



FECConnect LIVE



Independent Expenditures & Pre-Election Communications

September 11, 2024
1:00 pm Eastern

OBJECTIVES

**Identify
Types of
Communications**



**Examine
Reporting & Filing
Requirements**



**Explain
Applicable
Rules**



**Evaluate
Reporting
Scenarios**



In this webinar, we'll focus on various types of communications commonly made in the last months before a general election, with an emphasis on those that trigger last-minute reporting requirements.

Types of Communications

Public Communications



Coordinated Communications



Independent Expenditures



Electioneering Communications



Communications

Some communications may require disclosure within 24 or 48 hours:



- Coordinated communications
- Independent expenditures
- Electioneering communications

Pre-Election Communication Reports

September 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

November 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
					1	2
3	4	★	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- Candidate 48-Hour \$1k Contribution Notices
- - 48-Hour Independent Expenditure Reports
- 24-Hour Independent Expenditure Reports
- Electioneering Communication Reports

As illustrated in the slide above, there are many overlapping reporting periods during the last couple of months before the general election. Most of the reports relate to pre-election communications. Before we get into the specific types of communications, let's cover a general definition in FEC rules that applies to all of the ones we will focus on today...

I. Public Communications ([11 CFR 100.26](#))



A. Public communication defined ([11 CFR 100.26](#))

Includes communications made using the following media:

- Broadcast, cable or satellite;
- Newspaper or magazine;
- Mass mailing (> 500 substantially similar mailings within 30 days);
- Outdoor advertising facility;
- Phone bank (> 500 substantially similar calls within 30 days);
- Communications placed for a fee on another person's website.

Disclaimers



Identify who paid for a communication

Clarify whether a campaign authorized it

Appear on "public communications,"
widely distributed emails, public websites

Include media-specific requirements

B. Disclaimer required ([11 CFR 110.11](#))

Disclaimer notices indicate who has paid for a communication and whether it was authorized by a candidate or not.

1. **Political committees:** required on all public communications.
2. **Individuals/groups/other entities:** required on any public communication expressly advocating or soliciting contributions and on any electioneering communication.
3. **Disclaimer also required on:**
 - Electronic mail (> 500 substantially similar communications sent by a political committee); and
 - Websites of political committees.

Disclaimers



Must be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of who is responsible for the message

C. Disclaimer must be clear and conspicuous.



Approval statement voiced by sponsor

Disclaimer \geq 4% picture height; \geq 4 seconds

Television Disclaimer

1. **“Stand by your ad” requirements for TV and radio ads
(11 CFR [110.11\(c\)\(3\)](#) and [\(4\)](#))**

Additional statement required for TV and radio ads; content varies depending on whether candidate authorized ad or not.

- **If authorized by the candidate and candidate’s committee:**
 - Candidate must deliver an audio statement identifying himself/herself and stating that he/she has approved the communication.
 - **TV only: written and audio statement required**
 - Full-screen view of the candidate making the statement; or photo of candidate that appears during candidate’s voice-over statement (**safe harbor:** 80% vertical picture height).
 - “Clearly readable” written statement at end of communication: $\geq 4\%$ vertical picture height, ≥ 4 seconds, reasonable degree of color contrast between background and statement.

I am [Candidate Name], a candidate for [office sought], and I approved this advertisement.

My name is [Candidate Name]. I am running for [office sought], and I approved this message.

- **If not authorized by the candidate’s committee (for example, an independent expenditure)**
 - There must be an audio statement by the entity responsible for the communication stating that he/she/they are responsible.
 - **TV ad:** A similar statement must also appear in writing, following safe harbors above.

XYZ is responsible for the content of this advertising.

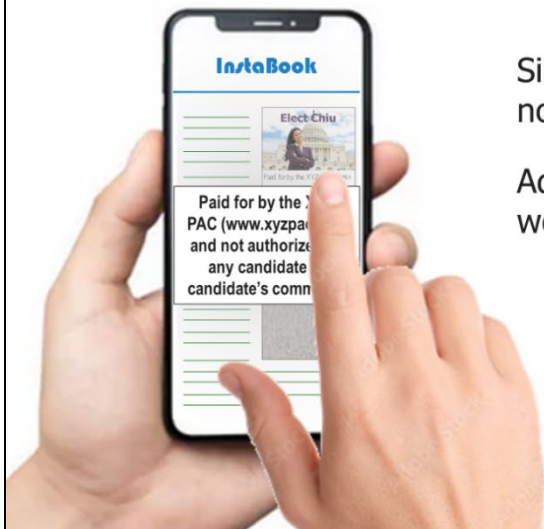
Print Disclaimer



Disclaimer must be contained within a printed box set apart from content of communication

2. **Special rules for printed communications ([11 CFR 110.11\(c\)\(2\)](#))**
 - Disclaimer must be contained within a printed box set apart from content of communication.
 - Print must be of sufficient type size to be “clearly readable” and must have a reasonable degree of color contrast between the background and the printed statement.
 - **Safe harbor:** 12-point type in newspapers, magazines, flyers, signs and other printed communications no larger than 24” x 36.”

Internet Disclaimers



Similar to print and broadcast media, but no stand-by-your-ad requirement

Adapted disclaimer when full disclaimer would occupy >25% of communication, plus:

- Visible/audible indicator that full disclaimer is available; and
- Technological mechanism to access full disclaimer

3. **Specific requirements for internet public communications** **(11 CFR 110.11(c)(5))**

- Communication with text or graphic components must include clearly readable written disclaimer that “can be viewed without taking any action”
- Audio-only communications must include audio disclaimer that recipient can hear without taking any action
- Communication with disclaimer displayed within video, disclaimer must be visible for at least four seconds and appear without the recipient taking any action
- Adapted “paid for by” disclaimer when full disclaimer would occupy >25% of communication, plus:
 - Visible/audible indicator that full disclaimer is available (e.g., word, image, sound, symbol, or icon); and
 - Technological mechanism to access full disclaimer (e.g., hover-over text, pop-up screen, scrolling text, rotating panel, or hyperlink)

4. **Resources:**

- Advertising and disclaimers page: www.fec.gov/help-candidates-and-committees/advertising-and-disclaimers/
- Record article on TV/Radio ads: www.fec.gov/updates/basic-rules-for-disclaimers-on-radio-and-tv-ads/

Independent Expenditure Disclaimer Example (Radio/TV)



Paid for by the Frozen Yogurt Corporation (406-555-0101) and not authorized by any candidate or candidate's committee. Frozen Yogurt Corporation is responsible for the content of this communication.

Example: In this TV ad example, the disclaimer for an independent expenditure provides the phone number for the corporation that paid for the ad, states that the communication was not authorized by any candidate and indicates that the corporation is responsible for the content.



Poll Question:

Are disclaimers required for all public communications?

- A: Yes
- B: No

Poll Answer:

Are disclaimers required for all public communications?

- A: Yes**
 B: No

So, having covered the disclaimer requirements that will apply to all of the communications we plan to discuss, let's discuss specific rules that apply to specific types of communications, starting with **coordinated communications**.

II. Coordinated Communications ([11 CFR 109.21](#))

Coordinated Communications

Coordination means made with cooperation, consultation, request or suggestion of candidate or party committee

Three-part test applied to communications to determine if they are coordinated (and thus count as an in-kind contributions, subject to limits and prohibitions)

A. The basics

1. Definition of coordination ([11 CFR 109.20](#))

Coordination means “made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate’s authorized committee, or their agents, or a political party committee or its agents.”

2. **Generally results in a contribution** (subject to limits and prohibitions) made by the entity paying for the communication.
3. **Who may make them?**
 - Individuals (except those who are federal contractors or foreign nationals).
 - Political committees (PACs and party committees)
 - Any entity that may legally make a contribution
4. **Who is prohibited from making them?**

Any entity prohibited from making contributions in connection with federal elections, including:

 - Corporations
 - Labor organizations
 - Federal contractors
 - Foreign nationals
 - Super PACs and non-contribution account of Hybrid PACs

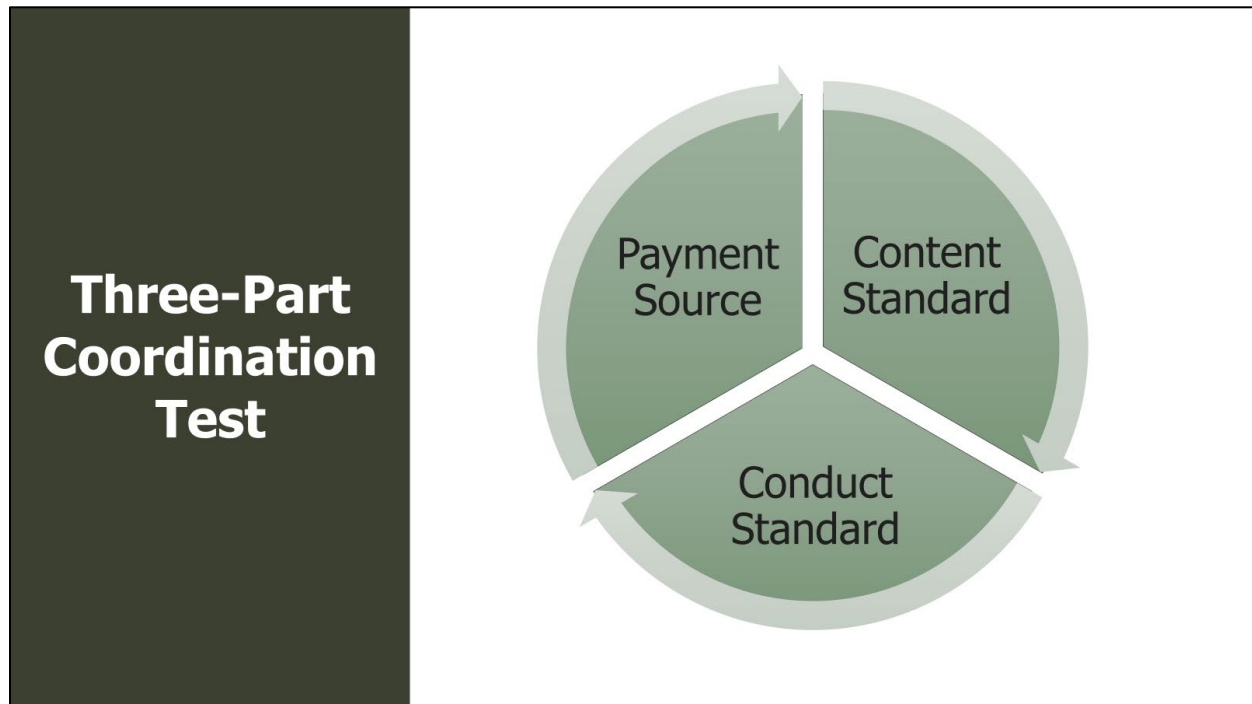
B. Why important? coordinated communication = in-kind contribution
(11 CFR 109.21(b)(1))

1. **Prohibited** by entities prohibited from making contributions
2. **Subject to contribution limitations**
3. **Disclaimer required**
4. **Reporting**
 - a) In many cases, reportable by campaign or party committee as in-kind contribution received (and by PAC if in-kind contribution made by PAC).
 - b) **Last-minute coordinated communications:**
If \$1,000 or more, made between **October 17 and November 2, 2024**, recipient campaign must file 48-Hour Notice (FEC Form 6) to disclose in-kind contribution received.

Note: If a coordinated communications qualifies as a “coordinated party expenditure,” the political party committee making the expenditure will report it on Schedule F of FEC Form 3X.

No reporting by the candidate committee is required in this circumstance, because coordinated party expenditures do not qualify as in-kind contributions.

So how does the Commission determine whether a communication is “coordinated” and thus reportable as an in-kind contribution (and subject to limitations and prohibitions)?




- C. **Three-part test to determine if coordinated communication ([11 CFR 109.21](#))**
The Commission uses a three-part test in its regulations to determine if a communication is coordinated. A payment for a communication that **satisfies all three parts** is an in-kind contribution to the candidate or party committee with which it was coordinated.
1. **Source of Payment**
 2. **“Content Standard”**
 3. **“Conduct Standard”**

**Three-Part
Coordination
Test**


Payment Source

Paid for by someone other than the
referenced candidate



D. Source of Payment

To meet the first part of the coordinated communication test, the communication must be paid for by someone other than a candidate, an authorized committee or a political party committee. (If the candidate or party committee paid for it themselves, coordination wouldn't be an issue.)

<p>Three-Part Coordination Test</p>  <p>Content Standard</p>	<p>Includes at least one of the following:</p> <ul style="list-style-type: none">■ Electioneering communication■ Republication of campaign materials■ Express advocacy or its functional equivalent■ Public communication referring to a candidate, distributed in candidate's jurisdiction within certain timeframe before election
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E. “Content Standard” ([11 CFR 109.21\(c\)](#))

The communication will satisfy the second part of the test if it is:

- 1. An “electioneering communication”**
- 2. A public communication that republishes, disseminates or distributes campaign materials**
- 3. A public communication with express advocacy or the functional equivalent of express advocacy**
A communication is the functional equivalent of express advocacy if it is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified federal candidate.
- 4. A public communication within certain time frame before election (no express advocacy required)**
 - a) Refers to clearly identified candidate.
 - b) Is directed to voters in the jurisdiction of the clearly identified candidate or to voters in a jurisdiction where one or more candidates of the political party appear on the ballot.

Public Communication Timeframes



House/Senate candidate:

Within **90 days** of candidate's election
(primary, general)

Presidential or VP candidate:


Starting **120 days** before primary
(or convention, caucus) through the
date of the general election



c) **Time frames apply:**

- **Senate and House candidates** = 90 days before a primary or general election.
2024 general election: August 7 through November 5, 2024
- **Presidential candidates** = 120 days before the state primary (on a state-by-state basis) through the date of the general election.
- **Political parties** = 120 days before a primary or general election.

More: Time frames for each state are available at www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2024-reporting-dates/coordinated-communications-periods-main-page-2024/

<p>Three-Part Coordination Test</p>  <p>Conduct Standard</p>	<p>Includes at least one of the following:</p> <ul style="list-style-type: none">■ Request or suggestion■ Material involvement■ Substantial discussion■ Common vendor (120-day safe harbor)■ Former employee/independent contractor (120-day safe harbor)
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F. “Conduct standard” ([11 CFR 109.21\(d\)](#))

Must meet any one of these standards, plus content and payment standards, for the communication to be considered “coordinated.”

1. Request or suggestion

Communication is created at the request or suggestion of candidate, candidate committee, party committee or agents if:

- a) The person creating, producing or distributing the communication does so at the request or suggestion of candidate or party; or
- b) The person paying for the communication suggests the creation, production or distribution of the communication to the candidate or party, and the candidate or party assents.

2. Material involvement

Candidate, authorized committee or party committee is “materially involved in decisions” regarding the content, intended audience, means or mode of the communication, specific media outlet used, or size or prominence of a printed communication or duration of a communication by means of broadcast, cable or satellite.

