal account;
- Advises "other contributors" that their contributions will be used for state and local elections, and asks them to make their checks payable to the DNC nonfederal account;
- Informs individuals of the $20,000 annual limit on contributions to the DNC and the $25,000 annual limit for contributions to all federal campaigns and accounts;
- Informs individuals that any portion in excess of the $20,000 limit will be "allocated" to the nonfederal account;
- Asks the contributor to designate on the card either the entire contribution or the first $20,000 (or other amount) to the federal account, or to designate the full amount to the nonfederal account; and
- Asks for the contributor's signature.

Receipt of Contributions. Each contribution will be accompanied by the donor card described above,

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[1] *The DNC requested this advisory opinion in accordance with a conciliation agreement between the DNC and the FEC (MUR 4961).*

[2] *Under the Act and Commission regulations, national party committees may receive no more than $20,000 per calendar year from a person and no more than $15,000 per year from a multicandidate committee. 2 U.S.C. §441a(a)(1)(B) and (2)(B) and 11 CFR 110.1(c)(1) and 110.2(c)(1).*

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whether completed or not, indicating that the contribution was in response to a solicitation containing the card.[3] If the donor fails to provide clear instructions about how to apportion a contribution that exceeds the Act's limits, either on its face or when aggregated with previous contributions, the DNC will send a written request to the donor asking permission to deposit the excessive portion in a nonfederal account. The request will also notify the donor that he or she may request a refund of the excessive portion.

Upon receiving a contribution that it intends to split between federal and nonfederal accounts, the DNC will deposit the contribution into a federal account and, on the same day, will deposit into its nonfederal account a check from the federal account representing a transfer of the excessive portion. If the donor does not then provide written permission to split the donation, and does not request a refund, the DNC will, within 60 days of its receipt of the contribution, transfer the federal account's portion of the contribution to the nonfederal account.

Permissibility of Proposal

The DNC's treatment of these contributions, as described above, is permissible given the specific facts presented, including the content of the donor card and the fact that each contribution will be accompanied by the card. The DNC's plan does not, however, represent the only permissible treatment of such contributions. To determine the permissibility of other plans, the DNC would need to submit another advisory opinion request with a complete description of the relevant facts. See 11 CFR 112.1(b) and (c).

[3] *A copy of the donor card is attached to the opinion.*

Reporting Split Contributions

Commission regulations do not specifically address the reporting of single-check contributions that are split between federal and nonfederal accounts. In this case, where the DNC will transfer the excessive amount from the federal to the nonfederal account on the same business day as the initial deposit of the contribution check, the transfer is virtually contemporaneous with the deposit. Thus, the DNC may report the portion left in the federal account after the transfer as the total contribution to the federal account. Similarly, it may report the portion transferred into the nonfederal account as a donation from the donor to the nonfederal account.

Each contribution that is deposited in this way must be itemized both on Schedule A of the federal account's report and on the memo Schedule A filed by the nonfederal account that received the funds. The Schedule A entry must report the receipt of the federal account's portion, along with the date of receipt and other contributor information. 2 U.S.C. §§434(b)(2)(A) and (3)(A) and 431(13); 11 CFR 104.3(a)(2)(i) and (4)(i) and 100.12. Along with this entry, the DNC must note that there is a corresponding entry on memo Schedule A, which discloses the portion donated to the nonfederal account.

Under Commission regulations, a national party committee is required to report contributions to a nonfederal account in excess of $200, and to disclose the contributor's name, address, occupation and employer. 11 CFR 104.8(e). Thus, the memo schedule A must disclose the nonfederal account's receipt of the contribution along with the date of receipt and the donor's identifying information. The date of receipt will be the date that the DNC received the check. Along with the itemized entry, the memo Schedule A must note that the donation represents the nonfederal portion of a contribution and cross-reference the disclosure of the federal portion on Schedule A.

If the DNC does not obtain either written permission to split the contribution or a request for a refund, it will transfer the federal portion to the nonfederal account within 60 days of the receipt of the initial contribution. In this case, it must report the transfer (which may include a number of contributions) as a refund to the contributor(s) and as a further donation of that amount by the contributor(s) to the nonfederal account. The DNC must report the federal account's refund on Schedule B, showing the nonfederal account as the recipient of the transferred funds and noting, as a memo entry, the name(s) and address(es) of the contributor(s) and a reference to the initial disclosure of the contribution(s). 2 U.S.C. §434(b)(2)(A) and (3)(A), 431(13); 11 CFR 104.3(a)(2)(i) and (4)(i) and 100.12. The report must also cross-reference the nonfederal account's disclosure, on memo Schedule A, of its receipt of the transferred donation.

