



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1829

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR JMB

29092634545



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2008 JUL 21 P 3: 56

July 21, 2008

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

FROM: JOHN D. GIBSON *JG*  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/CHRIS RITCHIE *CP*  
*NMS* *PM*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2008 12 DAY  
PRE-PRIMARY REPORT (NEW JERSEY AND ALABAMA) FOR  
THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to timely file the 2008 12 Day Pre-Primary Report for the New Jersey and Alabama Primary Elections in accordance with 2 U.S.C. 434(a). The 12 Day Pre-Primary Report was due on May 22, 2008, and the Primary Election was held on June 3, 2008.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2008 PRE-PRIMARY Election Sensitive 05/22/2008 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1828	C00410753	SIRES FOR CONGRESS	SIRES, LABIO	ADA MORELL	\$1,337,651	0	5/28/2008	6	\$207,453	\$2,550
1829	C00359695	SWANSON FOR U S SENATE COMMITTEE	SWANSON, JOHNNY III	JOHNNY SWANSON III	\$169,147	0	6/9/2008	Not Filed	\$24,696	\$900

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - ) AF 1829  
2008 12 Day Pre-Primary Report (New )  
Jersey and Alabama) for the )  
Administrative Fine Program: Swanson )  
for U.S. Senate Committee and Johnny )  
Swanson III, as treasurer )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 18, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1829:

1. Find reason to believe that Swanson for U.S. Senate Committee and Johnny Swanson III, as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$900.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 19, 2008  
Date

Darlene Harris  
for Mary W. Dove  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 19, 2008

Johnny Swanson III  
Swanson for U S Senate Committee  
P.O. Box 12825  
Birmingham, AL 35202

C00359695  
AF#: 1829

Dear Johnny Swanson III:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through May 14, 2008, shall be filed no later than May 22, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the Primary Election held on June 6, 2008. You should file the report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 9/18/2008, the FEC found that there is reason to believe ("RTB") that Swanson for U S Senate Committee and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before May 22, 2008. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$900. It is due by 10/28/2008 and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$24,696  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Calculated Civil Money Penalty**

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

**To Challenge the RTB Finding and/or Calculated Civil Money Penalty**

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 10/28/2008. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are

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based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. **Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly.** Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. 111.35.

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

#### **If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge**

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Swanson for U S Senate Committee and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.


Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](http://www.FEC.gov). If you have questions regarding

the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "DFM II", is written over a faint, circular embossed seal.

Donald F. McGahn II  
Chairman

29092634551

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$900 for the 2008 12 Day Pre-Primary Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by 10/28/2008. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

-----

FOR: Swanson for U S Senate Committee

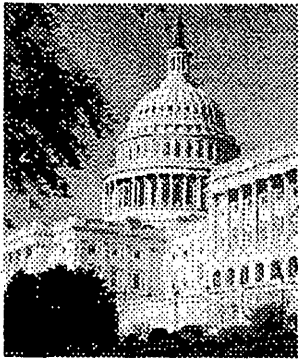
FEC ID#: C00359695

AF#: 1829

PAYMENT DUE DATE: 10/28/2008

PAYMENT AMOUNT DUE: \$900

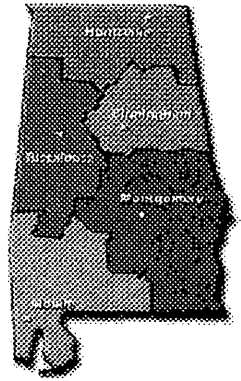
29092634552



# SWANSON FOR UNITED STATES SENATE

P. O. BOX 12825  
BIRMINGHAM, ALABAMA 35202-2825

(Web Site) - [www.swansonforsenate.com](http://www.swansonforsenate.com)  
(TELEPHONE): SEE WEB SITE FOR TOLL FREE LINES  
205-785-6397 - (WITHIN BIRMINGHAM)  
(Email) - [swansonforsenate1@att.net](mailto:swansonforsenate1@att.net)



" LET US LOOK TO THE FUTURE"  
( PAID FOR BY THE SWANSON FOR U.S. SENATE COMMITTEE)

JOHNNY SWANSON III, ( D )  
Candidate - 2008 Election

October 10, 2008

Federal Election Commission  
Office of Administrative Review  
ATTN:Rhiannon Magruder  
Reports Analysis Division  
999 E Street, N.W.  
Washington, D.C. 20463

REF: Account C00359695, AF 1829 and AF 1872  
Challenge to Complaint and fines

Dear Ms. Magruder,

Please find enclosed reports due for 2<sup>nd</sup> and 3<sup>rd</sup> qtrs for the year 2008 for The Swanson Circle as well as The Swanson for United States Senate Committee. The third quarter report is timely. However, the second quarter is extremely late.