3. Substantial discussion

- a) Communication is created, produced or distributed after one or more substantial discussions between the person paying for the communication and:

- (1) The candidate clearly identified (or his/her campaign); or
 - (2) The opponent of the candidate clearly identified (or his/her campaign); or
 - (3) A political party committee; or
 - (4) An agent of any of the above.
- b) **Substantial discussion** means that information about the plans, projects, activities or needs of the candidate or political party committee that is material to the creation, production or distribution of the communication is conveyed to the person paying for the communication.
4. **Employment of common vendor**
Use of common vendor to create, produce or distribute communication satisfies standard if:
- a) The person paying for the communication contracts with or employs a commercial vendor to create, produce or distribute the communication;
 - b) The commercial vendor has a previous or current relationship with the candidate or political party committee that puts the vendor in a position to acquire information about the campaign plans, projects, activities or needs of the candidate or political party committee;
 - c) The vendor uses or conveys information about the plans or needs of the candidate or political party, or information previously used by the vendor in serving the candidate or party, and that information is material to the creation, production or distribution of the communication.
5. **Former employee/independent contractor**
A person who has previously been an employee or an independent contractor of a candidate's campaign committee or a political party committee during the current election cycle satisfies this standard if:
- a) The former employee/contractor uses or conveys information about the plans or needs of the candidate or political party committee, or information used by the former employee in serving the candidate/party, to the person paying for the communication; and
 - b) The information is material to the creation, production or distribution of the communication.
6. **Safe harbors: vendors/former employees or contractors**
- a) **Time limit on usefulness of materials/information.** 120-day temporal limit.
 - b) **Firewall.** Firewall may be established.

7. **Safe harbor: candidate endorsements/solicitations ([11 CFR 109.21\(g\)](#))**
- a) Federal candidate may endorse another candidate (federal or nonfederal) in public communication; not contribution to endorsing candidate unless communication promotes, attacks, supports or opposes (PASOs) him or her.
 - b) Federal candidate may solicit funds for another candidate, committee or nonprofit organization in public communication; not contribution to soliciting candidate unless communication PASOs him or her.
 - c) Time frames irrelevant.



Takeaway: A communication must meet all three parts to be considered a coordinated communication subject to limitations and prohibitions (and specific reporting requirements).

- G. **Safe harbor for certain commercial transactions ([11 CFR 109.21\(i\)](#))**
Content standard includes a safe harbor for certain commercial and business communications, in those cases where a candidate is clearly identified as an owner or operator of a business that existed prior to candidacy, so long as the communication does not PASO (promote, attack, support or oppose) any candidate and is consistent with other business communications prior to candidacy.

Scenario #1: Coordinated Communications

The graphic is a dark green rectangular box with a white border. In the top left corner, it says "SCENARIO #1" next to a white document icon with a green pencil. The main title "Coordinated Communications" is in large white font. Below the title, there are three text blocks. The first block says "Ocean Resort PAC director talked with Rep. Newman's campaign about running ads supporting her in the general election" and is accompanied by an icon of two people talking. The second block says "The PAC paid UBS Broadcasting \$5,000 on October 28 to begin running the radio ads that day" and is accompanied by an icon of a person at a podium. The podium has a sign that says "Amanda Newman for Congress".

SCENARIO #1

Coordinated Communications

Ocean Resort PAC director talked with Rep. Newman's campaign about running ads supporting her in the general election

The PAC paid UBS Broadcasting \$5,000 on October 28 to begin running the radio ads that day

Amanda Newman
for Congress

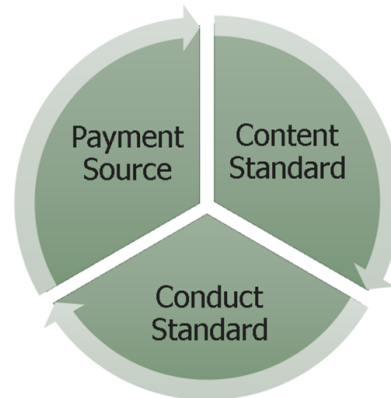
In early October, the PAC Director for the Ocean Resort PAC (a qualified multicandidate committee) spoke with the Amanda Newman for Congress campaign manager at a meet-and-greet with Congresswoman Newman in her district. The Ocean Resort PAC Director discussed with the campaign manager the possibility of running several radio ads on a local station to support Ms. Newman's reelection bid for the 8th Congressional District of New York. The campaign manager agreed and suggested that the ads begin running on October 28, the week before the general election. On October 28, 2024, the PAC pays \$5,000 to UBS Broadcasting, Inc. and the ads begin running that same day.

1. What type of transaction is this?

Answer: This transaction is a coordinated communication because it meets all three parts of the coordination test.

Is This a Coordinated Communication?

- ✓ **Payment source:** The PAC
- ✓ **Content standard:** Public communication, within timeframe, mentions candidate, directed at voters in district
- ✓ **Conduct standard:** Request or suggestion of campaign



- **Source of payment: MET** because the PAC is paying for the communication, not the candidate committee.
- **Content standard: MET.** Although it's not clear from our example if the communication technically contains "express advocacy," the proximity of the communications to the election is key here. Since the ads will refer to Representative Newman within the 90-day timeframe before the election and will be directed to voters in the jurisdiction of the candidate, we have met the content standard.
- **Conduct standard: MET.** The communication was done at the suggestion of the candidate's campaign manager.

As a result of this communication being coordinated, the amount the PAC spends on the communications must be treated as an in-kind contribution to the Newman campaign, subject to limitations and reporting. (Note that a Super PAC or a Hybrid PAC's non-contribution account could not pay for such a communication.)

Coordinated Communications

What type of transaction is this?

- In-kind contribution made by PAC and received by candidate

How would the PAC disclose the transaction?

- PAC discloses contribution made on Schedule B

How would the campaign disclose the transaction?

- Campaign shows as receipt on Schedule A and disbursement on Schedule B, and files a 48-Hour Notice

Poll Question...



Poll Question:

On Schedule B, does the PAC disclose the date the in-kind contribution is made (i.e., the date of dissemination) or the payment date?

- A: Payment date
- B: In-kind
- C: Both

Poll Answer:

On Schedule B, does the PAC disclose the date the in-kind contribution is made (i.e., the date of dissemination) or the payment date?


- A: Payment date
- B: In-kind
- C: Both

2. How does the PAC report that it has made an in-kind contribution?

Answer: The PAC reports the payment on its Post-General (30G) Report. (Note that if the PAC had made the payment during the pre-election period and was a quarterly filer, it would have triggered the requirement to file the Pre-General (12G) Report.) No special last-minute notices are required from the PAC.

The payment is itemized on Schedule B for Line 23 (Contributions to Federal Candidates). Note that it reports the consulting firm which received the payment as the payee. Candidate information is also noted.

SCENARIO #1



PAC: In-Kind Contribution

Post-General (30G) Report

FEC Form 3X Schedule B, Line 23

SCHEDULE B (FEC Form 3X) ITEMIZED DISBURSEMENTS		Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)	PAGE 1 OF 1
21b	22	<input checked="" type="checkbox"/>	23	<input type="checkbox"/>
28a	28b	<input type="checkbox"/>	28c	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	26	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	29	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	30b	<input type="checkbox"/>

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)	
Ocean Resort PAC	
Full Name (Last, First, Middle Initial)	
A. UBS Broadcasting, Inc.	
Mailing Address	
1000 Seaway Blvd.	
City	Massena
State	NY
Zip Code	00000
Purpose of Disbursement	
In-Kind: Radio Advertising	
Candidate Name	
Amanda Newman	
Office Sought:	Disbursement For:
<input checked="" type="checkbox"/> House	<input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
<input type="checkbox"/> Senate	<input type="checkbox"/> Other (specify) ▼
<input type="checkbox"/> President	
State: NY	District: 08
Date of Disbursement	FEC Identification Number
10 / 28 / 2024	C 00320000
Amount of Each Disbursement this Period	Memo Item
5,000.00	<input type="checkbox"/>

3. Since the contribution was received so close to the general election date, does it trigger last-minute disclosure (48-Hour Notice) by the campaign committee? If so, how should the committee disclose the last-minute contribution?

Answer: Yes, campaign committees must file special notices (48-Hour Notices) disclosing **any contribution of \$1,000 or more** received less than 20 days but more than 48 hours before 12:01 a.m. on the day of any election in which the candidate is running (whether or not the candidate has opposition in the election). The expedited disclosure requirements apply to all types of contributions received, including in-kind contributions. This contribution is considered to be received on the day the committee received the in-kind contribution (i.e., the date that the PAC paid the company); thus, a 48-Hour Notice is required within 48 hours of that payment.

For the 2024 general election, candidate committees must report all contributions of \$1,000 or more received from October 17 through November 3, 2024, within 48 hours.


48-HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL Amanda Newman for Congress Committee				
ADDRESS (number and street) 1700 Snow Hill Ave.				
CITY Massena	STATE NY	ZIP CODE 00000		
2. NAME OF CANDIDATE Amanda Newman		3. OFFICE SOUGHT (State and District) NY / 08		4. FEC IDENTIFICATION NUMBER C00320000
5. IS THIS AN AMENDMENT? <input checked="" type="checkbox"/> NO, THIS IS A NEW FILING <input type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON ____/____/____				
A. FULL NAME Ocean Resort PAC		Name of Employer	Date (month, day, year) 10/28/24	Amount \$5,000 (in-kind; radio ad)
MAILING ADDRESS 1500 Seafoam Drive		Occupation		
CITY Dewey Beach	STATE DE	ZIP CODE 00000		
SIGNATURE (optional) <i>Leah Ryan</i>		DATE 10/30/24	For further information contact: Federal Election Commission 050 First Street, N.E., Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100	
		Any information copied from reports and statements filed under the Federal Election Campaign Act may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.		
		FEC FORM 6 <small>(Revised 03/2016)</small>		

SCENARIO #1



Campaign: 48-Hour Notice

Required for
last-minute
contributions
≥ \$1,000

4. How does the campaign committee disclose the PAC’s payment for the cable advertising?

Answer: An in-kind contribution is disclosed both as a receipt and a disbursement to avoid inflating cash-on-hand totals.

Report an in-kind contribution on the campaign’s Post-General Report, both on Schedule A for Line 11(c) (Contributions from Other Political Committees (such as PACs)) AND as a disbursement on Schedule B for Line 17 (Operating Expenditures). The itemization on both Schedule A (Date of Receipt box) and Schedule B (Purpose of Disbursement box) should include a notation indicating the contribution is “in-kind”).

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

NAME OF COMMITTEE (in Full): **Amanda Newman for Congress Committee**

Full Name (Last, First, Middle Initial): **Ocean Resort PAC**

Mailing Address: **1500 Seafoam Drive, Dewey Beach, DE 00000**

Date of Receipt: **10 / 28 / 2024**

Amount of Each Receipt this Period: **5,000.00**

Receipt For: General

Purpose of Receipt: **In-kind**

← Receipt

SCENARIO #1

**Campaign:
In-Kind
Contribution**

**Post-General
(30G) Report**

**FEC Form 3
Schedule A,
Line 11(c)
and
Schedule B,
Line 17**

SCHEDULE B (FEC Form 3)
ITEMIZED DISBURSEMENTS

NAME OF COMMITTEE (in Full): **Amanda Newman for Congress Committee**

Full Name (Last, First, Middle Initial): **Ocean Resort PAC**

Mailing Address: **1500 Seafoam Drive, Dewey Beach, DE 00000**

Date of Disbursement: **10 / 28 / 2024**

Purpose of Disbursement: **In-kind: Radio Advertising**

Amount of Each Disbursement this Period: **5,000.00**

Disbursement →

Coordinated Communications

Key points for reporting (Candidates)

- Campaigns file 48-Hour Notices (FEC Form 6) for last-minute contributions \geq \$1,000
- Online webform
- Paper filers may fax to (202) 219-0174

Key points for reporting (PACs and Parties)

- PAC/Party discloses on FEC report covering applicable period
- No additional reporting required

Points to Remember:

Campaigns:

- How to file 48-Hour Notices:
 - Online at webforms.fec.gov/onlinefiling/form6/login.htm or if paper filer, may fax to 202-219-0174
 - Online example and instructions: www.fec.gov/help-candidates-and-committees/filing-reports/reporting-48-hour-notices/
 - Paper version of FEC Form 6 and instructions: www.fec.gov/help-candidates-and-committees/forms/#candidates-and-authorized-committees
- Any in-kind contribution disclosed on the 48-Hour Notice must be disclosed again as a receipt and an operating expenditure on next scheduled report. www.fec.gov/help-candidates-and-committees/filing-reports/in-kind-contributions/

PACs:

- No 48-Hour Notice is required.
- Disclose coordinated communication as in-kind contribution on Schedule B for Line 23. www.fec.gov/help-candidates-and-committees/filing-pac-reports/in-kind-contributions-candidates/

Communications that advocate a candidate's election or defeat, but are not coordinated, are subject to different rules and reporting requirements.

III. Independent Expenditures ([11 CFR 100.16](#))

Independent Expenditures

Communications that:

Expressly advocate the election or defeat of a clearly identified candidate; and

Are made without cooperation, consultation, request or suggestion of candidate or party committee



- A. **Definition ([11 CFR 100.16](#))**
Expenditure for communication that “expressly advocates” the election or defeat of a clearly identified candidate and that is not made in cooperation with, or at the suggestion of, the candidate or his/her campaign or its agents, or a political party or its agents.
- B. **Clearly identified ([11 CFR 100.17](#))**
A candidate's name, nickname, photograph or drawing appears or identity is otherwise apparent through references.
- “The President”
 - “Your Congressman”
 - “The incumbent”

Independent Expenditures



Message unmistakably urges election or defeat of a clearly identified federal candidate

Two-Part definition:

- Specific call to action
- Only reasonable interpretation test

C. **Express advocacy ([11 CFR 100.22](#))**

Message unmistakably urges election or defeat of one or more clearly identified candidates.

1. **Two-part definition of unmistakably urging election or defeat**

- Part A: Specific call to action
- Part B: “Only reasonable interpretation test”

Independent Expenditures



Specific call to action

- Explicit words of advocacy for or against a federal candidate
- Urging action with respect to candidates associated with a particular issue
- Campaign slogan or words

2. **Part A: Specific call to action ([11 CFR 100.22\(a\)](#))**
 - a) **Explicit words of advocacy for or against a federal candidate**
 - “Re-elect your Congressman”
 - “Support your Democratic nominee”
 - “Reject the incumbent”
 - b) **Urging action with respect to candidates associated with a particular issue**

Example: “Vote Pro-Environment,” when accompanied by names or photographs of candidates identified as supporting the issue.
 - c) **Campaign slogan or words that can have no other reasonable meaning than to support or oppose candidate**

Examples: bumper stickers, pins

Independent Expenditures



Only reasonable interpretation test

When taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates.

- 3. Part B: “Only reasonable interpretation test” ([11 CFR 100.22\(b\)](#))**
Absent explicit words of advocacy for or against a candidate, the communication, when taken as whole and with limited reference to external events, can only be interpreted by reasonable person as “encouraging action to elect or defeat” federal candidate.

Independent Expenditures

Communications that:

Expressly advocate the election or defeat of a clearly identified candidate; and

Are made without cooperation, consultation, request or suggestion of candidate or party committee



- D. No limits**
The PAC may spend an unlimited amount because the expenditure is not coordinated.
- E. Not coordinated**
- **If coordinated, in-kind contribution results**
 - **Coordination is determined by three-part test**

IV. Who Makes Independent Expenditures?

Independent Expenditures

Who Makes Them?

- PACs, including **Super PACs / Hybrid PACs**
- Party committees
- Individuals, groups and other unregistered entities
- Corporations, unions and other entities (including 501(c)(4) organizations)

A. Political Action Committees (PACs)

1. **Separate Segregated Funds (SSFs) and nonconnected PACs**
May use funds that are raised within normal federal contribution limits and prohibitions.
2. **Super PACs**
May use unlimited contributions raised from any source (except foreign nationals). More information below.
3. **Hybrid PACs**
May use either its federal PAC subject to restrictions or its non-contribution account which may contain unlimited contributions raised from any source (except foreign nationals). More information below.