The nonfederal account's report—memo Schedule A—must disclose the transferred funds as a donation, and must report the transfer from the federal account as the source of the funds when itemizing the amount. It must also cross-reference the federal account's disclosure of the transaction. The identifying information of all original contributors must be disclosed in subsequent memo entries.

Requests for Refunds. If the contributor requests a refund of the excessive portion that was initially transferred to the nonfederal account, the DNC must disclose the refund on the nonfederal account's memo Schedule B, along with the contributor's name and address. 11 CFR 104.9(c). No reference to other entries is necessary.

Recordkeeping. The DNC must keep a record of these transactions for at least three years after filing any related report or statement. The record should include:

- A copy of the contributor check and the returned donor card;
- A copy of any follow-up request sent to the contributor; and
- Any written contributor permission to split the contribution or any request for a refund.

The DNC must also keep accounting records that connect each individual contribution to all deposits and transfers of the funds.

Commissioner Thomas issued a concurring opinion on January 31, 2002.

Date Issued: January 30, 2001; Length: 8 pages.✥

—Amy Kort

AO 2001-18

Affiliation Between LLC PAC and PACs of Corporate Owners

The political action committee (PAC) of Cingular, a joint venture limited liability company owned by SBC Communications (SBC) and BellSouth Corporation (BellSouth), is affiliated with Bell South's PAC, as well as with SBC's PAC. Although BellSouth owns 40 percent of Cingular and SBC owns 60 percent, BellSouth and SBC have equal decision-making control over Cingular.

Affiliation

Under the Act and Commission regulations, committees established, financed, maintained or controlled by the same corporation, person or group—including any parent, subsidiary, branch, division, department or local unit of a given entity—are affiliated. 2 U.S.C. §441a(a)(5) and 11 CFR 100.5(g)(2) and 110.3(a)(1)(ii). Entities other than corporations, such as partnerships and limited liability companies (LLC), may also be affiliates of corporations.[1] See AOs 2000-36, 1997-13, 1994-11 and 1992-17; see also AOs 2001-7 and 1996-38.

In cases where one entity is not an official or obvious subsidiary of another, Commission regulations provide for an examination of various factors, considered in the context of an overall relationship, in order to determine whether the entities are affiliated and, thus, whether their respective PACs are affiliated. Relevant factors include:

- A controlling interest in voting stock;
- The ability of one sponsoring organization or committee to participate in the governance of another sponsoring organization or committee through formal rules or through formal or informal practices;
- The authority or ability to hire, appoint, demote or otherwise control the decision-making agents of another sponsoring organization or committee;
- An overlap of officers or employees in a manner that indicates a formal or ongoing relationship between the organizations or committees; and
- An active or significant role in the formation of another sponsoring organization or committee. 11 CFR 110.3(a)(3)(ii)(A), (B), (C), (E), (F) and (I).

Affiliation of Bell South PAC with Cingular PAC

In past advisory opinions, the Commission considered situations where a joint venture (or LLC) partner owned 50 percent of the joint venture and exercised control over its governance and the direction of its officers equal to that of the other partner (or combination of partners in a case where one partner owned 50 percent and two partners each owned 25 percent). AOs 1997-13, 1992-17 and 1996-49. In these cases, the Commission determined that the PACs of the 50-percent owners were affiliated with the joint venture's PAC.[2] As a result, the 50-percent owner corporations, as affiliates of the joint venture, could pay the administration and solicitation costs of the joint venture's PAC. Additionally, the joint venture could pay those costs, even if it was not a corporation, because it was owned entirely by corporations and affiliated with at least one of them. See AOs 1997-13, 1996-49, 1994-11 and 1992-17.

In this case, SBC owns 60 percent of Cingular and Bell South owns 40 percent. However, the control of Cingular by SBC and BellSouth is apportioned differently, and the relationship of SBC and BellSouth to Cingular includes a number of the affiliation factors outlined in Commission regulations in a context similar to that of 50-50 joint venture partnerships where both owners were affiliated with the joint venture's PAC.

Formation of Sponsoring Organization; Authority and Governance. As Cingular's founders, BellSouth and SBC formed a Managing Company to control the management and operation of Cingular. BellSouth and SBC each appoint two of the four members of the Managing Company's board of directors. Only the parent company can appoint or replace its two representatives on the board. These board members are also the members of the Managing Company's Strategic Review Committee (SRC), which must approve by a two-thirds vote substantially all important decisions concerning the operations

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[1] Cingular files with the IRS as a partnership and, thus, is not treated as if it were a corporation under the Act.