Your correspondences dated 19 September 2008 and 22 September 2008 establishes A complaint for failure to file the respective reports for the 2<sup>nd</sup> Quarter 2008, as well as the 12-day pre-election report, and further establishes fines for the errors.

We seek to challenge both actions and request that you re-consider and either remove the complaint, and/ or remove the penalties. First, let us review AF# 1829. Our records indicate that the applicable report for the 12 Day Pre-Primary Report Of Receipts and Disbursements ; was in fact filed but was filed late. This has been verified by our recent telephone conversation with your office.

Now, to look at the Report due for the period ending June 30, 2008. During early July I was hospitalized, I thought our new Campaign Manager would do the report. However, when I came home from the Hospital, I found that the Campaign Manager had been struck by a severe heart attack and died.



★ ★ ★ ★ ★ ★ ★ ★

RECEIVED  
FEDERAL CENTER  
2008 OCT 15 AM 11:49

2008 OCT 15 P 2:35

ADMIN REVIEW



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**SWANSON FOR UNITED STATES SENATE COMMITTEE**

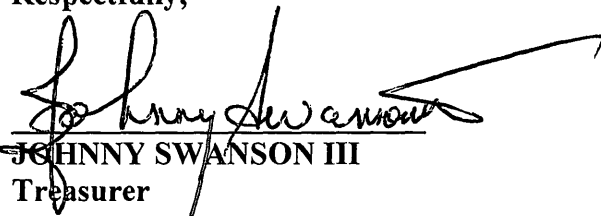
**" LET US LOOK TO THE FUTURE"**

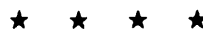
By the time I got the records back, my health grew worse and I was again hospitalized in August, and during the entire month of September 2008. Therefore, we are filing these reports at this time. In addition, we had no contributions nor disbursements during the applicable periods. I am Disabled Military Veteran and the medical problems causing me to be hospitalized at The Veterans Administration Clinic in Birmingham, Alabama are service connected conditions.

If these responses are sufficient for these Challenges, we would ask that you reconsider the complaints and adjusts the penalties accordingly.

Please notify us as to your action.

Respectfully,

  
JOHNNY SWANSON III  
Treasurer



29092634554

**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full)

USE FEC MAILING LABEL OR TYPE OR PRINT ▼

Example: If typing, type over the lines.

12FE4M5

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C00359695  
JOHNNY SWANSON III  
SWANSON FOR SENATE COMMITTEE  
PO BOX 12825  
BIRMINGHAM AL 35202

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDRESS (number and street)

Check if different than previously reported. (ACC)

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C00359695

3. IS THIS REPORT



NEW (N)

OR



AMENDED (A)

AL 07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- July 31 Mid-Year Report (Non-election Year Only) (MY)
- Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P)       General (12G)       Runoff (12R)
- Convention (12C)       Special (12S)

Election on [ ] / [ ] / [ ] in the State of [ ]

(c) 30-Day POST-Election Report for the:

- General (30G)       Runoff (30R)       Special (30S)

Election on [ ] / [ ] / [ ] in the State of [ ]

5. Covering Period

05 / 14 / 2008

through

06 / 30 / 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

JOHNNY SWANSON III

Signature of Treasurer

*Johnny Swanson*

Date

10 / 07 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office

FEC FORM 3

29092634555

SUMMARY PAGE  
of Receipts and Disbursements

Write or Type Committee Name

Swanson For U.S. Senate Committee

Report Covering the Period:

From:

05 / 14 / 2008

To:

06 / 30 / 2008

COLUMN A  
This Period

COLUMN B  
Election Cycle-to-Date

6. Net Contributions (other than loans)

(a) Total Contributions  
(other than loans) (from Line 11(e)) ....

00

64340.13

(b) Total Contribution Refunds  
(from Line 20(d)) .....

00

00

(c) Net Contributions (other than loans)  
(subtract Line 6(b) from Line 6(a)) .....