B. Party committees

C. Individuals, groups and other unregistered entities

D. Corporations, unions and other entities (including 501(c)(4) organizations)

Super PACs

Independent Expenditure-Only Committees

- No limit on contributions received
- May accept corporate/union funds
- Register and file reports with FEC

E. Independent Expenditure-Only Political Committees (Super PACs)

Based on decisions in [Citizens United v. FEC \(2010\)](#) and [SpeechNow.org v. FEC \(2010\)](#), a Super PAC is a PAC that pledges to make only independent expenditures. As a result, it may raise and spend funds outside the usual limits and prohibitions.

1. Advisory opinions (“AOs”):

- [AO 2010-09](#): The Commission ruled that a corporation may “establish and administer a political committee that makes only independent expenditures.”
- [AO 2010-11](#): The Commission explained guidelines applicable to an independent-expenditure only political committee.

2. Guidelines from AOs:

- No contribution limits or solicitation restrictions are imposed on independent expenditure-only political committees.
- May accept donations from corporations and unions.
- Super PACs must still register with FEC and disclose contributions received and independent expenditures made.

Nonconnected PACs with a “non-contribution account” for independent expenditures

- Contribution account – limited
- Non-contribution account – unlimited and may accept corporate/union funds
- Register and file reports with FEC

Hybrid PACs

F. Hybrid PACs

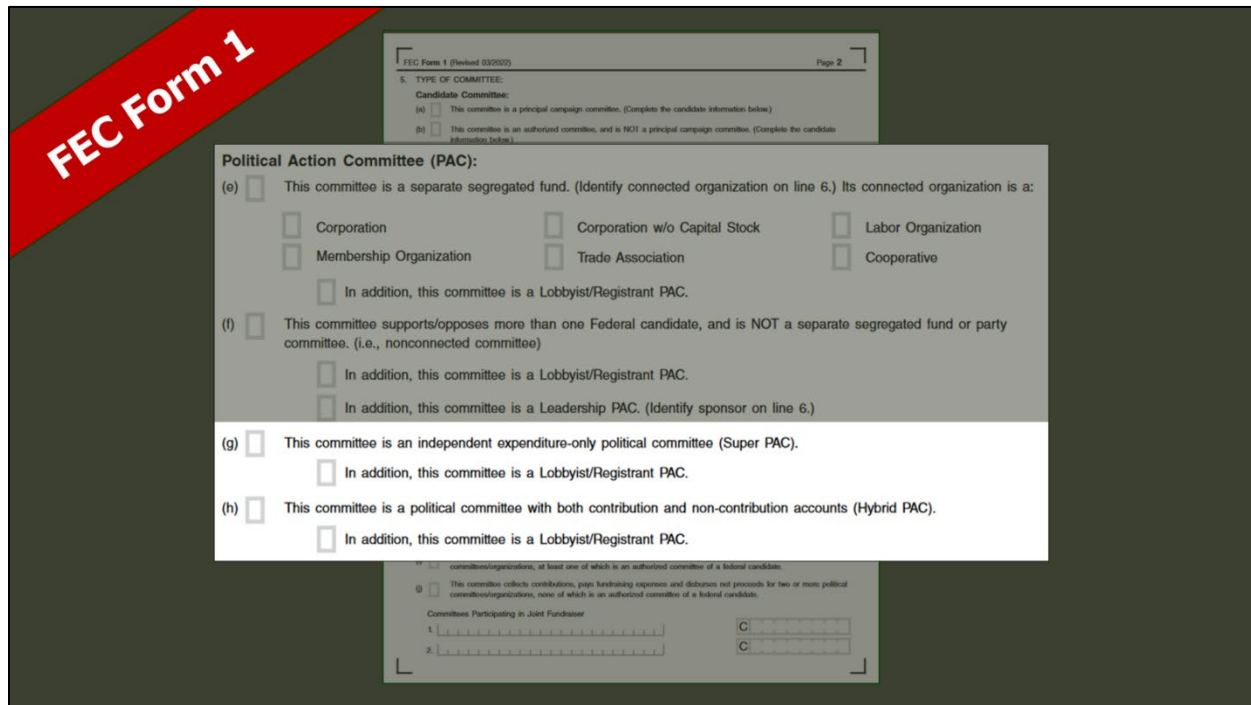
1. [Carey v. FEC \(2011\)](#)

- Traditional nonconnected PACs (i.e., PACs that make contributions and adhere to the \$5,000 per calendar year contribution limit) may establish a separate “non-contribution” account which may accept unlimited contributions from individuals, corporations and labor organizations.
- “Non-contribution” account may only be used to make independent expenditures and not to make contributions.

2. **All activity for both accounts reported on one FEC report.**

3. **Guidance**

www.fec.gov/help-candidates-and-committees/registering-pac/bank-accounts-nonconnected-pacs/ (consult “Non-contribution account” section)



G. Super PAC and Hybrid PAC registration

- 1 Filers check a box on the Statement of Organization (FEC Form 1) to register an independent expenditure-only committee (Super PAC) or committee that maintains a non-contribution account (Hybrid PAC). The checkboxes also appear on the [online webform version of FEC Form 1](#).
- 2 The latest release of the Commission’s free electronic filing software, [FECEFile \(8.4\)](#), also includes options to register as a Super PAC or Hybrid PAC.
3. Filers that use other electronic filing software should check with their vendor to ensure the software complies with the recently updated format.



Poll Question:

Is there an amount limitation on contributions to Super PACs?

- A: Yes
- B: No

Poll Answer:

Is there an amount limitation on contributions to Super PACs?

- A: Yes
 B: No

Having looked at what an independent expenditure is, and who can make one, let's now cover the rules for making and reporting them.

V. Reporting Independent Expenditures

Independent Expenditures

No limit on amount of expenditures

Disclosure is required:

- Include disclaimer on message
- Report expenditure to FEC

Independent Expenditures

Individuals/organizations use FEC Form 5

PACs (including Super PACs/Hybrid PACs)
and party committees use Schedule E
of FEC Form 3X

Date made = date disseminated

Aggregate on per calendar year,
per election, per office sought basis

The image shows two overlapping FEC forms. The top form is 'FEC FORM 5 REPORT OF INDEPENDENT EXPENDITURES' and the bottom form is 'SCHEDULE E OF FEC FORM 3X PRE-ELECTION COMMUNICATIONS'. Both forms contain various fields for reporting expenditures, including names of recipients, dates, and amounts.

- A. **Individuals/organizations report on FEC Form 5; PACs/parties report on Schedule E of FEC Form 3X**

- B. **Date made = date disseminated**
 - An independent expenditure is considered made when it is publicly distributed or otherwise publicly disseminated.
 - Consult the FEC’s interpretive rule at 76 FR 16233 (October 4, 2011): www.fec.gov/resources/cms-content/documents/fedreg_notice_2011-13_EO13892.pdf

- C. **Aggregation**
Per calendar year, per election, per office sought (race) basis.

Reporting Independent Expenditures

48-Hour Reports
IEs aggregate \geq \$10,000
made \geq 20 days before election

October 2024							November 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
29	30	1	2	3	4	5	27	28	29	30	31	1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31	1	2	24	25	26	27	28	29	30
3	4	5	6	7	8	9	1	2	3	4	5	6	7

24-Hour Reports
IEs aggregate \geq \$1,000 made
< 20 days but > 24 hours before election

Reporting Independent Expenditures

October 2024							November 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
29	30	1	2	3	4	5	27	28	29	30	31	1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31	1	2	24	25	26	27	28	29	30
3	4	5	6	7	8	9	1	2	3	4	5	6	7

- D. Additional reporting on 48- and 24-hour basis:**
- 24-Hour Reports ([11 CFR 104.5\(g\)\(2\)](#))**
 - Must file a **24-Hour Report** for independent expenditures aggregating \$1,000 or more with respect to a given election made less than 20 days but more than 24 hours before election day.

- A 24-Hour Report is required each time additional independent expenditures aggregate \$1,000 or more for the same election.
2. **48-Hour Reports ([11 CFR 104.5\(g\)\(1\)](#))**
- Must file a **48-Hour Report** for independent expenditures aggregating \$10,000 or more with respect to a given election, anytime during a calendar year up to and including the 20th day before an election.
 - A 48-Hour Report is required each time additional independent expenditures aggregate \$10,000 for the same election.

E. Disclose again on next regular report

1. Individuals/organizations

- Must file a quarterly report on FEC Form 5 when independent expenditures for a given election that aggregate more than \$250 in a calendar year are made within a quarterly reporting period.

2. PACs/parties

- Must disclose independent expenditures again on FEC Form 3X in accordance with regular monthly or quarterly filing schedule.



www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2024-reporting-dates/24-and-48-hour-reports-independent-expenditures-periods-congressional-primaries-2024/

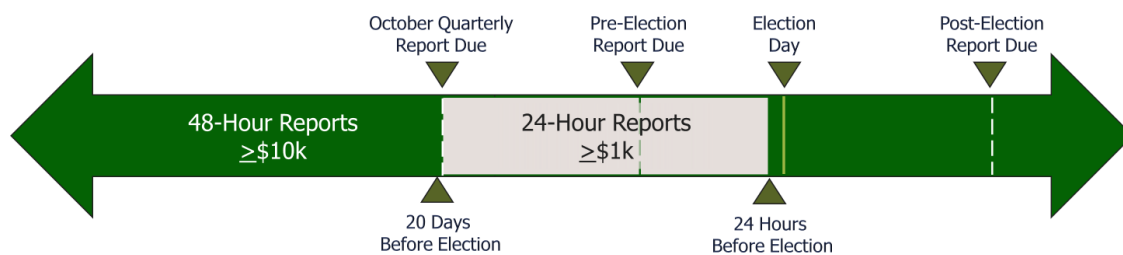
2024 General Election Periods

48-Hour Reports

- 2024 General: **through 10/16/2024**

24-Hour Reports

- 2024 General: **10/17/2024 – 11/03/2024**



24- and 48-Hour IE Reports

Filed with the FEC

Electronic filers submit reports electronically


All filers may use online filing system:

<https://webforms.fec.gov/>

3. **24-Hour and 48-Hour Reports** are filed using stand-alone Schedule E or FEC Form 5; check appropriate box to note type of report.
4. **Online filing of 24-Hour and 48-Hour Reports available at** <https://webforms.fec.gov/>

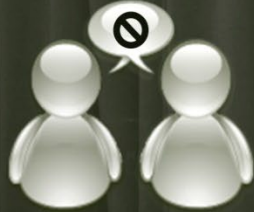

Scenario #2: PAC Independent Expenditure – Payment before Dissemination

SCENARIO #2



Payment before Dissemination

On August 18, XYZ PAC spends \$13,000 on TV ad supporting Elizabeth Monroe for Senate
The ad airs on September 12



PAC doesn't speak with campaign before running ad

The XYZ PAC files monthly. The PAC has made the maximum contribution to Elizabeth Monroe's Senate campaign, but wants to do more. On August 18, the PAC spends \$13,000 on a TV ad expressly advocating Monroe's election. The PAC does not coordinate with the Monroe campaign. The ad airs on September 12.

1. What type of transaction is this?

Answer: Independent expenditure by XYZ PAC.

2. How must the committee disclose the transaction(s)?

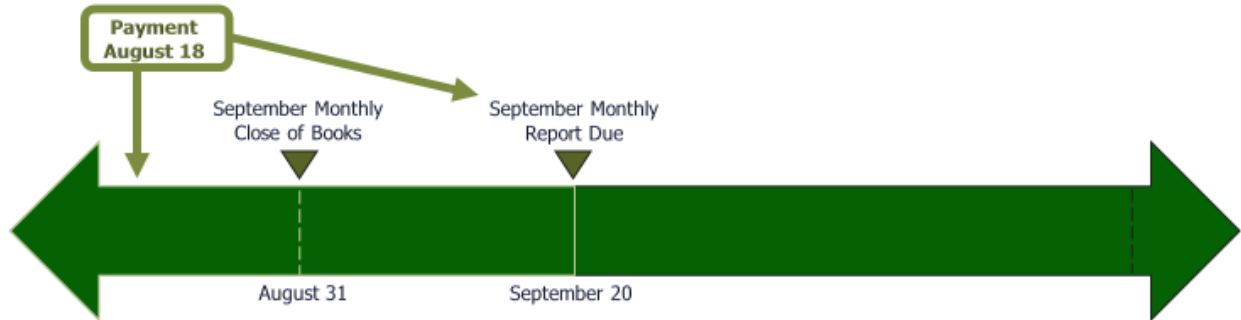
Answer: The PAC paid for the ad in August, but it won't appear until September. Since the committee paid for the ad before the dissemination date, the committee has two options for reporting this independent expenditure in its regularly scheduled report, as detailed in the examples below.

See reporting examples on next several pages

SCENARIO #2



Option 1: Two-Step Reporting



Disclose payment on September Monthly

SCENARIO #2



Option 1

**Step One:
Operating
Expenditure**

**September
Monthly (M9)
Report**

**FEC Form 3X
Schedule B,
Line 21(b)**

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 26	<input type="checkbox"/> 27
<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

PAGE OF

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
XYZ Political Action Committee

Full Name (Last, First, Middle Initial)

A. **Archer Advertising Agency**

Date of Disbursement

08 / 18 / 2024

Mailing Address
123 Main Street

City **Raleigh** State **NC** Zip Code **27513**

FEC Identification Number

C 00000007

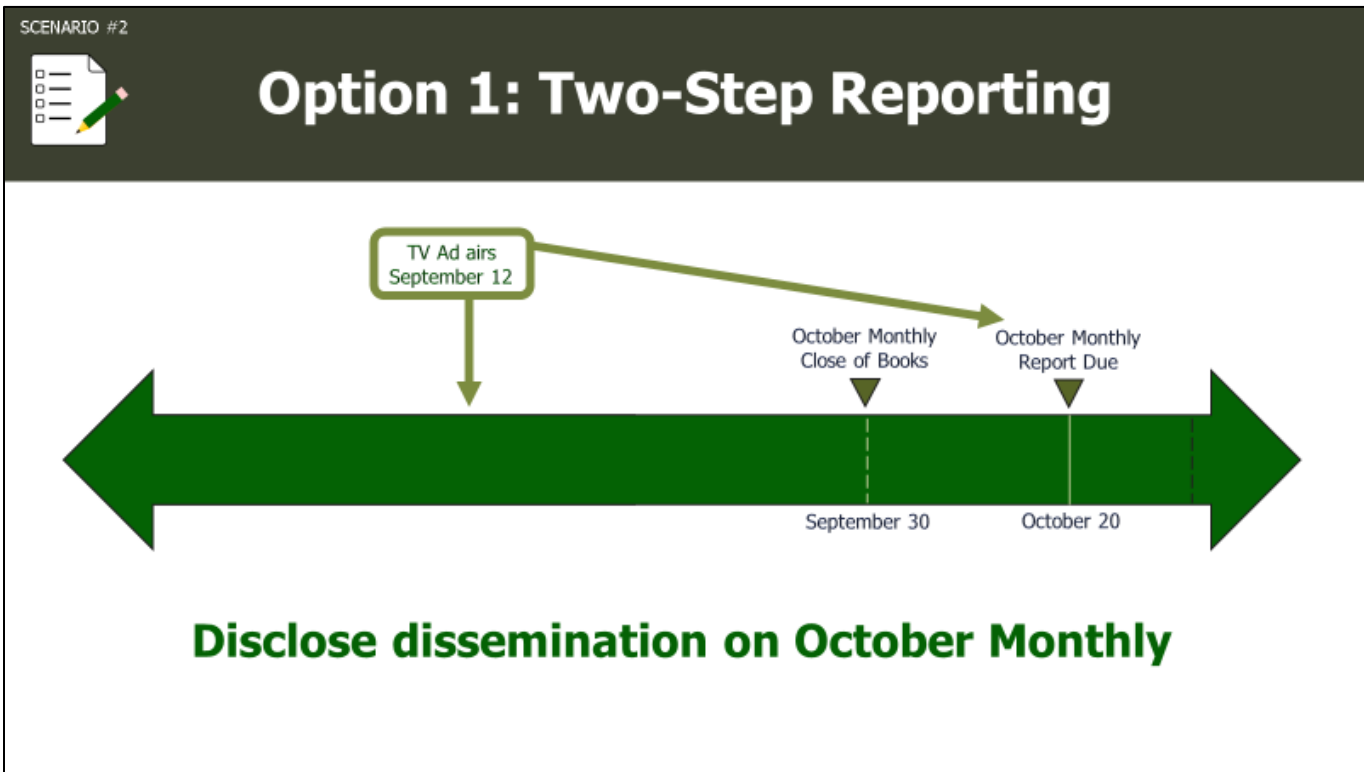
Purpose of Disbursement
Pre-payment for TV ad