[2] The Commission also noted in these cases that the PACs of the owners were not affiliated with each other by virtue of the joint venture.

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of the Managing Company and Cingular. As a result, each corporate owner has equal authority to direct the governance of Cingular and to hire, demote and otherwise control Cingular's decision-makers in a comprehensive manner. 11 CFR 110.3(a)(3)(ii)(B), (C), (E) and (I).

Former Officers and Employees. Of Cingular's 16 executive officers, 10 (including the CEO) were formerly employed by SBC, and four previously worked for BellSouth. Approximately two thirds of Cingular's employees and officers are former employees of SBC, and approximately one third are formerly of BellSouth.[3] The larger proportion of former SBC personnel is less significant in comparing the two owners' influence over Cingular, however, because the organizations have no formal or informal agreements in place that employees or officers of Cingular will return to BellSouth or SBC. The officers and employees are responsible to the Managing Company's board and the SRC and, thus, must answer equally to each owner.

Management of PAC. Cingular's executive officers manage and operate Cingular's PAC, and decisions concerning the PAC do not require the approval of the Managing Company's SRC or board of directors. However, the relationship between the sponsoring organizations and the control they exert over the joint venture—rather than their participation in the management of the joint venture's PAC—indicated affiliation. AOs 1996-49, 1992-17. See also 1991-13.

As a result of the foregoing, both SBC's PAC and BellSouth's PAC are affiliated with Cingular PAC.

Contributions

Under the Act and Commission regulations, contributions made to or by affiliated committees are considered to have been made to or by a single committee for the purposes of the Act's contribution limits. 2 U.S.C. §441a(a)(5) and 11 CFR 100.5(g)(2), 110.3(a)(1) and 110.3(a)(1)(ii). Additionally, a corporation may solicit contributions to its PAC from the restricted class of its subsidiaries or other affiliates. 2 U.S.C. §§441b(b)(2)(A) and (4)(A)(i); 11 CFR 114.3(a)(1) and 114.5(g)(1).

Cingular PAC must share contribution limits with SBC's PAC and BellSouth's PAC, both of which are multicandidate committees. Following the same methodology for contributions from a 50-50 joint venture partnership, which calls for apportioning each contribution on a pro rata basis to each of its partners, contributions by Cingular PAC are apportioned half to SBC's PAC and half to BellSouth's PAC. 11 CFR 110.1(e). As a result, there will be two sets of contribution limits available among the three committees—aggregate contributions to the same candidate may not exceed $10,000 per election from all three committees, and may not exceed $5,000 from any one committee. 2 U.S.C. §441a(a)(2) and AOs 1997-13, 1992-17 and 1987-34. Contributions made by SBC's PAC and BellSouth's PAC will not be aggregated with each other for the purposes of either PAC's $5,000 limit. But, Cingular PAC's contributions will be aggregated with each corporate PAC's contributions on a 50-50 basis for the purpose of the limits of those two corporate PACs. Cingular PAC's contributions may be held under $5,000 so that the corporate PACs do not exceed their limits.

In specific cases, the three PACs may choose to establish a different ratio for apportioning Cingular PAC's contributions to the limits of the other PACs, as long as all three PACs agree on the ratio and no excessive contributions result. 11 CFR 110.1(e)(2). See AOs 1997-13, 1992-17, 1991-13 and 1987-34. In this case, Cingular PAC must provide written instructions to recipient candidates and committees so that they can attribute to each committee the contributions they receive. 2 U.S.C. §441a(f) and 11 CFR 110.9(a). To comply with recordkeeping requirements, the committees must keep a copy of the written instructions for three years after they report the contribution. 11 CFR 104.14(b) and 102.9(b)(1).

Statement of Organization

BellSouth PAC must amend its Statement of Organization to list Cingular PAC as an affiliated committee. 2 U.S.C. §433(b)(2) and (c) and 11 CFR 102.2(a)(1)(ii) and (2). Cingular PAC must amend its Statement of Organization to list BellSouth's PAC as an affiliated committee and to list BellSouth and SBC as its connected organizations.[4] AOs 1997-13, 1996-49 and 1992-17.

Date Issued: January 22, 2002; Length: 11 pages.✥

—Amy Kort

AO 2001-19

Non-preemption of State Law Prohibiting Political Committees from Receiving a Bingo License

The Federal Election Campaign Act (the Act) does not preempt a Michigan statute prohibiting political committees from obtaining a bingo license from the state of Michigan.