00

64340.13

7. Net Operating Expenditures

(a) Total Operating Expenditures  
(from Line 17) .....

00

88574.57

(b) Total Offsets to Operating  
Expenditures (from Line 14) .....

00

00

(c) Net Operating Expenditures  
(subtract Line 7(b) from Line 7(a)) .....

00

88574.57

8. Cash on Hand at Close of  
Reporting Period (from Line 27) .....

00

9. Debts and Obligations Owed TO  
the Committee (Itemize all on  
Schedule C and/or Schedule D) .....

00

10. Debts and Obligations Owed BY  
the Committee (Itemize all on  
Schedule C and/or Schedule D) .....

00

For further information contact:

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

29092634556

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3 (Revised 1/01)

Page 3

Write or Type Committee Name

*SWANSON For Senate Committee*

Report Covering the Period:

From:

**05** / **14** / **2008**

To:

**06** / **30** / **2008**

**I. RECEIPTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

**11. CONTRIBUTIONS (other than loans) FROM:**

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A) .....

00

(ii) Unitemized .....

00

(iii) TOTAL of contributions from individuals .....

00

248000

(b) Political Party Committees .....

00

00

(c) Other Political Committees (such as PACs) .....

00

00

(d) The Candidate .....

00

6185993

(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d)) .....

00

6433993

**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....**

00

00

**13. LOANS:**

(a) Made or Guaranteed by the Candidate .....

00

2700000

(b) All Other Loans .....

00

00

(c) TOTAL LOANS (add Lines 13(a) and (b)) .....

00

2700000

**14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....**

00

00

**15. OTHER RECEIPTS (Dividends, Interest, etc.) .....**

00

00

**16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....**

00

00

29092634557

**DETAILED SUMMARY PAGE  
of Disbursements**

FEC Form 3 (Revised 1/01)

Page 4

**II. DISBURSEMENTS**

**COLUMN A  
Total This Period**

**COLUMN B  
Election Cycle-to-Date**

17. OPERATING EXPENDITURES .....	00	8857.457
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	00	00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate .....	00	2598.00
(b) Of All Other Loans .....	00	00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)) .....	00	2598.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	00	00
(b) Political Party Committees .....	00	00
(c) Other Political Committees (such as PACs) .....	00	00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)) .....	00	00
21. OTHER DISBURSEMENTS .....	00	00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	00	9117.257

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....	<del>8861.8</del> 190.12
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3) .....	00
25. SUBTOTAL (add Line 23 and Line 24) .....	<del>8861.8</del> 190.12
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) .....	00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25) .....	190.12

29092634558

**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full)

USE FEC MAILING LABEL OR TYPE OR PRINT ▼

Example: If typing, type over the lines.

12FE4M5

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C00359695  
JOHNNY SWANSON III  
SWANSON FOR SENATE COMMITTEE  
PO BOX 12825  
BIRMINGHAM AL 35202

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDRESS (number and street)

Check if different than previously reported. (ACC)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C00359695

3. IS THIS REPORT  NEW (N) OR  AMENDED (A)

AL 07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- July 31 Mid-Year Report (Non-election Year Only) (MY)
- Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P)  General (12G)  Runoff (12R)
- Convention (12C)  Special (12S)

Election on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ in the State of \_\_\_\_\_

(c) 30-Day POST-Election Report for the:

- General (30G)  Runoff (30R)  Special (30S)

Election on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ in the State of \_\_\_\_\_

5. Covering Period

05 / 14 / 2008

through

06 / 30 / 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Johnny Swanson III

Signature of Treasurer

*Johnny Swanson III*

Date

10 / 07 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

29092634559

**SUMMARY PAGE**  
of Receipts and Disbursements

Write or Type Committee Name

Swanson For U.S. Senate Committee

Report Covering the Period:

From:

05 / 14 / 2008

To:

06 / 30 / 2008

**COLUMN A**  
This Period

**COLUMN B**  
Election Cycle-to-Date

6. Net Contributions (other than loans)

(a) Total Contributions  
(other than loans) (from Line 11(e))....

00

64340.13

(b) Total Contribution Refunds  
(from Line 20(d)) .....

00

00

(c) Net Contributions (other than loans)  
(subtract Line 6(b) from Line 6(a)).....

00

64340.13

7. Net Operating Expenditures

(a) Total Operating Expenditures  
(from Line 17) .....