Amount of Each Disbursement this Period

13,000.00

Office Sought: House Senate President
Disbursement For: Primary General Other (specify) ▼

Memo Item



SCENARIO #2

Option 1

Step Two: Independent Expenditure Dissemination

October Monthly (M10) Report

FEC Form 3X Schedule E, Line 24

SCHEDULE E (FEC Form 3X) ITEMIZED INDEPENDENT EXPENDITURES			PAGE 1 OF 1 FOR LINE 24 OF FORM 3X
NAME OF COMMITTEE (In Full) XYZ Political Action Committee		FEC IDENTIFICATION NUMBER C 00000007	
Check <input type="checkbox"/> 24-hour report <input type="checkbox"/> 48-hour report		New report <input checked="" type="checkbox"/> Amends report filed on	
Full Name of Payee Archer Advertising Agency		Date of Public Distribution/Dissemination 09 / 12 / 2024	
Mailing Address 123 Main Street		Amount 13,000.00	
City Raleigh	State NC	Zip Code 27513	Date of Disbursement or Obligation
Purpose of Expenditure TV ad – see Schedule B		Category/Type	
Name of Federal Candidate: Elizabeth Monroe		<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought		Office Sought: <input type="checkbox"/> House <input checked="" type="checkbox"/> Senate <input type="checkbox"/> President District: NC	
		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	
		13,000.00	

SCENARIO #2



Option 1

Step Two: Negative Entry

October Monthly
(M10) Report

FEC Form 3X
Schedule B,
Line 21(b)

SCHEDULE B (FEC Form 3X) ITEMIZED DISBURSEMENTS

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 26	<input type="checkbox"/> 27
<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

PAGE OF

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

XYZ Political Action Committee

Full Name (Last, First, Middle Initial)

A. Archer Advertising Agency

Date of Disbursement

09 / 12 / 2024

Mailing Address

123 Main Street

City

Raleigh

State

NC

Zip Code

27513

FEC Identification Number

C 00000007

Purpose of Disbursement

TV ad (IE paid 8/18/24, see Schedule E)

Candidate Name

Category/
Type

Amount of Each Disbursement this Period

- 13,000.00

Office Sought:

House
 Senate
 President

Disbursement For:

Primary General
 Other (specify) ▼

State:

District:

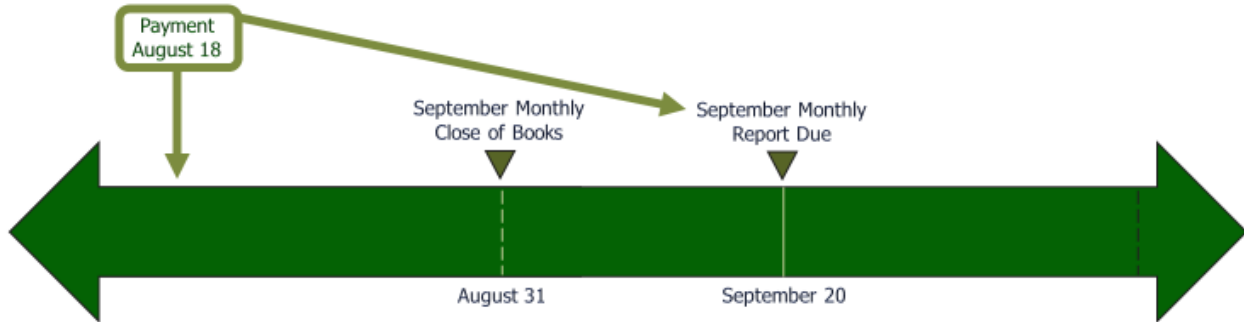
Memo Item

*Reporting examples continue on next several pages
(Option 2)*

SCENARIO #2



Option 2: One-Step Reporting



Disclose payment as IE on September Monthly

SCENARIO #2



Option 2

Independent Expenditure Payment

September Monthly (M9) Report

FEC Form 3X Schedule E, Line 24

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

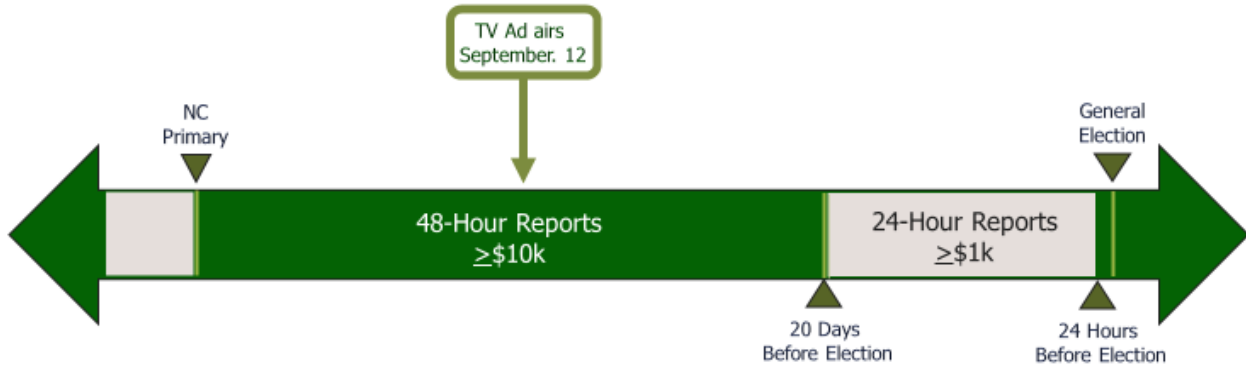
PAGE 1 OF 1
FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (In Full) XYZ Political Action Committee		FEC IDENTIFICATION NUMBER C 00000007	
Check <input type="checkbox"/> 24-hour report <input type="checkbox"/> 48-hour report <input checked="" type="checkbox"/> New report		Amends report filed on	
Full Name of Payee Archer Advertising Agency		Date of Public Distribution/Dissemination 09 / 12 / 2024	
Mailing Address 123 Main Street		Amount 13,000.00	
City Raleigh	State NC	Zip Code 27513	Date of Disbursement or Obligation 08 / 18 / 2024
Purpose of Expenditure Pre-payment for TV ad		Category/Type	
Name of Federal Candidate: Elizabeth Monroe		<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought 13,000.00		Office Sought: <input type="checkbox"/> House <input checked="" type="checkbox"/> Senate <input type="checkbox"/> President <input type="checkbox"/> District: NC	
		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	

SCENARIO #2



24- and 48-Hour Report Periods



Triggers 48-Hour Report

SCENARIO #2



48-Hour Report

FEC Form 3X Schedule E, Line 24

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

PAGE **1** OF **1**
FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (In Full) XYZ Political Action Committee		FEC IDENTIFICATION NUMBER C 0000007
Check if <input type="checkbox"/> 24-hour report <input checked="" type="checkbox"/> 48-hour report		New report <input type="checkbox"/> Amends report filed on
Full Name of Payee Archer Advertising Agency		<input type="checkbox"/> Memo Item
Mailing Address 123 Main Street		Date of Public Distribution/Dissemination 09 / 12 / 2024
City Raleigh	State NC	Zip Code 27513
Purpose of Expenditure TV ad		Amount 13,000.00
Name of Federal Candidate: Elizabeth Monroe		Date of Disbursement or Obligation 08 / 18 / 2024
<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose		Office Sought: <input type="checkbox"/> House <input checked="" type="checkbox"/> Senate
Calendar Year-To-Date Per Election for Office Sought 13,000.00		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General
		<input type="checkbox"/> Other (specify)

Scenario #3: PAC Independent Expenditure – Dissemination before Payment

Dissemination before Payment

On October 5, XYZ PAC airs \$8,000 TV ad supporting Al Daniels for Senate

On October 13, XYZ PAC airs \$3,000 radio ad opposing Daniels' opponent Kate Jones

PAC pays for ads on November 30

PAC doesn't coordinate with campaign before running ads

AL DANIELS for Senate

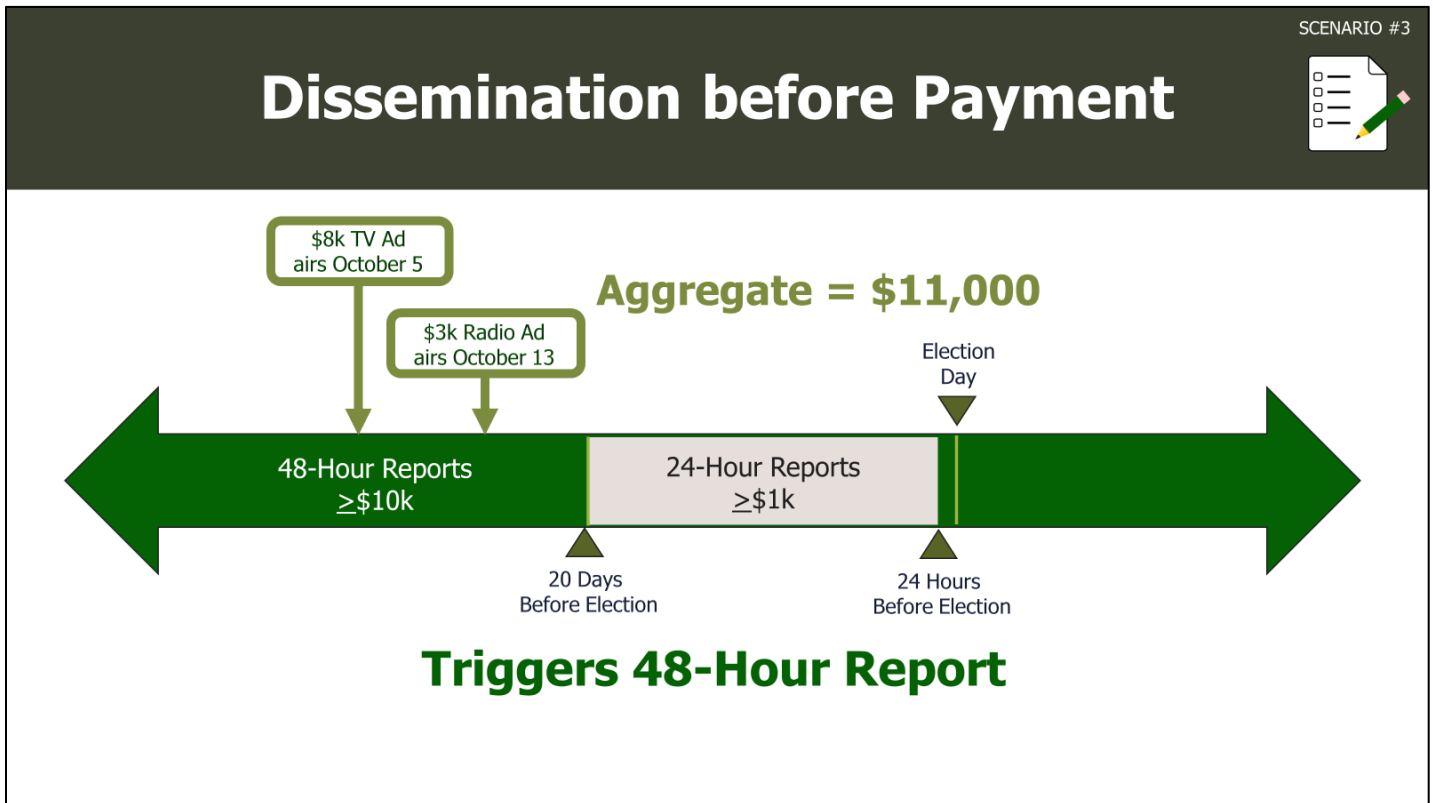
Senate Candidate Al Daniels doesn't accept PAC checks and his campaign won't speak to PAC representatives. Still, the XYZ PAC wants to support him because of his strong stance on issues of importance to the organization. XYZ PAC decides to buy two ads: a television ad costing \$8,000, which expressly advocates the election of Al Daniels; and a radio ad costing \$3,000, which expressly advocates the defeat of Daniels' opponent, Kate Jones. The television ad airs on October 5 and the radio ad on October 13. The committee will pay for the ads on November 30, 2024.

1. What type of transactions are these?

Answer: The PAC is making independent expenditures (“IEs”), defined as expenditures for communications that “expressly advocate” the election or defeat of a clearly identified candidate and that are not made in cooperation with, or at the request or suggestion of, a candidate or his/her campaign or its agents, or a political party committee or its agents.


2. **How must the committee disclose the transactions?**

Answer: An IE is considered made when it is publicly distributed or otherwise publicly disseminated. If IEs aggregating \$10,000 or more, and are made prior to 20 days before an election, as these expenditures did, the PAC must file a 48-Hour Report on Schedule E. The PAC must disclose the IEs again, on Schedule E, for the next regular FEC report (in this case, the next regular report for the PAC is the Pre-General (12G) Report).