Background

The Oakland Democratic Campaign Committee (the Committee)

[3] *Currently, there are no overlapping officers or employees between BellSouth or SBC and Cingular.*

[4] *Cingular PAC already lists SBC's PAC as an affiliated committee on its Statement of Organization.*

operates two bingos to raise funds to influence federal elections. A 1995 Michigan statute excludes "political committees" from the list of organizations qualified to obtain a bingo license (1995 PA 275, MCL 432.103 et seq.). On September 23, 2001, the Committee received notification from the Michigan Bureau of State Lottery that it fell within the definition of a "committee" under the Michigan statute and, as a result, was no longer eligible for a state bingo license.

Regulations

The Act "supersede[s] and preempt[s] any provision of State law with respect to election to Federal office." 2 U.S.C. §453; 11 CFR 108.7(a). According to the Conference Committee report on the 1974 Amendments to the Act, "Federal law occupies the field with respect to criminal sanctions relating to limitations on campaign expenditures, the sources of campaign funds used in Federal races, the conduct of Federal campaigns, and similar offences, but does not affect the States' rights" as to other election-related conduct such as voter fraud and ballot theft. H.R. Rep. No. 93-1438, 93rd Cong. 2d Sess. 69 (1974).

Preemption

The Commission stated no opinion regarding whether the Committee falls under the Michigan statute's definition of "political committee," leaving the matter to be decided by the laws of Michigan.

While the Commission has not previously considered cases involving a conflict between a state's gaming laws and the Act's preemption provisions, FEC regulations specifically recognize state authority regarding gaming activity by permitting certain committees to use gaming devices such as raffles, only "so long as state law permits" their use. 11 CFR 114.5(b)(2).

Also, the Committee's situation differs significantly from situations dealt with in past opinions, in which the Commission preempted state laws that disqualified an entire class of contributors to federal campaigns. AOs 2000-23, 1995-48, 1993-25 and 1989-12. In this case, the statute covers only one particular method of fundraising, namely bingo, which is not specifically sanctioned by Commission regulations. See AO 1982-29.

As a result, the Act and Commission regulations do not preempt or supersede the Michigan statute prohibiting the Committee's use of bingo to raise funds for influencing federal elections.

Date Issued: January 10, 2002; Length: 7 pages.✥

—Gary Mullen

Alternative Disposition of Advisory Opinions

AOR 2001-15

The requester withdrew the request for this advisory opinion on January 22, 2002. The request, filed September 25, 2001, sought the Commission's opinion on a trade association PAC's solicitation of a master limited partnership and its employees.

AOR 2001-20

The requesters withdrew their request for this advisory opinion on January 22, 2002. The request, submitted October 19, 2001, sought approval of a proposal to use Internet Service Provider subscription fees, paid by credit card over the Internet, to make contributions to candidate or political committee recipients selected by the subscribers.✥

Advisory Opinion Request

AOR 2002-2

Preemption of state law barring lobbyist from fundraising for Congressional candidate who is member of Maryland General Assembly (Eric Gally, January 14, 2002)✥

Staff

Joseph Stoltz Named Assistant Staff Director for the Audit Division

The Commission has appointed Joseph Stoltz to be the Assistant Staff Director for the Audit Division. Mr. Stoltz assumed his duties at the beginning of this year.

Mr. Stoltz joined the FEC in 1975 after working at the General Accounting Office on the 1972 Presidential and 1974 Senate elections. He then served as the Deputy Director of what has become the Audit Division.

He received his B.S. in Accounting from Penn State University in 1972 and received his Certified Public Accountant certificate in 1979.✥

—Phillip Deen

Rhonda Vosdingh Named Associate General Counsel for Enforcement

The Commission has appointed Rhonda J. Vosdingh to be the Associate General Counsel for Enforcement in the Office of General Counsel (OGC). In this position, she is responsible for the overall direction and management of OGC's enforcement program.

Ms. Vosdingh is a 1990 graduate of Harvard Law School and a member of the Virginia and the District of Columbia bars. She joined the Commission in 1994, serving in various OGC posts. She had been the Acting Associate General Counsel for Enforcement since September 2001.✥

—Amy Kort

Reports

Reporting Last-Minute Contributions: 48-Hour Notices

Campaign committees must file special notices, called 48-hour notices, disclosing contributions of $1,000 or more received less than 20 days, but more than 48 hours, before any election in which the candidate is running.