00

885745.7

(b) Total Offsets to Operating  
Expenditures (from Line 14).....

00

00

(c) Net Operating Expenditures  
(subtract Line 7(b) from Line 7(a)).....

00

885745.7

8. Cash on Hand at Close of  
Reporting Period (from Line 27).....

00

9. Debts and Obligations Owed TO  
the Committee (Itemize all on  
Schedule C and/or Schedule D) .....

00

10. Debts and Obligations Owed BY  
the Committee (Itemize all on  
Schedule C and/or Schedule D).....

00

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

29092634560

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3 (Revised 1/01)

Page 3

Write or Type Committee Name

*Swanson For Senate Committee*

Report Covering the Period:

From:

**05** ' **14** ' **2008**

To:

**06** ' **30** ' **2008**

**I. RECEIPTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

**11. CONTRIBUTIONS (other than loans) FROM:**

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A) .....

00

(ii) Unitemized .....

00

(iii) TOTAL of contributions from individuals .....

00

248.000

(b) Political Party Committees .....

00

00

(c) Other Political Committees (such as PACs) .....

00

00

(d) The Candidate .....

00

61859.93

(e) TOTAL CONTRIBUTIONS

(other than loans)  
(add Lines 11(a)(iii), (b), (c), and (d))

00

64339.93

**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....**

00

00

**13. LOANS:**

(a) Made or Guaranteed by the Candidate .....

00

27000.00

(b) All Other Loans .....

00

00

(c) TOTAL LOANS  
(add Lines 13(a) and (b)) .....

00

27000.00

**14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....**

00

00

**15. OTHER RECEIPTS (Dividends, Interest, etc.) .....**

00

00

**16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....**

00

00

29092634561

**DETAILED SUMMARY PAGE  
of Disbursements**

FEC Form 3 (Revised 1/01)

Page 4

29092634562

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES .....	00	8857.457
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	00	00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate .....	00	2598.00
(b) Of All Other Loans .....	00	00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)) .....	00	2598.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	00	00
(b) Political Party Committees .....	00	00
(c) Other Political Committees (such as PACs) .....	00	00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)) .....	00	00
21. OTHER DISBURSEMENTS .....	00	00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	00	9117.257

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....	<del>8857.457</del> 190.12
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3) .....	00
25. SUBTOTAL (add Line 23 and Line 24) .....	<del>8857.457</del> 190.12
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) .....	00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25) .....	190.12

**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full)

USE FEC MAILING LABEL OR TYPE OR PRINT ▼

Example: If typing, type over the lines.

12FE4M5

\_\_\_\_\_

\_\_\_\_\_

C00359695  
JOHNNY SWANSON III  
SWANSON FOR SENATE COMMITTEE  
PO BOX 12825  
BIRMINGHAM AL 35202

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ADDRESS (number and street)

Check if different than previously reported. (ACC)

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C00359695

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

AL

07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- July 31 Mid-Year Report (Non-election Year Only) (MY)
- Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P)  General (12G)  Runoff (12R)
- Convention (12C)  Special (12S)

Election on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ in the State of \_\_\_\_\_

(c) 30-Day POST-Election Report for the:

- General (30G)  Runoff (30R)  Special (30S)

Election on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ in the State of \_\_\_\_\_

5. Covering Period

07 / 01 / 2008

through

09 / 30 / 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Johnny Swanson III

Signature of Treasurer

*Johnny Swanson III*

Date

10 / 07 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office

FEC FORM 3

29092634563

SUMMARY PAGE of Receipts and Disbursements

Write or Type Committee Name

Swanson For U.S. Senate Committee

Report Covering the Period: From:

07 01 2008

To:

09 30 2008

29092634564

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))....	00	6434013
(b) Total Contribution Refunds (from Line 20(d)).....	00	00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	00	6434013
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17).....	00	8857457
(b) Total Offsets to Operating Expenditures (from Line 14).....	00	00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	00	8857457
8. Cash on Hand at Close of Reporting Period (from Line 27).....	00	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	00	

For further information contact:

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3 (Revised 1/01)

Page 3

Write or Type Committee Name

SWANSON For Senate Committee

Report Covering the Period: From:

07 ' 01 ' 2008

To:

09 ' 30 ' 2008

**I. RECEIPTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

**11. CONTRIBUTIONS (other than loans) FROM:**

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A) .....