Reporting examples continue on next several pages

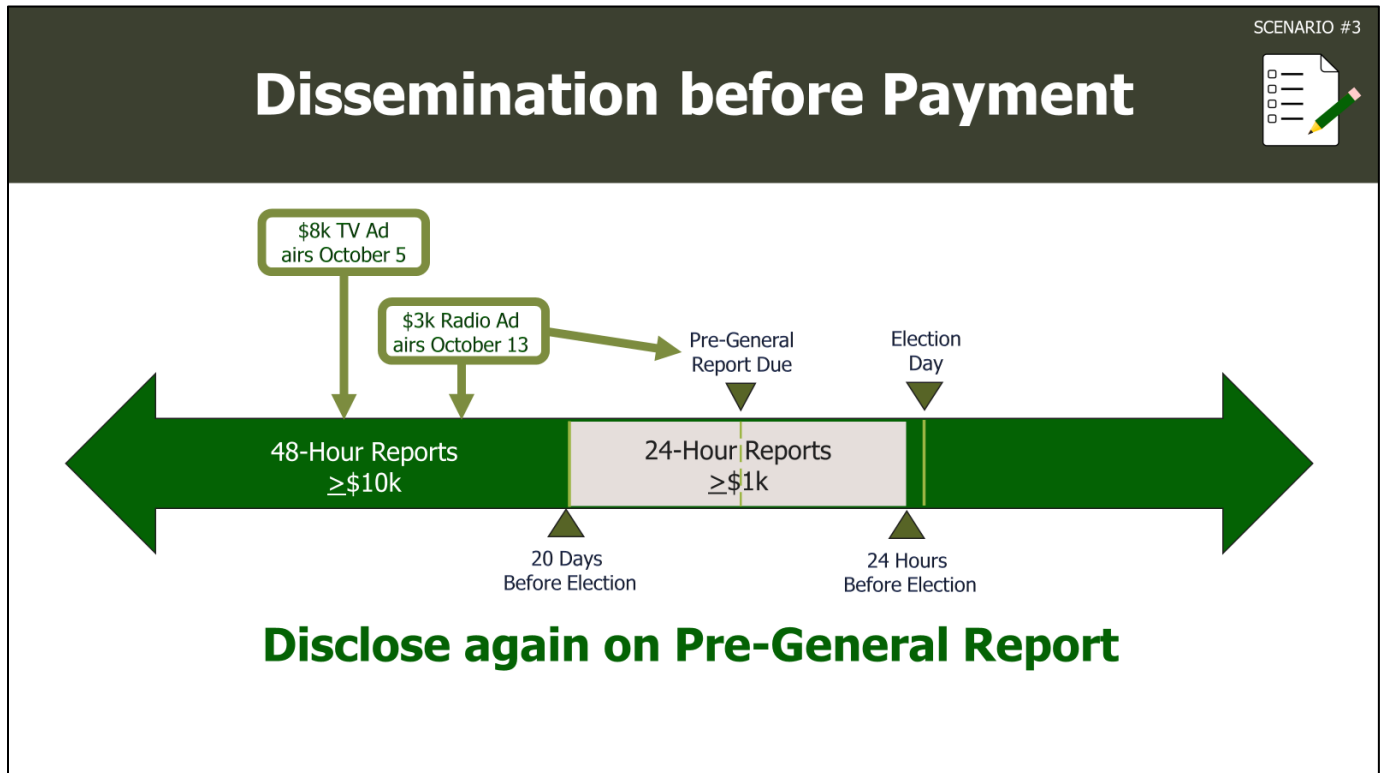
SCENARIO #3



SCHEDULE E (FEC Form 3X) ITEMIZED INDEPENDENT EXPENDITURES		PAGE 1 OF 1 FOR LINE 24 OF FORM 3X
NAME OF COMMITTEE (in Full) XYZ Political Action Committee		FEC IDENTIFICATION NUMBER C 00000007
Check it <input type="checkbox"/> 24-hour report <input checked="" type="checkbox"/> 48-hour report <input checked="" type="checkbox"/> New report		Amends report filed on
Full Name of Payee KRLY TV, Inc.		Date of Public Distribution/Dissemination 10 / 05 / 2024
Mailing Address 1010 Cavalier Drive		Amount 8,000.00
City Austin	State TX	Zip Code 73301
Purpose of Expenditure TV Ad		Date of Disbursement or Obligation
Category/Type 004		
Name of Federal Candidate: Al Daniels		Office Sought: <input type="checkbox"/> House <input checked="" type="checkbox"/> Senate State: TX
Calendar Year-To-Date Per Election for Office Sought 8,000.00		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) > 2024 General
Full Name of Payee KRLY Radio, Inc.		Date of Public Distribution/Dissemination 10 / 13 / 2024
Mailing Address 1010 Cavalier Drive		Amount 3,000.00
City Austin	State TX	Zip Code 73301
Purpose of Expenditure Radio Ad		Date of Disbursement or Obligation
Category/Type 004		
Name of Federal Candidate: Kate Jones		Office Sought: <input type="checkbox"/> House <input checked="" type="checkbox"/> Senate State: TX
Calendar Year-To-Date Per Election for Office Sought 11,000.00		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) > 2024 General

48-Hour Report

FEC Form 3X Schedule E, Line 24



SCENARIO #3



SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

PAGE 1 OF 1
FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (in Full)
XYZ Political Action Committee

FEC IDENTIFICATION NUMBER
C **00000007**

Check if 24-hour report 48-hour report New report Amends report filed on

Full Name of Payee Memo Item
KRLY TV, Inc. Date of Public Distribution/Dissemination
10 / 05 / 2024

Mailing Address
1010 Cavalier Drive Amount
8,000.00

City **Austin** State **TX** Zip Code **73301** Date of Disbursement or Obligation

Purpose of Expenditure
TV Ad Category/Type **004**

Name of Federal Candidate: Support Oppose Office Sought: House District: President Senate State: **TX**

Calendar Year-To-Date Per Election for Office Sought **8,000.00** Disbursement For: Primary General
 Other (specify) **2024 General**

Full Name of Payee Memo Item
KRLY Radio, Inc. Date of Public Distribution/Dissemination
10 / 13 / 2024

Mailing Address
1010 Cavalier Drive Amount
3,000.00

City **Austin** State **TX** Zip Code **73301** Date of Disbursement or Obligation

Purpose of Expenditure
Radio Ad Category/Type **004**

Name of Federal Candidate: Support Oppose Office Sought: House District: President Senate State: **TX**

Calendar Year-To-Date Per Election for Office Sought **11,000.00** Disbursement For: Primary General
 Other (specify) **2024 General**

**Disclose
Expenditure
on Next
Report**

**Pre-General
(12G) Report
FEC Form 3X
Schedule E,
Line 24**

SCENARIO #3



SCHEDULE D (FEC Form 3X)
DEBTS AND OBLIGATIONS
Excluding Loans

(Use separate schedule(s) for each numbered line) PAGE 1 OF 1
FOR LINE NUMBER: (check only one) 9 10

NAME OF COMMITTEE (in Full)
XYZ Political Action Committee

A. Full Name (Last, First, Middle Initial) of Debtor or Creditor
KRLY TV, Inc. Nature of Debt (Purpose):
TV Ad supporting Al Daniels

Mailing Address
1010 Cavalier Drive

City **Austin** State **TX** Zip Code **73301**

Outstanding Balance Beginning This Period **0.00**

Amount Incurred This Period **8,000.00** Payment This Period **0.00** Outstanding Balance at Close of This Period **8,000.00**

B. Full Name (Last, First, Middle Initial) of Debtor or Creditor
KRLY Radio, Inc. Nature of Debt (Purpose):
Radio Ad opposing Kate Jones

Mailing Address
1010 Cavalier Drive

City **Austin** State **TX** Zip Code **73301**

Outstanding Balance Beginning This Period **0.00**

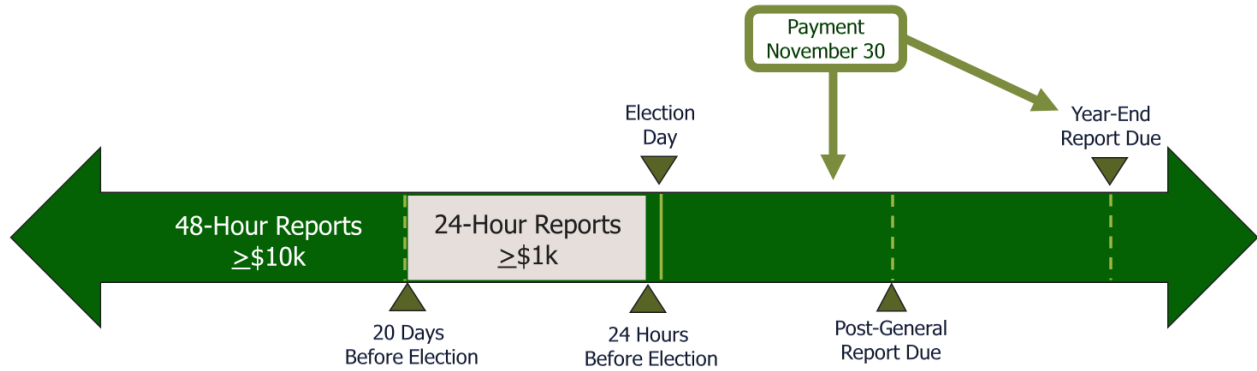
Amount Incurred This Period **3,000.00** Payment This Period **0.00** Outstanding Balance at Close of This Period **3,000.00**

Debt Owed

**Pre-General
(12G) Report
FEC Form 3X
Schedule D,
Line 10**

SCENARIO #3

Dissemination before Payment



Disclose payment on Year-End Report

**SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES**

PAGE 1 OF 1
FOR LINE 24 OF FORM 3X

SCENARIO #3



NAME OF COMMITTEE (in Full) XYZ Political Action Committee		FEC IDENTIFICATION NUMBER C 00000007	
Check if <input type="checkbox"/> 24-hour report <input type="checkbox"/> 48-hour report <input checked="" type="checkbox"/> New report		Amends report filed on	
Full Name of Payee KRLY TV, Inc.		Date of Public Distribution/Dissemination 10 / 05 / 2024	
Mailing Address 1010 Cavalier Drive		Amount 8,000.00	
City Austin	State TX	Zip Code 73301	Date of Disbursement or Obligation 11 / 30 / 2024
Purpose of Expenditure TV Ad disseminated 10/05/24		Category/Type 004	
Name of Federal Candidate Al Daniels		Office Sought: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought 8,000.00		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	
Full Name of Payee KRLY Radio, Inc.		Date of Public Distribution/Dissemination 10 / 13 / 2024	
Mailing Address 1010 Cavalier Drive		Amount 3,000.00	
City Austin	State TX	Zip Code 73301	Date of Disbursement or Obligation 11 / 30 / 2024
Purpose of Expenditure Radio Ad		Category/Type 004	
Name of Federal Candidate Kate Jones		Office Sought: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought 11,000.00		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	

Subsequent Payment

**Year-End (YE) Report
FEC Form 3X
Schedule E,
Line 24**



SCHEDULE D (FEC Form 3X) DEBTS AND OBLIGATIONS Excluding Loans				(Use separate schedule(s) for each numbered line)	PAGE 1 OF 1 FOR LINE NUMBER: (check only one) <input type="checkbox"/> 9 <input checked="" type="checkbox"/> 10
NAME OF COMMITTEE (In Full) XYZ Political Action Committee					
A. Full Name (Last, First, Middle Initial) of Debtor or Creditor KRLY TV, Inc.			Nature of Debt (Purpose): TV Ad supporting Al Daniels		
Mailing Address 1010 Cavalier Drive					
City Austin	State TX	Zip Code 73301			
Outstanding Balance Beginning This Period 8,000.00					
Amount Incurred This Period 0.00		Payment This Period 8,000.00		Outstanding Balance at Close of This Period 0.00	
B. Full Name (Last, First, Middle Initial) of Debtor or Creditor KRLY Radio, Inc.			Nature of Debt (Purpose): Radio Ad opposing Kate Jones		
Mailing Address 1010 Cavalier Drive					
City Austin	State TX	Zip Code 73301			
Outstanding Balance Beginning This Period 3,000.00					
Amount Incurred This Period 0.00		Payment This Period 3,000.00		Outstanding Balance at Close of This Period 0.00	

Debt Paid

**Year-End (YE)
Report**

**FEC Form 3X
Schedule D,
Line 10**

**Scenario #3 Alternate Facts:
PAC Independent Expenditure - Dissemination before Payment, Amount Unknown**

What if XYZ PAC wasn't sure exactly how much its television and radio ads would end up costing? How would they file the required 48-Hour Report?

The slide features a dark green background with white text. On the right side, there is a photograph of Al Daniels, a man in a suit, giving a thumbs-up from behind a wooden podium. The podium has a sign that reads 'AL DANIELS for Senate'. In the top right corner of the slide, there is a small icon of a document with a pencil and the text 'SCENARIO #3 ALT'.

IE Amount Unknown

What if XYZ PAC wasn't sure how much its ads would cost?

Ads air on October 5 and October 13

Vendor bills PAC on November 28

PAC pays for ads on November 30

SCENARIO #3
ALT

AL DANIELS
for
Senate

See reporting examples on next page

SCENARIO #3
ALT



SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

PAGE 1 OF 1
FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (in Full)
XYZ Political Action Committee

FEC IDENTIFICATION NUMBER
C 00000007

Check if 24-hour report 48-hour report New report Amends report filed on

Full Name of Payee Memo item Date of Public Distribution/Dissemination
KRLY TV, Inc. 10 / 05 / 2024

Mailing Address
1010 Cavalier Drive
City State Zip Code
Austin TX 73301

Amount
7,500.00

Purpose of Expenditure
TV Ad - estimate

Category/Type
004

Date of Disbursement or Obligation

Name of Federal Candidate
Al Daniels

Support Oppose Office Sought: House Senate District: State: **TX**

Calendar Year-To-Date Per Election for Office Sought
7,500.00

Disbursement For: Primary General
 Other (specify) ▶ 2024 General

Full Name of Payee Memo item Date of Public Distribution/Dissemination
KRLY Radio, Inc. 10 / 13 / 2024

Mailing Address
1010 Cavalier Drive
City State Zip Code
Austin TX 73301

Amount
2,500.00

Purpose of Expenditure
Radio Ad - estimate

Category/Type
004

Date of Disbursement or Obligation

Name of Federal Candidate
Kate Jones

Support Oppose Office Sought: House Senate District: State: **TX**

Calendar Year-To-Date Per Election for Office Sought
10,000.00

Disbursement For: Primary General
 Other (specify) ▶ 2024 General

**48-Hour
Report
(Estimate)**

**FEC Form 3X
Schedule E,
Line 24**

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

PAGE 1 OF 1
FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (in Full)
XYZ Political Action Committee

FEC IDENTIFICATION NUMBER
C 00000007

Check if 24-hour report 48-hour report New report Amends report filed on

Full Name of Payee Memo item Date of Public Distribution/Dissemination
KRLY TV, Inc. 10 / 05 / 2024

Mailing Address
1010 Cavalier Drive
City State Zip Code
Austin TX 73301

Amount
8,000.00

Purpose of Expenditure
**TV Ad – actual cost of estimated IE on
48-Hour Report filed 10/14/24**

Category/Type
004

Date of Disbursement or Obligation

Name of Federal Candidate
Al Daniels

Support Oppose Office Sought: House Senate District: State: **TX**

Calendar Year-To-Date Per Election for Office Sought
8,000.00

Disbursement For: Primary General
 Other (specify) ▶ 2024 General

Full Name of Payee Memo item Date of Public Distribution/Dissemination
KRLY Radio, Inc. 10 / 13 / 2024

Mailing Address
1010 Cavalier Drive
City State Zip Code
Austin TX 73301

Amount
3,000.00

Purpose of Expenditure
**Radio Ad – actual cost of estimated IE
on 48-Hour Report filed 10/14/24**

Category/Type
004

Date of Disbursement or Obligation

Name of Federal Candidate
Kate Jones

Support Oppose Office Sought: House Senate District: State: **TX**

Calendar Year-To-Date Per Election for Office Sought
11,000.00

Disbursement For: Primary General
 Other (specify) ▶ 2024 General

**Report Actual
Amount**

**Year-End (YE)
Report**

**FEC Form 3X
Schedule E,
Line 24**

SCENARIO #3
ALT



IE Amount Unknown

Other reporting same as before:

- **Debt owed:** Schedule D for Pre-General (12G) Report
- **Debt paid:** Schedule D for Year-End (YE) Report

SCHEDULE D (FEC Form 3X)
DEBTS AND OBLIGATIONS
Evolving Layout

NAME OF COMMITTEE IN FAVOR

A. Full Name, Last, First, Middle Initial of Debtor or Creditor

Mailing Address

City State Zip Code

Outstanding Balance Beginning This Period

Amount Incurred This Period Payment This Period

Outstanding Balance at Close of This Period

Points to Remember: PAC Independent Expenditure Reporting

- **Debts**
 - Debts include ads that are contracted for but not paid for.
 - When payment for ad is made in subsequent reporting period, report payment on Schedule E, and include date of dissemination in purpose field.
 - Update Schedule D with payment; cross-reference Schedule E.
- **24-Hour Reporting**
 - Must file a **24-Hour Report** for independent expenditures aggregating (per calendar year, per election, per office) \$1,000 or more made less than 20 days but more than 24 hours before the day of an election.
 - Aggregation is done on per calendar year, per election, per office sought (race) basis.
 - Use Schedule E on FEC Form 3X – check “24-hour” box.
 - Must be received by FEC within 24 hours after the independent expenditure is publicly distributed or otherwise publicly disseminated.
 - Must be certified (signed) by treasurer (e-filers should type the treasurer's name following the certification on the report).
 - For paper filers, can use overnight delivery, hand-delivery or fax to 202-219-0174 (certified or registered mail date will not be considered filed date for these).
 - Last-minute independent expenditures must be disclosed again on Schedule E of the next scheduled report that the committee files.
 - A 24-Hour Report is required each time additional independent expenditures aggregate \$1,000 or more for the same election.