The FEC or the Secretary of the Senate must receive the notice within 48 hours of the committee's receipt of the contribution. This rule applies to all types of contributions to any authorized committee, including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee.

Committees are required to file 48-hour notices even if the candidate is unopposed in the election. Moreover, these reporting requirements still apply even if a primary or general election is not held because the candidate is unopposed or received a majority of votes in the previous election. However, no filing is required for a primary election that is not held because the candidate was nominated by a caucus or convention, for which a pre-election report was filed. See 11 CFR 110.1(j). Also, a candidate who withdraws from the election before participating in the primary would not have to file 48-hour notices unless the candidate's name remained on the ballot.

Filing Methods

Committees that file electronically with the Commission must file 48-hour notices electronically. Committees other than Senate committees may also file their 48-hour notices online. For more information concerning online filing, visit the FEC web site at

Primary Election 48-Hour Notice Periods

State Election	Date	48-Hour Notice Period
Alabama	6/4/02	5/16 - 6/1/02
Runoff	6/25/02	6/6 - 6/22/02
Alaska	8/27/02	8/8 - 8/24/02
American Samoa	11/5/02	10/17 - 11/2/02
Runoff	11/19/02	10/31 - 11/16/02
Arizona	9/10/02	8/22 - 9/7/02
Arkansas	5/21/02	5/2 - 5/18/02
Runoff	6/11/02	5/23 - 6/8/02
California	3/5/02	2/14 - 3/2/02
Colorado	8/13/02	7/25 - 8/10/02
Connecticut	9/10/02	8/22 - 9/7/02
Delaware	9/7/02	8/19 - 9/4/02
District of Columbia	9/10/02	8/22 - 9/7/02
Florida	9/10/02	8/22 - 9/7/02
Georgia	8/20/02	8/1 - 8/17/02
Runoff	9/10/02	8/22 - 9/7/02
Guam	9/7/02	8/19 - 9/4/02
Hawaii	9/21/02	9/2 - 9/18/02
Idaho	5/28/02	5/9 - 5/25/02
Illinois	3/19/02	2/28 - 3/16/02
Indiana	5/7/02	4/18 - 5/4/02
Iowa	6/4/02	5/16 - 6/1/02
Kansas	8/6/02	7/18 - 8/3/02
Kentucky	5/28/02	5/9 - 5/25/02
Louisiana[1]	8/23/02	8/4 - 8/20/02
Maine	6/11/02	5/23 - 6/8/02
Maryland	9/10/02	8/22 - 9/7/02
Massachusetts	9/17/02	8/29 - 9/14/02
Michigan	8/6/02	7/18 - 8/3/02
Minnesota	9/10/02	8/22 - 9/7/02

[3] *In AO 2000-29, the Commission determined that the last day to qualify for a position on the general election ballot in Louisiana—in this case August 23, 2002—must be considered the primary election date for Louisiana candidates. See 11 CFR 100.2(c)(4)(i). Additionally, under state law if no candidate in the November 5 general election receives over 50 percent of the vote, a runoff election will be held on December 7, 2002. If the runoff is held, 48-hour notices will be required between November 18 and December 4, 2002.*

Primary Election 48-Hour Notice Periods, cont.

State Election	Date	48-Hour Notice Period
Mississippi	6/4/02	5/16 - 6/1/02
Runoff	6/25/02	6/6 - 6/22/02
Missouri	8/6/02	7/18 - 8/3/02
Montana	6/4/02	5/16 - 6/1/02
Nebraska	5/14/02	4/25 - 5/11/02
Nevada	9/3/02	8/15 - 8/31/02
New Hampshire	9/10/02	8/22 - 9/7/02
New Jersey	6/4/02	5/16 - 6/1/02
New Mexico	6/4/02	5/16 - 6/1/02
New York	9/10/02	8/22 - 9/7/02
North Carolina	5/7/02	4/18 - 5/4/02
Runoff	6/4/02	5/16 - 6/1/02
North Dakota	6/11/02	5/23 - 6/8/02
Ohio	5/7/02	4/18 - 5/4/02
Oklahoma	8/27/02	8/8 - 8/24/02
Runoff	9/17/02	8/29 - 9/14/02
Oregon	5/21/02	5/2 - 5/18/02
Pennsylvania	5/21/02	5/2 - 5/18/02
Rhode Island	9/10/02	8/22 - 9/7/02
South Carolina	6/11/02	5/23 - 6/8/02
Runoff	6/25/02	6/6 - 6/22/02
South Dakota	6/4/02	5/16 - 6/1/02
Runoff	6/18/02	5/30 - 6/15/02
Tennessee	8/1/02	7/13 - 7/29/02
Texas	3/12/02	2/21 - 3/9/02
Runoff	4/9/02	3/21 - 4/6/02
Utah	6/25/02	6/6 - 6/22/02
Vermont	9/10/02	8/22 - 9/7/02
Virgin Islands	9/14/02	8/26 - 9/11/02
Virginia	6/11/02	5/23 - 6/8/02
Washington	9/17/02	8/29 - 9/14/02
West Virginia	5/14/02	4/25 - 5/11/02
Wisconsin	9/10/02	8/22 - 9/7/02
Wyoming	8/20/02	8/1 - 8/17/02