00

(ii) Unitemized .....

00

(iii) TOTAL of contributions from individuals .....

00

248000

(b) Political Party Committees .....

00

00

(c) Other Political Committees (such as PACs) .....

00

00

(d) The Candidate .....

00

6188993

(e) TOTAL CONTRIBUTIONS

(other than loans)  
(add Lines 11(a)(iii), (b), (c), and (d))

00

6433993

**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....**

00

00

**13. LOANS:**

(a) Made or Guaranteed by the Candidate .....

00

2700000

(b) All Other Loans .....

00

00

(c) TOTAL LOANS  
(add Lines 13(a) and (b)) .....

00

2700000

**14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....**

00

00

**15. OTHER RECEIPTS (Dividends, Interest, etc.) .....**

00

00

**16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....**

00

00

29092634565

**DETAILED SUMMARY PAGE  
of Disbursements**

FEC Form 3 (Revised 1/01)

Page 4

29092634566

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES .....	00	88,574.57
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	00	00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate .....	00	2,598.00
(b) Of All Other Loans .....	00	00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)) .....	00	2,598.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	00	00
(b) Political Party Committees .....	00	00
(c) Other Political Committees (such as PACs) .....	00	00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)) .....	00	00
21. OTHER DISBURSEMENTS .....	00	00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	00	91,172.57

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....	190.12
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3) .....	00
25. SUBTOTAL (add Line 23 and Line 24) .....	190.12
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) .....	00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25) .....	190.12

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full)

USE FEC MAILING LABEL OR TYPE OR PRINT

Example: If typing, type over the lines.

12FE4M5

Grid for committee name

C00359695
JOHNNY SWANSON III
SWANSON FOR SENATE COMMITTEE
PO BOX 12825
BIRMINGHAM AL 35202

Grid for address

ADDRESS (number and street)

Check if different than previously reported. (ACC)

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00359695

3. IS THIS REPORT

Checked box for NEW

NEW (N)

OR

Box for AMENDED

AMENDED (A)

AL 07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

Box for April 15

April 15 Quarterly Report (Q1)

Box for July 15

July 15 Quarterly Report (Q2)

Checked box for October 15

October 15 Quarterly Report (Q3)

Box for January 31

January 31 Year-End Report (YE)

Box for July 31

July 31 Mid-Year Report (Non-election Year Only) (MY)

Box for Termination Report

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Box for Primary

Primary (12P)

Box for General

General (12G)

Box for Runoff

Runoff (12R)

Box for Convention

Convention (12C)

Box for Special

Special (12S)

Election on

Grid for election date

in the State of

Grid for state

(c) 30-Day POST-Election Report for the:

Box for General

General (30G)

Box for Runoff

Runoff (30R)

Box for Special

Special (30S)

Election on

Grid for election date

in the State of

Grid for state

5. Covering Period

07 01 2008

through

09 30 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Johnny Swanson III

Signature of Treasurer

Handwritten signature of Johnny Swanson III

Date

10 07 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

29092634567

SUMMARY PAGE  
of Receipts and Disbursements

Write or Type Committee Name

Swanson For U.S. Senate Committee

Report Covering the Period:

From:

MM / DD / YYYY  
07 / 01 / 2008

To:

MM / DD / YYYY  
09 / 30 / 2008

29092634568

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)) ....	00	6434013
(b) Total Contribution Refunds (from Line 20(d)) .....	00	00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) .....	00	6434013
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17) .....	00	8857457
(b) Total Offsets to Operating Expenditures (from Line 14) .....	00	00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) .....	00	8857457
8. Cash on Hand at Close of Reporting Period (from Line 27) .....	00	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....	00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....	00	

For further information contact:

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3 (Revised 1/01)

Page 3

Write or Type Committee Name

**SWANSON For Senate Committee**

Report Covering the Period:

From:

**07 01 2008**

To:

**09 30 2008**

**I. RECEIPTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

**11. CONTRIBUTIONS (other than loans) FROM:**

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A) .....

00

(ii) Unitemized .....

00

(iii) TOTAL of contributions from individuals .....

00

248000

(b) Political Party Committees .....

00

00

(c) Other Political Committees (such as PACs) .....

00

00

(d) The Candidate .....

00

6185993

(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))

00

6433993

**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....**

00

00

**13. LOANS:**

(a) Made or Guaranteed by the Candidate .....