- **48-Hour Reporting**

- In addition, must file a **48-Hour Report** for independent expenditures that aggregate \$10,000 or more with respect to a given election, anytime during a calendar year up to and including the 20th day before an election.
- Use Schedule E on FEC Form 3X – check “48-hour” box.
- Must be received by FEC within 48 hours after expenditure is publicly distributed or otherwise publicly disseminated.
- Must be certified (signed) by treasurer (e-filers should type the treasurer’s name following the certification on the Report).
- For paper filers, use online webform.
- Last-minute independent expenditures must be disclosed again on Schedule E of the next scheduled report that the committee files.
- Aggregation is done on a per calendar year, per election, per office sought (race) basis.
- A 48-Hour Report is required each time additional independent expenditures aggregate \$10,000 or more for the same election.

The 24- and 48-Hour Report time frames for 2024 are located on our website:

www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2024-reporting-dates/24-and-48-hour-reports-independent-expenditures-periods-main-page-2024/

Non-Committee IE Reporting

FEC Form 5 Filers:

- Individuals
- Corporations
- Unions
- Other entities

The image shows a sample of the FEC Form 5, titled "FEC FORM 5 REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED". The form is designed for use by individuals, corporations, unions, and other entities. It includes fields for the filer's name, address, and contact information. There are checkboxes for reporting frequency (Quarterly, Year-End) and for whether the filer is a qualified nonprofit organization. The form also has sections for reporting independent expenditures and contributions received, with checkboxes for each. At the bottom, there are fields for the filer's signature and the date of filing.

- F. **Non-Committee reporting of independent expenditures ([11 CFR 109.10](#))**
1. **When to file reports**
 - a) **Quarterly Reports:** Entities must file a quarterly report (April Quarterly, July Quarterly, October Quarterly, Year-End) on FEC Form 5 at the end of the first reporting period in which independent expenditures (“IEs”) for a given election aggregate more than \$250 in a calendar year, and in any succeeding period during the same year in which additional IEs of any amount are made.

Non-Committee IE Reporting

Same 24- and 48-Hour Report requirements as PACs and party committees

Quarterly reports required when IEs for calendar year aggregate >\$250 for an election and in any subsequent period during year when IEs of any amount are made

The image shows a sample of FEC Form 5, titled "REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED". The form is designed for use by individuals, partnerships, or other entities that are not political committees. It includes sections for identifying the filer, reporting expenditures made, and reporting contributions received. The form is marked with orange boxes and lines, indicating specific areas of interest or completion.

b) Expedited reports

- 1) **48-Hour Reports:** Entities that make IEs aggregating \$10,000 or more for a given election up to and including the 20th day before an election must report them within 48 hours. Additional 48-Hour Reports are due every time subsequent IEs aggregate \$10,000 or more for the same election.
- 2) **24-Hour Reports:** Entities that make IEs aggregating \$1,000 or more for a given election after the 20th day but more than 24 hours before 12:01 a.m. of the day of the election must file 24-Hour Reports. Additional 24-Hour Reports are due every time subsequent IEs aggregate \$1,000 or more for the same election.

Non-Committee IE Reporting

FEC Form 5 includes cover page, Schedules 5-A and 5-E

- Contributors itemized on Schedule 5-A
- Reportable IEs disclosed on Schedule 5-E

FEC FORM 5
REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED
To Be Used by Persons (Other than Political Committees)

1. Name of Individual, Organization or Corporation

2. Address (number and street) Check if different than previously reported

3. City, State and ZIP Code

4. Occupation and Name of Employer (for Individual Items Only)

5. FEC Identification Number

6. TYPE OF REPORT (check appropriate boxes)

6a. April to Quarterly Report 2x Annual Report

October to Quarterly Report 4x Annual Report

January to Year-End Report

6b. Is this report an amendment? No Yes, it amends the report filed on: [] [] [] [] [] [] [] [] [] []

7. CONTRIBUTION FROM: [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] []

THROUGH: [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] []

8. TOTAL CONTRIBUTIONS: [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] []

9. TOTAL INDEPENDENT EXPENDITURES: [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] []

Under penalty of perjury, certify that the independent expenditures reported herein were not made to incorporate, consolidate, or connect with, or at the request or suggestion of, any candidate or political committee or agent of either, or any political party, committee or agent.

TYPE OR PRINT NAME OF PERSON COMPLETING FORM SIGNATURE DATE

NOTE: Submission of this, or similar, information may subject the person signing the report to the penalties of 18 U.S.C. § 1001.

For further information, contact: Federal Election Commission, 1101 East Street, N.E., Washington, D.C. 20002. Toll-Free 800-426-6900. Local 202-453-3000.

FEC Schedule 5 (2014 version)

2. **Reporting on FEC Form 5 quarterly report**
 - a) **Report independent expenditures on Schedule 5-E,** providing the following:
 - Name and address of the payee;
 - Purpose of the expenditure;
 - Date the IE was made (date of public distribution/dissemination);
 - Amount of the expenditure;
 - Name of the candidate;
 - Whether the candidate was supported or opposed by the expenditure;
 - Candidate's office sought and election; and
 - Aggregate calendar year-to-date total per election for office sought.

Non-Committee IE Reporting

Itemizing Contributions on Schedule 5-A


- All contributions aggregating >\$200 (per year, per election, per office sought) from non-committees are itemized on report
- Contributions made to further independent expenditures notated with memo text

b) Report contributions on Schedule 5-A

- District court in [CREW v. FEC \(16-0259\)](#) vacated [11 CFR 109.10\(e\)\(1\)\(vi\)](#), which required disclosure of only *some* contributions, effective 9/17/2018.
- For independent expenditures made on or after 9/18/2018, each contributor who makes a contribution during the reporting period aggregating in excess of \$200 during the calendar year with respect to a given election must be itemized on Schedule 5-A, including their identification information, contribution date and amount.
For contributions given for the purpose of furthering any independent expenditure, memo text must be included stating that the contribution was given for the purpose of furthering independent expenditures.
- **FEC Press Release (10/4/2018):** www.fec.gov/updates/fec-provides-guidance-following-us-district-court-decision-crew-v-fec-316-f-supp-3d-349-ddc-2018/

Scenario #4: Individual Independent Expenditure


SCENARIO #4




Individual Independent Expenditure

Jill Citizen spends \$10,000 of her own money on a TV ad supporting Senate nominee Jonathan Cooke

The ad airs on August 30



Jill has no discussion with campaign before placing ads



Without consulting anyone else, Jill Citizen spends \$10,000 of her personal funds to purchase a television ad expressly advocating the election of her favorite Senate candidate, Jonathan Cooke. The ad airs on August 30, 2024—two months after the candidate’s primary—and Jill pays for the ad on the same day.

1. What type of transaction is this?

Answer: An independent expenditure by an individual.

2. How is this transaction reported?

Answer: Since the expenditure is \$10,000 (or more) and occurs more than 20 days before the general election (August 30), Jill must file FEC Form 5 within 48 hours of the public distribution of the ad (i.e., by September 1).

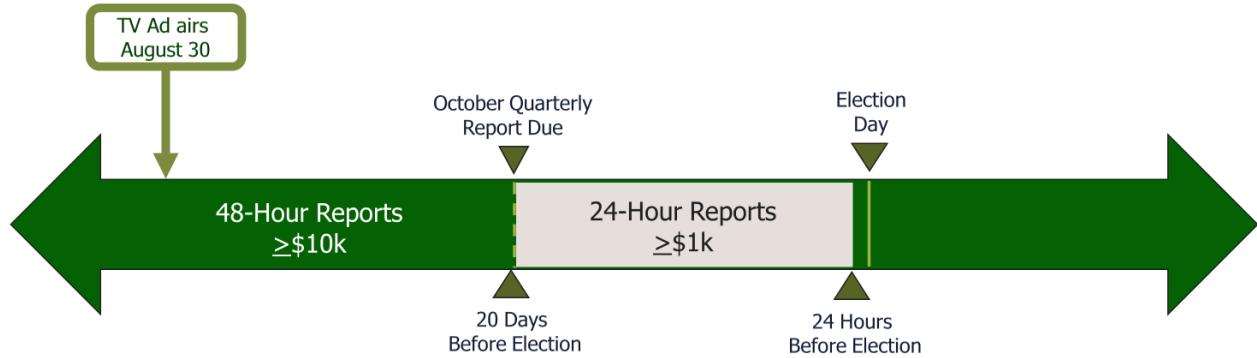
She also must disclose it a second time on an October 15 Quarterly Report (FEC Form 5).

See reporting examples on next several pages

SCENARIO #4



Individual Independent Expenditure



Triggers 48-Hour Report

SCENARIO #4



48-Hour Report

FEC Form 5

FEC FORM 5

REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED To Be Used by Persons (Other than Political Committees)

1. (a) Name of Individual, Organization or Corporation Jill Citizen		3. FEC Identification Number C 90011122
(b) Address (number and street) <input type="checkbox"/> check if different than previously reported 123 Main Street		
(c) City, State and ZIP Code New York, NY 10001		
2. Occupation and Name of Employer (for Individual Filers Only) Director, City Art Gallery		
4. TYPE OF REPORT (check appropriate boxes):		
(a) <input type="checkbox"/> April 15 Quarterly Report		
<input type="checkbox"/> July 15 Quarterly Report		
<input type="checkbox"/> October 15 Quarterly Report		
<input type="checkbox"/> January 31 Year-End Report		
<input type="checkbox"/> 24-Hour Report		
<input checked="" type="checkbox"/> 48-Hour Report		

**Disseminated
August 30;
Form filed on
September 1**

SCENARIO #4



Itemized Expenditure

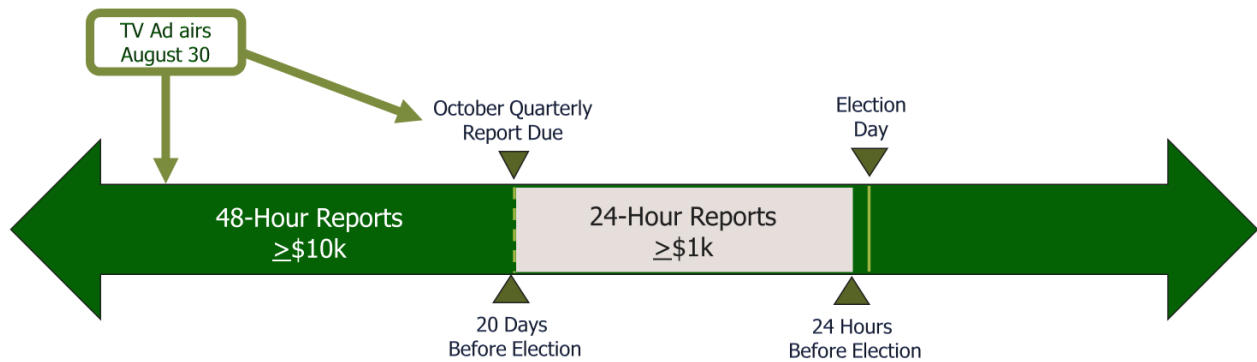
FEC Form 5
Schedule 5-E,
Line 7

SCHEDULE 5-E ITEMIZED INDEPENDENT EXPENDITURES			PAGE 1 OF 1 FOR LINE 7 OF FORM 5	
NAME OF FILER (In Full) Jill Citizen				
Full Name (Last, First, Middle Initial) of Payee Major Market Media			Date of Public Distribution/Dissemination 08 / 30 / 2024	
Mailing Address 1355 Maple Avenue			Amount 10,000.00	
City New York	State NY	Zip Code 10001		
Purpose of Expenditure Television Ad		Category/Type	Office Sought: <input type="checkbox"/> House State: NY <input checked="" type="checkbox"/> Senate District: _____ <input type="checkbox"/> President	
Name of Federal Candidate Supported or Opposed by Expenditure: Jonathan Cooke			Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	
Calendar Year-To-Date Per Election for Office Sought			10,000.00 Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) 2024	

SCENARIO #4




Individual Independent Expenditure



Disclose again on October Quarterly Report

SCENARIO #4



Disclose Expenditure on Quarterly Report


October Quarterly (Q3) Report
FEC Form 5

FEC FORM 5

REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED
To Be Used by Persons (Other than Political Committees)

1. (a) Name of Individual, Organization or Corporation Jill Citizen		3. FEC Identification Number C 90011122
(b) Address (number and street) <input type="checkbox"/> check if different than previously reported 123 Main Street		
(c) City, State and ZIP Code New York, NY 10001		
2. Occupation and Name of Employer (for Individual Filers Only) Director, City Art Gallery		
4. TYPE OF REPORT (check appropriate boxes):		
(a) <input type="checkbox"/> April 15 Quarterly Report		
<input type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> 24-Hour Report		
<input checked="" type="checkbox"/> October 15 Quarterly Report <input type="checkbox"/> 48-Hour Report		
<input type="checkbox"/> January 31 Year-End Report		

SCENARIO #4



Itemized Expenditure

October Quarterly (Q3) Report
FEC Form 5 Schedule 5-E, Line 7

SCHEDULE 5-E
ITEMIZED INDEPENDENT EXPENDITURES PAGE **1** OF **1**
FOR LINE 7 OF FORM 5

NAME OF FILER (In Full)
Jill Citizen

Full Name (Last, First, Middle Initial) of Payee Major Market Media		Date of Public Distribution/Dissemination 08 / 30 / 2024
Mailing Address 1355 Maple Avenue		Amount 10,000.00
City New York	State NY	Zip Code 10001
Purpose of Expenditure Television Ad	Category/Type	Office Sought: <input type="checkbox"/> House State: NY <input checked="" type="checkbox"/> Senate District: _____ <input type="checkbox"/> President
Name of Federal Candidate Supported or Opposed by Expenditure: Jonathan Cooke		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Calendar Year-To-Date Per Election for Office Sought 10,000.00		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) 2024



Poll Question:

After filing a 24-/48-Hour Report on FEC Form 5, are there any additional reporting requirements?

- A: No, this completes the reporting requirements
- B: Yes, filer must also file a quarterly report for the period in which the activity occurred

Poll Answer:

After filing a 24-/48-Hour Report on FEC Form 5, are there any additional reporting requirements?

- A: No, this completes the reporting requirements
- B: Yes, filer must also file a quarterly report for the period in which the activity occurred**

Scenario #5: Corporate Independent Expenditure

The graphic features a dark background with a woman in a black blazer and red top standing at a wooden podium. The podium has a red sign that reads "Johnson for Congress" with a star border. To the left of the woman, there is text and an icon of two people with a speech bubble containing a prohibition sign. In the top right corner, there is a small icon of a document with a pencil and the text "SCENARIO #5".

Corporate Independent Expenditure

On October 30, Social Welfare, Inc. runs \$3,000 newspaper ad for Janet Johnson's House Campaign

Social Welfare received \$3,000 in contributions during the period

No discussion with campaign before placing ad

SCENARIO #5

Social Welfare, Inc., a nonprofit corporation, spends \$3,000 on a full-page newspaper ad supporting Janet Johnson's House campaign. The ad appears in *The Capital Gazette* on October 30, 2024, and Social Welfare, Inc. pays for the ad the same day. In the weeks leading up to the ad buy, Social Welfare, Inc. received two contributions—\$1,600 from Joseph A. Smith, which was designated to help underwrite independent expenditures, and an undesignated \$1,400 from Jane Q. Public.