www.fec.gov and click on the Electronic Filing logo. Additionally, paper filers may file their 48-hour notices using FEC Form 6, or they may use their own paper or stationary for the notice, provided that it contains the following information:

- The candidate's name and the office sought;
- The identification of the contributor(s); and
- The amount and date of receipt of the contribution(s).

Committees may fax the notice to the appropriate office using the following numbers: FEC, 202/219-0174; Secretary of the Senate, 202/225-1851.

In addition to including last-minute contributions on 48-hour notices, these contributions must also be itemized in the committee's next scheduled report. 11 CFR 104.5(f).

The period covered by 48-hour notices for every state primary election is listed in the chart to the left. ❖

—Phillip Deen

Administrative Fines

Committees Fined for Nonfiled and Late Reports

The Commission recently publicized its final action on 11 new Administrative Fine cases, bringing the total number of cases released to the public to 311.

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 fine regulations. Penalties for nonfiled reports—and for reports filed so late as to be considered

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Administrative Fines

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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. 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 fine 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.	Ann Arbor National Political Action Committee	$1,000
2.	Clarke 2000 (12 Day Pre-General)	$1,000[1]
3.	Clarke 2000 (30 Day Post-General)	$1,125[1]
4.	Idaho Republican Party	$5,550
5.	IUE Committee on Political Education/ International Union of Electric, Electrical, Salaried, Machine, and Furniture Workers AFL-CIO	$2,700
6.	The Loose Group	$2,000
7.	Porter for Congress Committee	$850
8.	Philadelphia 2000	——[2]
9.	United Association Journeymen and Apprentices of Plumbing and Pipe Fitting Industry Local 322 Committee for Political Education	$900
10.	Willie Logan for United State Senate	$1,100[1]
11.	Women's Campaign Fund Inc.	$1,475

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

[2] The Commission voted to rescind the reason to believe (RTB) finding in this case. The filing requirements of host committees are covered under 2 U.S.C. §437. As a result, these committees are not subject to the Administrative Fine program.

Outreach

FEC Conferences in March and April

Conference for Candidates and Party Committees

The FEC will hold a conference for candidates and party committees **March 25-26, 2002**, in Washington, D.C. The conference will consist of a series of interactive workshops presented by Commissioners and experienced FEC staff, who will explain how the requirements of the federal election law apply to House and Senate campaigns and political parties. In addition, an IRS representative will be available to answer election-related tax questions.

The registration fee for this conference is $325, which covers the cost of the conference, materials and meals. The deadline for registration (and for fully-refunded registration cancellations) is March 1. A late registration fee of $10 will be added effective March 2.

The conference will be held at the Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW. Washington, D.C. A room rate of $189 single or double is available for reservations made by March 1. Call 800/635-5065 or 202/484-1000 ext. 5000 to make reservations. In order to receive this room rate, you must notify the hotel that you will be attending the FEC conference. After March 1, room rates are based on availability. The hotel is located near the L'Enfant Plaza Metro and Virginia Railway Express stations.

Conference for Corporations

On **April 22-24, 2002**, the Commission will hold a conference in Washington, D.C., for corporations. Commissioners and experienced FEC staff will conduct a series of interactive workshops in order to explain how the requirements of the federal election law apply to corporations and their political action committees (PACs). A representative from the IRS will be available to answer election-related tax questions.

The registration fee for this conference is $375, which covers the cost of the conference, materials and meals. The registration deadline (and the deadline for fully-refunded registration cancellations) is March 29. A late registration fee of $10 will be added effective March 30.