1. What type of transaction is this?

Answer: A last-minute independent expenditure by a corporation.

2. How is this transaction reported?

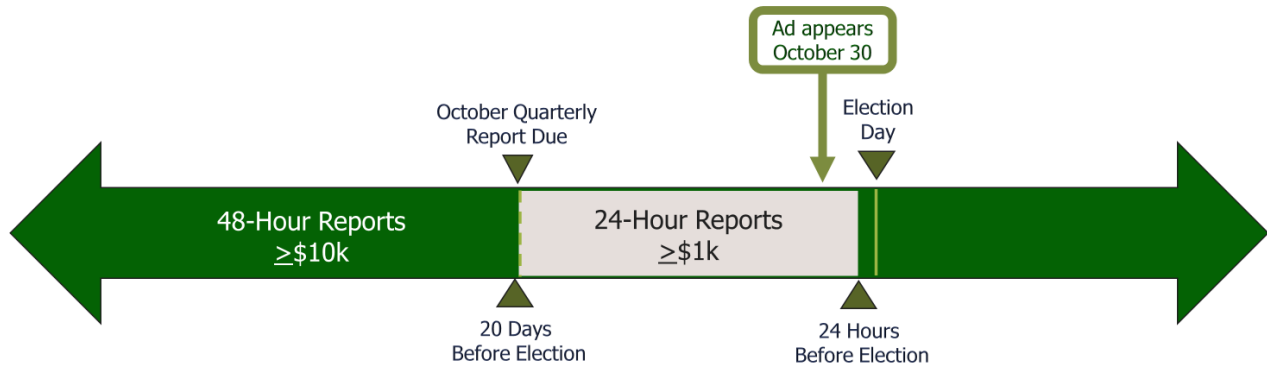
Answer: Since the ad cost more than \$1,000 and appears less than 20 days before the general election, but more than 24 hours before the election, Social Welfare, Inc. must file FEC Form 5 within 24 hours of the public distribution of the ad (i.e., by October 31).

The corporation also must disclose it a second time on a Year-End Report.

See reporting examples on next several pages

SCENARIO #5

Corporate Independent Expenditure



Triggers 24-Hour Report

FEC FORM 5

REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED To Be Used by Persons (Other than Political Committees)

1. (a) Name of Individual, Organization or Corporation Social Welfare, Inc.	
(b) Address (number and street) <input type="checkbox"/> check if different than previously reported 3321 State Street	
(c) City, State and ZIP Code Albany, NY 12084	
2. Occupation and Name of Employer (for Individual Filers Only)	3. FEC Identification Number C 90011133

4. TYPE OF REPORT (check appropriate boxes):

- (a) April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year-End Report
- 24-Hour Report
- 48-Hour Report

**Disseminated
October 30;
Form filed on
October 31.**

SCENARIO #5



Initial 24-Hour Report

FEC Form 5

SCENARIO #5



Itemized Expenditure

24-Hour Report

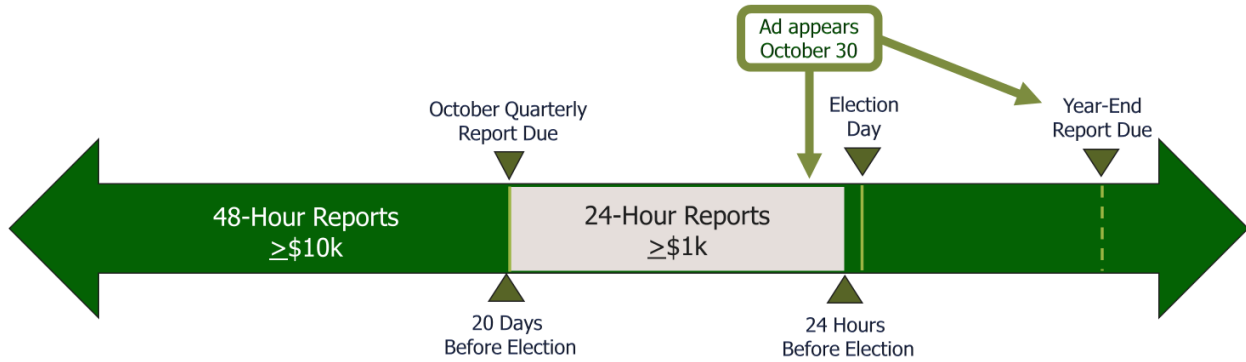
FEC Form 5 Schedule 5-E, Line 7

SCHEDULE 5-E ITEMIZED INDEPENDENT EXPENDITURES			PAGE 1 OF 1 FOR LINE 7 OF FORM 5	
NAME OF FILER (In Full) Social Welfare, Inc.				
Full Name (Last, First, Middle Initial) of Payee The Capital Gazette		Date of Public Distribution/Dissemination 10 / 30 / 2024		
Mailing Address 301 Elm Street		Amount 3,000.00		
City Albany	State NY	Zip Code 12084		
Purpose of Expenditure Newspaper Ad	Category/Type	Office Sought: <input checked="" type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	State: NY District: 1	
Name of Federal Candidate Supported or Opposed by Expenditure: Janet Johnson		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose		
Calendar Year-To-Date Per Election for Office Sought		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) 2024		
		Amount 3,000.00		

Reporting examples continue on next several pages

SCENARIO #5

Corporate Independent Expenditure



Disclose again on Year-End Report

SCENARIO #5



FEC FORM 5

REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED

To Be Used by Persons (Other than Political Committees)

1. (a) Name of Individual, Organization or Corporation Social Welfare, Inc.	
(b) Address (number and street) <input type="checkbox"/> check if different than previously reported 3321 State Street	
(c) City, State and ZIP Code Albany, NY 12084	
2. Occupation and Name of Employer (for Individual Filers Only)	3. FEC Identification Number C 90011133

4. TYPE OF REPORT (check appropriate boxes):

- (a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year-End Report
 24-Hour Report
 48-Hour Report

**Disclose
Expenditure
on Year-End
Report**

**Year-End (YE)
Report
FEC Form 5**

SCENARIO #5



SCHEDULE 5-A
ITEMIZED RECEIPTS PAGE **1** OF **1**

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF FILER (In Full)
Social Welfare, Inc.

A. Full Name (Last, First, Middle Initial)
Joseph A Smith
Mailing Address
456 Elm Street
City **Albany** State **NY** Zip Code **12084**
Date of Receipt **10 / 10 / 2024**
Amount of Each Receipt this Period **1,600.00**
FEC ID number of contributing federal political committee. **C**

Name of Employer **Smith & Associates** Occupation **Accountant** Made to further independent expenditures

B. Full Name (Last, First, Middle Initial)
Jane Q Public
Mailing Address
1020 Oak Lane
City **Albany** State **NY** Zip Code **12084**
Date of Receipt **10 / 12 / 2024**
Amount of Each Receipt this Period **1,400.00**
FEC ID number of contributing federal political committee. **C**

Name of Employer **Public Properties** Occupation **Realtor**

Itemized Contributors

Year-End (YE) Report

FEC Form 5 Schedule 5-A

SCENARIO #5



SCHEDULE 5-E
ITEMIZED INDEPENDENT EXPENDITURES PAGE **1** OF **1**
FOR LINE 7 OF FORM 5

NAME OF FILER (In Full)
Social Welfare, Inc.

Full Name (Last, First, Middle Initial) of Payee
The Capital Gazette
Mailing Address
301 Elm Street
City **Albany** State **NY** Zip Code **12084**
Date of Public Distribution/Dissemination **10 / 30 / 2024**
Amount **3,000.00**

Purpose of Expenditure **Newspaper Ad** Category/Type Office Sought: House State: **NY**
 Senate District: **1**
 President
Check One: Support Oppose

Name of Federal Candidate Supported or Opposed by Expenditure:
Janet Johnson Disbursement For: Primary General
 Other (specify) **2024**

Calendar Year-To-Date Per Election for Office Sought **3,000.00**

Itemized Expenditure

Year-End (YE) Report

FEC Form 5 Schedule 5-E, Line 7

IE Reporting for FEC Form 5 Filers

Quarterly Filing

- File report covering quarter, if IEs > \$250 with respect to a given election
- Pre- / Post-General Reports **not required**

24- or 48-Hour Filing

- **48-Hour Reports** (if $\geq \$10,000 \geq 20$ days before general election through 10/16/2024)
- **24-Hour Reports** (if $\geq \$1,000$ 10/17 through 11/03/2024)

Points to Remember:

- FEC Form 5 filed on quarterly basis if aggregate IEs are in excess of \$250 with respect to a given election; and on 24- or 48-Hour Reports based on amount and timing.
- As a result of [CREW v. FEC \(16-0259\)](#), all contributors who made contributions during the reporting period aggregating in excess of \$200 during the calendar year with respect to a given election must be disclosed on the quarterly report, not just those that gave to further the independent expenditure. In addition, for contributions given for the purpose of furthering any independent expenditure, memo text must be included stating that the contribution was given for the purpose of furthering independent expenditures.

How to File FEC Form 5

Electronic Filing

- E-filing mandatory if > \$50,000 in contributions or expenditures in 2024
- FECFile or other e-filing software recommended
- First-time filers should use the online webform to obtain an FEC ID number: <https://webforms.fec.gov/wfja/form5>

Paper Options

- FAX: 202-219-0174
- Email: 2022190174@fec.gov

First-time FEC Form 5 filers: use the online web form, which will generate an FEC ID number to be used in subsequent filings <https://webforms.fec.gov/wfja/form5>



Poll Question:

What are the requirements for reporting contributions on FEC Form 5?

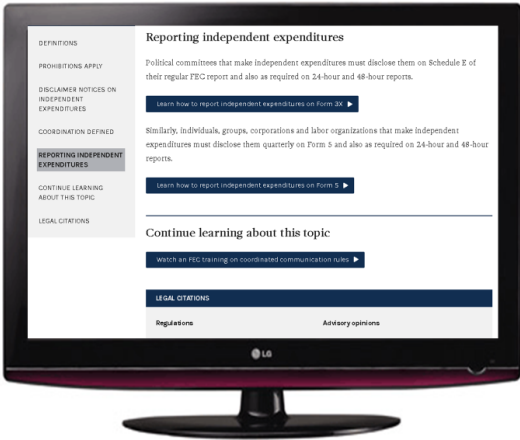
- A: Only report contributions made to further IEs
- B: Report contributions aggregating over \$200 in a calendar year with respect to a given election and notate those made to further IEs
- C: Report contributions aggregating over \$200 in a calendar year with respect to a given election without notating those made to further IEs

Poll Answer:

What are the requirements for reporting contributions on FEC Form 5?

- A: Only report contributions made to further IEs
- B: Report contributions aggregating over \$200 in a calendar year with respect to a given election and notate those made to further IEs**
- C: Report contributions aggregating over \$200 in a calendar year with respect to a given election without notating those made to further IEs

Questions on Reporting IEs?



The screenshot shows a webpage with a sidebar on the left containing navigation links: DEFINITIONS, PROHIBITIONS APPLY, DISCLAIMER NOTICES ON INDEPENDENT EXPENDITURES, COORDINATION DEFINED, **REPORTING INDEPENDENT EXPENDITURES**, CONTINUE LEARNING ABOUT THIS TOPIC, and LEGAL CITATIONS. The main content area is titled 'Reporting independent expenditures' and includes text about reporting requirements for political committees and individuals/groups. It features several call-to-action buttons: 'Learn how to report independent expenditures on Form 5X', 'Learn how to report independent expenditures on Form 5', and 'Watch an FEC training on coordinated communication rules'. At the bottom, there is a 'LEGAL CITATIONS' section with links for 'Regulations' and 'Advisory opinions'.

More on making and reporting independent expenditures:
www.fec.gov/help-candidates-and-committees/making-independent-expenditures/

Contact RAD:
www.fec.gov/help-candidates-and-committees/question-rad/

www.fec.gov/help-candidates-and-committees/making-independent-expenditures/

www.fec.gov/help-candidates-and-committees/question-rad/

VI. Electioneering Communications ([11 CFR 100.29](#))

Electioneering Communications

Broadcast, cable or satellite communication that:

- Refers to clearly identified candidate
- Publicly distributed during certain time period before election
- Targeted to the relevant electorate



A. Definition

An electioneering communication is any broadcast, cable or satellite communication which fulfills **each** of the following conditions:

- **The communication refers to a clearly identified candidate** (but no express advocacy).
- **The communication is publicly distributed.**
- **The communication is distributed during a certain time period before an election.**
- **The communication is targeted to the relevant electorate.**

B. Elements of an electioneering communication

1. **Clearly identified candidate**
Same definition as for independent expenditure. 100.29(b)(2).
2. **Publicly distributed**
 - a) A communication is publicly distributed if it is disseminated by a television station, radio station, cable television system or satellite system.
 - b) Includes infomercials and commercials.

Electioneering Communications

Proximity to election:

November 2024						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
					1	2
3	4	 5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- Transmitted \leq 60 days before a general election or 30 days before a primary election
- 2024 general election period: **09/06/2024 – 11/05/2024**
- Includes elections where candidate is unopposed

3. Distributed during a certain time period before an election

a) Time period

Electioneering communications are transmitted within 60 days prior to a general election or 30 days prior to a primary election to federal office.

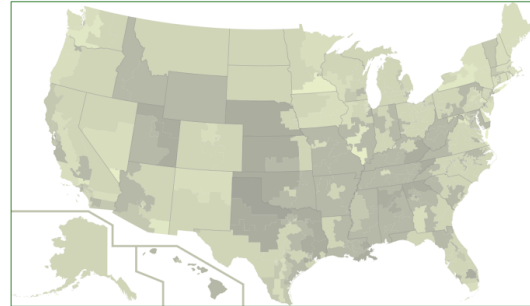
b) Application

- 1) **Period for 2024 general election: September 6 through November 5, 2024.**
- 2) This includes elections in which the candidate is unopposed.

Electioneering Communications

Targeted to the relevant electorate:

- Communication can be received by $\geq 50,000$ people in House District or State for Senate
- Consult FCC database to determine who can receive a communication



4. **Targeted to the relevant electorate ([11 CFR 100.29\(b\)\(5\)](#))**
 - a) **Definition of “targeted to the relevant electorate”**

The communication targets the relevant electorate if it can be received by 50,000 or more people in the district (in the case of a U.S. House candidate) or state (in the case of a Senate candidate) that the candidate seeks to represent.
 - b) **FCC Database for determining who can receive communication**

The Federal Communications Commission (FCC) provides on its web site (at <http://apps.fcc.gov/ecd/>) the information necessary to determine whether a communication can be received by 50,000 people.
 - c) **Application to Presidential/Vice Presidential candidates ([11 CFR 100.29\(b\)\(3\)\(ii\)](#))**

In the case of presidential and vice presidential candidates, the rules apply and the communication is considered “publicly distributed” if the communication can be received by 50,000 or more people:

 - In a State where a primary election or caucus is being held within 30 days;
 - Anywhere in the United States during the period between 30 days prior to the start of nominating convention and the conclusion of that convention; or
 - Anywhere in the United States within 60 days prior to the general election.

Electioneering Communications

Who makes electioneering communications?



- Individuals and persons
- Corporations and labor organizations
- **Prohibited** by foreign nationals

NOTE: PACs, parties and campaigns that make the same type of communications report them as expenditures on Form 3, 3P or 3X, rather than as electioneering communications

C. Who makes electioneering communications?

1. Individuals/persons
2. Corporations and labor organizations
3. NOTE: PACs, parties and campaigns may make communications of a similar nature, but by regulatory definition, they are not electioneering communications. Instead the committee would report the expenditure for a public communication on its regular FEC report on FEC Form 3 or 3X.