The conference will be held at the Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW. Washington, D.C. A room rate of $220 single or $250 double is available for reservations made by March 29. Call 800/635-5065 or 202/484-1000 ext. 5000 to make reservations. In order to receive this room rate, you must notify the hotel that you will be attending the FEC conference. After March 29, room rates are based on availability. The hotel can be easily reached via the L'Enfant Plaza

Metro and Virginia Railway Express stations.

Registration Information

Conference registrations will be accepted on a first-come, first-served basis. Attendance is limited, and FEC conferences have sold out in the past, so please register early. For registration information:

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

—Amy Kort

Conferences in 2002

For complete conference information, visit the FEC's web site at www.fec.gov/pages/infosvc.htm#Conferences.

Conference for Candidates and Party Committees
Date: March 25-26, 2002
Location: Washington, D.C. (Loews L'Enfant Plaza)
Registration Fee: $325

Conference for Corporations
Date: April 22-24, 2002
Location: Washington, D.C. (Loews L'Enfant Plaza)
Registration Fee: $375

Conference for Trade Associations
Date: May 22-24, 2002
Location: Washington, D.C. (Loews L'Enfant Plaza)
Registration Fee: $375

Conference for Member and Labor Organizations
Date: June 26-28, 2002
Location: Washington, D.C. (Loews L'Enfant Plaza)
Registration Fee: $375

Statistics

Semiannual PAC Count Shows Slight Increase

According to the FEC's semiannual Political Action Committee (PAC) count, 3,891 PACs were registered with the Commission at the close of the 2001 calendar year. This figure represents a 14-committee increase from the July 1, 2001, count.

Corporate PACs remain the largest category, with 1,508 committees. However, the 2001 year-end figures show a decrease of 37 corporate PACs compared to the 2000 year-end figures. Nonconnected PACs remain the second-largest group, with 1,019 committees. The chart below shows the complete mid-year and year-end PAC figures since 1995.

To see a complete listing of PAC statistics, visit the FEC's web site (http://www.fec.gov) or request a copy of the agency's January 24, 2002, press release (call 800/424-9530 and press 3 for the Public Records Office or press 2 for the Press Office).❖

—Amy Kort

Party Activities

2002 Coordinated Party Expenditure Limits

The 2002 coordinated party expenditure limits are now available. They are:

- $35,910 for House nominees;[1] and
- A range from $71,820 to $1,781,136 for Senate nominees, depending on each state's voting age population.

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[1] In states that have only one U.S. House Representative, the coordinated party expenditure limit for the House nominee is $71,820, the same amount as the Senate limit.

	Corporate	Labor	Trade/ Member/ Health	Coop-erative	Corp. w/o Capital Stock	Non-connected[1]	Total
Jul. 95	1,670	334	804	43	129	1,002	3,982
Dec. 95	1,674	334	815	44	129	1,020	4,016
Jul. 96	1,645	332	829	43	126	1,058	4,033
Dec. 96	1,642	332	838	41	123	1,103	4,079
Jul. 97	1,602	332	826	41	118	953	3,875
Dec. 97	1,597	332	825	42	117	931	3,844
Jul. 98	1,565	325	820	43	112	897	3,762
Dec. 98	1,567	321	821	39	115	935	3,798
Jul. 99	1,540	318	826	38	115	941	3,778
Jan. 00	1,548	318	844	38	115	972	3,835
Jul. 00	1,523	316	812	39	114	902	3,706
Jan. 01	1,545	317	860	41	118	1,026	3,907
Jul. 01	1,525	314	872	41	118	1,007	3,877
Jan. 02	1,508	316	891	41	116	1,019	3,891

[1] Nonconnected PACs must use their own funds to pay fundraising and administrative expenses, while the other categories of PACs have corporate or labor "connected organizations" that are permitted to pay those expenses for their PACs. On the other hand, nonconnected PACs may solicit contributions from the general public, while solicitations by corporate and labor PACs are restricted.

Party Activities

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Party committees may make these special expenditures on behalf of their 2002 general election nominees. National party committees have a separate limit for each nominee, but they share their limits with their national senatorial and congressional committees. Each state party committee has a separate limit for each House and Senate nominee in its state. Local party committees do not have their own separate limit. One party committee may authorize another party committee to make an expenditure against its limit. Local committees may only make coordinated party expenditures with advance authorization from another committee.

Coordinated party expenditure limits are separate from the contribution limits; they also differ from contributions in that the party committee must spend the funds on behalf of the candidate rather than give the money directly to the campaign. Although these expenditures may be made in consultation with the candidate, only the party committee making the expenditure—not the candidate committee—must report them. (Coordinated party expenditures are reported on FEC Form 3X, line 25, and are always itemized on Schedule F, regardless of amount.)

The accompanying tables include:

- Information on which party committees have the authority to make coordinated party expenditures;
- The formula used to calculate the coordinated party expenditure limits; and
- A listing of the state-by-state coordinated party expenditure limits. ❖

—Amy Kort

Authority to Make Coordinated Party Expenditures on Behalf of House and Senate Candidates

National Party Committee	May make expenditures on behalf of House and Senate nominees. May authorize[1] other party committees to make expenditures against its own spending limits. Shares limits with national congressional and senatorial campaign committees.
State Party Committee	May make expenditures on behalf of House and Senate nominees seeking election in the committee's state. May authorize[1] other party committees to make expenditures against its own spending limits.
Local Party Committee	May be authorized[1] by national or state party committee to make expenditures against its limits.

Calculating 2002 Coordinated Party Expenditure Limits

	Amount	Formula
Senate Nominee	See table on facing page	The greater of: $20,000 x COLA[2] or 2¢ x state VAP[3] x COLA
House Nominee in States with Only One Representative	$71,820	$20,000 x COLA
House Nominee in Other States	$35,910	$10,000 x COLA
Nominee for Delegate or Resident Commissioner[4]	$35,910	$10,000 x COLA

[1] The authorizing committee must provide prior authorization specifying the amount the committee may spend.

[2] COLA means cost-of-living adjustment. The 2002 COLA is 3.591.

[3] VAP means voting age population.

[4] American Samoa, the District of Columbia, Guam and the Virgin Islands elect Delegates; Puerto Rico elects a Resident Commissioner.

Coordinated Party Expenditure Limits for 2002 Senate Nominees

State	Voting Age Population (in thousands)	Expenditure Limit
Alabama	3,327	$238,945
Alaska*	444	$71,820
Arizona	3,825	$274,712
Arkansas	1,998	$143,496
California	24,800	$1,781,136
Colorado	3,264	$234,420
Connecticut	2,609	$187,378
Delaware*	598	$71,820
Florida	12,566	$902,490
Georgia	6,119	$439,467
Hawaii	920	$71,820
Idaho	945	$71,820
Illinois	9,349	$671,445
Indiana	4,619	$331,737
Iowa	2,196	$157,717
Kansas	2,037	$146,297
Kentucky	3,065	$220,128
Louisiana	3,229	$231,907
Maine	1,013	$72,754
Maryland	3,969	$285,054
Massachusetts	4,958	$356,084
Michigan	7,525	$540,446
Minnesota	3,773	$270,977
Mississippi	2,077	$149,170
Missouri	4,202	$301,788
Montana*	681	$71,820
Nebraska	1,273	$91,427
Nevada	1,544	$110,890
New Hampshire	965	$71,820
New Jersey	6,548	$470,277
New Mexico	1,326	$95,233
New York	14,406	$1,034,639
North Carolina	6,114	$439,107
North Dakota*	495	$71,820
Ohio	8,648	$621,099
Oklahoma	2,580	$185,296
Oregon	2,611	$187,522
Pennsylvania	9,476	$680,566
Rhode Island	813	$71,820
South Carolina	3,037	$218,117
South Dakota*	571	$71,820
Tennessee	4,331	$311,052
Texas	15,205	$1,092,023
Utah	1,544	$110,890
Vermont*	480	$71,820
Virginia	5,386	$386,823
Washington	4,460	$320,317
West Virginia	1,404	$100,835
Wisconsin	4,092	$293,887
Wyoming*	371	$71,820

** In these states, which have only one U.S. House Representative, the spending limit for the House nominee is $71,820 the same amount as the Senate limit. In other states, the limit for each House nominee is $35,910.*

Index

The first number in each citation refers to the "number" (month) of the 2002 *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.

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Important Complaint Information

In response to the anthrax threat, the U.S. Postal Service continues to irradiate mail directed to the Commission. As a result, the Commission is not receiving timely delivery of documents sent through regular U.S. mail, including complaints alleging violations of the federal campaign finance laws. In some cases, such documents have been damaged or destroyed by the irradiation process.

If you have filed a complaint since October 2001 and have not received an acknowledgment of your complaint, it is possible that the Commission did not receive it. As a result, complainants who have not received an acknowledgment of their complaint may wish to consider resubmitting their complaint by some means other than regular U.S. mail. Alternative methods include overnight mail and hand delivery. (Electronically submitted complaints are not proper under 2 U.S.C. §437g(a)(1).)

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