D. Prohibited from making/funding ECs: foreign nationals

Electioneering Communications



E. May affect lobbying/issue ads

In addition to express advocacy communications, some organizations develop messages designed to urge action for/against a particular issue or certain legislation. Depending upon how/when the message is conveyed (among other factors), such a message may fall within the definition of an electioneering communication above and thus be subject to FEC rules.

F. Disclaimer required for electioneering communications

ECs must include both disclaimers listed below

1. Paid for by ([11 CFR 110.11\(b\)](#))

“Paid for by (name of payer) (web address/phone number/ mailing address) and not authorized by any candidate or candidate’s committee.”

2. Stand by your ad ([11 CFR 110.11\(c\)\(4\)](#))

“(name of payer) is responsible for the content of this advertising.” – both in writing (if TV ad) and verbalized.

Not an Electioneering Communication

What is NOT an electioneering communication?

- Communication disseminated through means other than TV, satellite or radio
- News story, commentary or editorial
- Candidate debate or forum
- Communication by state or local candidate that does not promote, support, attack or oppose a federal candidate

- G. **What is not an electioneering communication? ([11 CFR 100.29\(c\)\(1\)](#))**
Certain communications are exempt from the definition of “electioneering communication”:
1. **A communication disseminated through a means other than a television station, radio station, cable television system or satellite system.** (e.g., newspapers, magazines, bumper stickers, yard signs, and billboards, Internet, e-mail, or telephone);
 2. **A news story, commentary or editorial broadcast by a television station, radio station, cable television system or satellite system;** However, the facilities may not be owned or controlled by a political party, political committee or candidate, unless the communication satisfies the exemption for news stories at [11 CFR 100.132\(a\) and \(b\)](#).
 3. **Expenditures or independent expenditures** that must otherwise be reported to the Commission;
 4. **A candidate debate or forum** or a communication that solely promotes a debate or forum; and
 5. **Communications by state or local candidates** provided that the communication does not promote, support, attack or oppose federal candidates.

Reporting Electioneering Communications

- Electioneering communications aggregating > \$10,000 must be disclosed to FEC within 24 hours of the date of public distribution
- Disclosed on FEC Form 9 (Note: Quarterly reports not required)
- Disclosure of donors required

FEC FORM 9
24 HOUR NOTICE OF DISBURSEMENTS/OBLIGATIONS FOR
ELECTIONEERING COMMUNICATIONS

1. (a) Name of Individual, Organization or Corporation
(b) Address (Number and street) check if different than previously reported
(c) City, State and ZIP Code
3. FEC Identification Number
C

2. Occupation and Name of Employer (for Individual Filers Only)

4. COVERED PERIOD: FROM []/[]/[] THROUGH []/[]/[]

5. IS THIS REPORT AN AMENDMENT? No Yes, it amends the report filed on []/[]/[]

6. (a) DATE OF PUBLIC DISTRIBUTION(S): []/[]/[]
(b) COMMUNICATIONS TITLE

7. THE FILER IS: (a) an Individual (b) a Corporation or Labor Organization making communications under 11 CFR 114.10
(c) an Unincorporated Organization (d) Other, specify: _____

H. Disclosure requirements

1. Requirement

Electioneering communications made by corporations and labor organizations are still subject to disclosure rules. Electioneering communications aggregating \$10,000 or more must be disclosed to the FEC within 24 hours of the date of public distribution.

2. Disclosed on FEC Form 9

- FEC Form 9 and instructions plus alternative online webform at www.fec.gov/help-candidates-and-committees/forms/#other-filers
- Due dates for 2024 are at www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2024-reporting-dates/electioneering-communications-periods-main-page-2024/


3. Disclosure of donors

a) Filers that are

- **Not corporations or labor organizations; OR**
 - **Are corporations or labor organizations AND pay for ECs exclusively from a segregated bank account**
- Filers listed above must disclose each donor who has donated in the aggregate \$1,000 or more during the calendar year to the entity making the EC, or to the segregated bank account if the disbursements were paid exclusively from that bank account.

Reporting Scenario #6: Reporting Electioneering Communications

SCENARIO #6




Reporting Electioneering Communications

On October 25, ABC Corporation, under control of Jane Olson, spends \$15,000 on broadcast ads that mention Senate candidate Sam Collins

No express advocacy, no coordination

Ads begin running on October 26, before the November 5 general election

Clayton Meyer donated \$15,000 to run ads



Sam Collins

Jane Olson, the president of ABC Corporation, a health care company, is a good friend of Sam Collins, a Senator running for re-election in Florida (where the corporation is located). Jane told Sam that she wanted to help his campaign, but Sam, being familiar with campaign finance rules, told Jane he really could not talk to her about that. Without further input or discussion, ABC Corporation used a \$15,000 donation made on October 25 of funds from Jane's friend, Clayton Meyer, for the purpose of creating a radio ad to be broadcast on radio stations in Florida beginning October 26, a little less than two weeks before the general election. The ad's text read:

Our country stands at the crossroads – at the intersection of how health care will be defined for future generations. We must safeguard health care for all by writing it into the U.S. Constitution. Fortunately, your senators voted for the Health Care Protection Amendment two years ago. Please call Senators Sam Collins and Peggy Parker immediately and urge them to support the Health Care Protection Amendment when it comes to a vote. Call the Capitol switchboard at 202-224-3121 and ask for your senators. Again, that's 202-224-3121. Thank you for making your voice heard.

1. What type of transaction is this?

Answer: The ad is an electioneering communication because it refers to Sam and is publicly distributed within the last 30 days before the election. (It would not be considered coordinated because it did not meet the “conduct standard” of the coordination test – a good thing, because a corporation paid for it.).

Is This an Electioneering Communication?

Broadcast, cable or satellite communication that:

- ✓ Refers to clearly identified candidate;
- ✓ Is publicly distributed;
- ✓ Is distributed during certain time period before election; and
- ✓ Is targeted to the relevant electorate

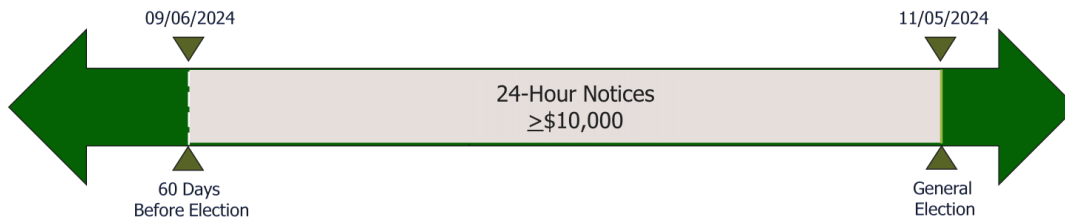
2. When would FEC Form 9 be due?

Answer: Since the ad began airing on October 26 and cost more than \$10,000, ABC Corporation must report its electioneering communication on FEC Form 9 within 24 hours of the ad being disseminated to the public, i.e., by October 27, 2024.

Reporting Electioneering Communications

24-Hour Notices

- **2024 General: 09/06/2024 – 11/05/2024**




3. What must be reported?

Answer: ABC Corporation must file FEC Form 9, covering the period from the first date of financial activity relating to the disbursements/obligation through the date of public distribution.

Note that the corporation discloses the communication title and the date of public distribution — i.e., the date of dissemination. Filers also check a box to indicate the type of filer that they are. Filers that are corporations or labor organizations must indicate if they used donations received into a separate bank account.

SCENARIO #6



FEC Form 9

24-Hour Notice for Electioneering Communications

FEC FORM 9

24 HOUR NOTICE OF DISBURSEMENTS/OBLIGATIONS FOR ELECTIONEERING COMMUNICATIONS

1. (a) Name of Individual, Organization or Corporation ABC Corporation		3. FEC Identification Number C
(b) Address (number and street) <input type="checkbox"/> check if different than previously reported 456 Main Street		
(c) City, State and ZIP Code Orlando, FL 00000		
2. Occupation and Name of Employer (for Individual Filers Only) N/A		

4. COVERED PERIOD: FROM **10 / 25 / 2024** THROUGH **10 / 26 / 2024**

5. IS THIS REPORT AN AMENDMENT? No Yes, it amends the report filed on [] / [] / []

6. (a) DATE OF PUBLIC DISTRIBUTION(S) **10 / 26 / 2024**


(b) COMMUNICATIONS TITLE **Health Bill Ad**

7. THE FILER IS: (a) an Individual (b) a Corporation or Labor Organization making communications under 11 CFR 114.10
(c) an Unincorporated Organization (d) Other, specify: _____

8. WERE THE DISBURSEMENTS MADE EXCLUSIVELY FROM DONATIONS TO A SEGREGATED BANK ACCOUNT? Yes No

Also, ABC Corporation must disclose the identities of those who shared or exercised control over the communication (in this example, Jane Olson).

SCENARIO #6



FEC Form 9

Person Responsible for Electioneering Communication

List of Person(s) Sharing/Exercising Control (use additional pages as necessary)		PAGE	OF
		1	1
12. Person(s) Sharing/Exercising Control			
A.	(a) Name Jane Olson		
	(b) Address (number and street) 456 Main Street		
	(c) City, State and ZIP Code Orlando, FL 00000		
	(d) Name of Employer or Principal Place of Business ABC Corporation	(e) Occupation President	
	(f) Address (number and street)		
	(g) City, State and ZIP Code		
	(h) Name of Employer or Principal Place of Business	(i) Occupation	
E.	(a) Name		
	(b) Address (number and street)		
	(c) City, State and ZIP Code		
	(d) Name of Employer or Principal Place of Business	(e) Occupation	

Since a separate account was not used for the EC, the corporation must disclose on Schedule 9-A the identities of those who donated funds to further the EC (in this example, Clayton Mayer).

SCENARIO #6



FEC Form 9

Donations Received to Fund Electioneering Communication

SCHEDULE 9-A
Donation(s) Received

PAGE 1 OF 1

A. Full Name of Donor Clayton Mayer	Date of Receipt 10 / 25 / 2024
Mailing Address of Donor 789 Palmetto Lane	Amount 15,000.00
City Orlando, FL State 00000 Zip	

Mailing Address of Donor
City State Zip Amount

E. Full Name of Donor
Mailing Address of Donor
City State Zip Date of Receipt
Amount

SUBTOTAL of Donations This Page (optional) _____

TOTAL This Period (last page #1; line number only) _____
(carry total from last page to Line 10)

On Schedule 9-B, the details of disbursements and obligations are disclosed, including the purpose, title of communication, date of disbursement/obligation, payee information and candidate information.

SCENARIO #6



FEC Form 9

Payment and Communication Date

SCHEDULE 9-B
Disbursement(s) Made or Obligation(s) PAGE 1 OF 1

A. Full Name (Last, First, Middle Initial) of Payee
Media Dollars and Cents, Inc.

Mailing Address of Payee
888 Sunshine Drive

City **Orlando, FL 00000** State Zip Code

Name of Employer Occupation

Date of Disbursement or Obligation
10 / 25 / 2024

Amount
15,000.00

Communication Date
10 / 26 / 2024

Purpose of Disbursement (Including title(s) of communication(s))
Television Advertisement – Health Bill Ad

Name of Federal Candidate **Sam Collins** Office Sought: House Senate President State: **FL** District: Disbursement/Obligation For: Primary General Other (specify) ▶

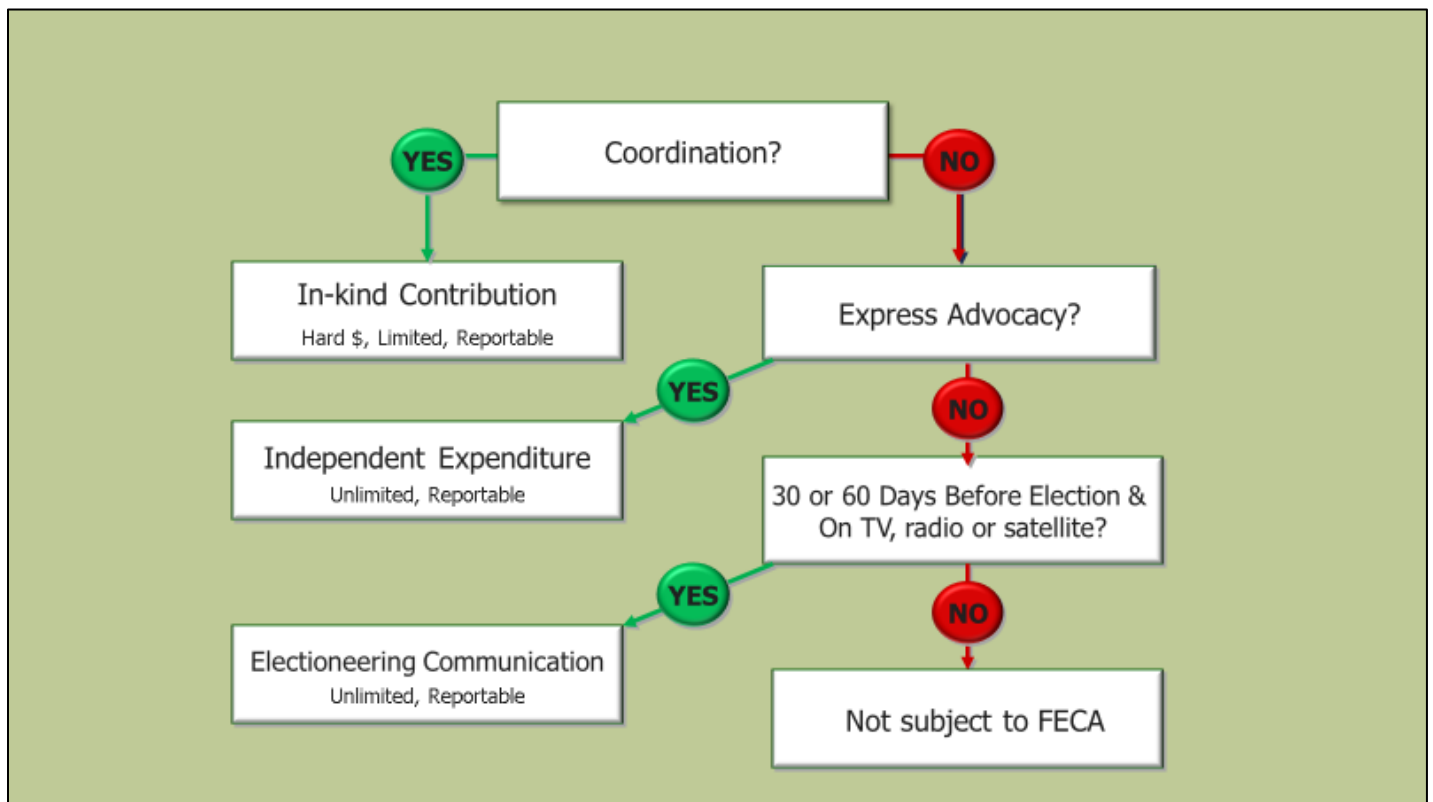
Name of Federal Candidate Office Sought: House Senate President State: District: Disbursement/Obligation For: Primary General Other (specify) ▶

SUBTOTAL of Disbursements/Obligations This Page (optional) ▶

TOTAL This Period (last page this line number only) (carry total from last page to Line 11) ▶

Reporting Electioneering Communications

- **2024 General Election period:**
09/06/2024 - 11/05/2024
- **E-filing:** FECFile or other e-filing software recommended
- **Online webforms for persons with or without FEC-assigned ID:** <https://webforms.fec.gov/>
- **Paper options:** Fax to 202-219-0174 or email to 2022190174@fec.gov





Help Us Help You!

Please complete an evaluation of this workshop.

FECConnect
LIVE

Evaluation link: <https://www.surveymonkey.com/r/2SB5F2D>

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