00

2700000

(b) All Other Loans .....

00

00

(c) TOTAL LOANS (add Lines 13(a) and (b)) .....

00

2700000

**14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....**

00

00

**15. OTHER RECEIPTS (Dividends, interest, etc.) .....**

00

00

**16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....**

00

00

29092634569

**DETAILED SUMMARY PAGE  
of Disbursements**

FEC Form 3 (Revised 1/01)

Page 4

**II. DISBURSEMENTS**

**COLUMN A  
Total This Period**

**COLUMN B  
Election Cycle-to-Date**

17. OPERATING EXPENDITURES .....	00	88,574.57
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	00	00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate .....	00	2,598.00
(b) Of All Other Loans .....	00	00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)) .....	00	2,598.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	00	00
(b) Political Party Committees .....	00	00
(c) Other Political Committees (such as PACs) .....	00	00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)) .....	00	00
21. OTHER DISBURSEMENTS .....	00	00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	00	91,172.57

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....	190.12
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3) .....	00
25. SUBTOTAL (add Line 23 and Line 24) .....	190.12
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) .....	00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25) .....	190.12

29092634570

**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543  
Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

JOHNNY SWANSON III

THE SWANSON CIRCLE

ADDRESS (number and street) PO BOX 12825

Check if different than previously reported. (ACC) BERMINGHAM AL 35202-2825

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲  
STATE ▼ DISTRICT

C00355909

3. IS THIS REPORT  NEW (N) OR  AMENDED (A)

AL   

4. TYPE OF REPORT (Choose One)

- (a) Quarterly Reports:
- April 15 Quarterly Report (Q1)
  - July 15 Quarterly Report (Q2)
  - October 15 Quarterly Report (Q3)
  - January 31 Year-End Report (YE)
  - Termination Report (TER)

- (b) 12-Day PRE-Election Report for the:
- Primary (12P)  General (12G)  Runoff (12R)
  - Convention (12C)  Special (12S)

Election on    /    /    in the State of   

- (c) 30-Day POST-Election Report for the:
- General (30G)  Runoff (30R)  Special (30S)

Election on    /    /    in the State of   

5. Covering Period 07 / 01 / 2008 through 09 / 30 / 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer JOHNNY SWANSON III

Signature of Treasurer *Johnny Swanson* Date 10 / 07 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

29092634571

**SUMMARY PAGE**  
of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Page 2

Write or Type Committee Name

*The Swanson Circle*

Report Covering the Period:

From:

**07** / **01** / **2008**

To:

**09** / **30** / **2008**

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
<b>6. Net Contributions (other than loans)</b>		
(a) Total Contributions (other than loans) (from Line 11(e))...	00	00
(b) Total Contribution Refunds (from Line 20(d)) .....	00	00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	00	00
<b>7. Net Operating Expenditures</b>		
(a) Total Operating Expenditures (from Line 17) .....	00	00
(b) Total Offsets to Operating Expenditures (from Line 14) .....	00	00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	00	00
<b>8. Cash on Hand at Close of Reporting Period (from Line 27) .....</b>	00	
<b>9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	00	
<b>10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	00	

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

29092634572

**DETAILED SUMMARY PAGE**

of Receipts

Write or Type Committee Name

*The Swanson Circle*

Report Covering the Period: From:

**07** ' **01** ' **2008**

To:

**09** ' **30** ' **2008**

**I. RECEIPTS**

**COLUMN A  
Total This Period**

**COLUMN B  
Election Cycle-to-Date**

**11. CONTRIBUTIONS (other than loans) FROM:**

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A) .....

00

(ii) Unitemized .....

00

(iii) TOTAL of contributions from individuals .....

00

00

(b) Political Party Committees .....

00

00

(c) Other Political Committees (such as PACs) .....

00

00

(d) The Candidate .....

00

00

(e) TOTAL CONTRIBUTIONS (other than loans)

(add Lines 11(a)(iii), (b), (c), and (d))

00

00

**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....**

00

00

**13. LOANS:**

(a) Made or Guaranteed by the Candidate .....

00

00

(b) All Other Loans .....

00

00

(c) TOTAL LOANS (add Lines 13(a) and (b)) .....

00

00

**14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....**

00

00

**15. OTHER RECEIPTS (Dividends, Interest, etc.) .....**

00

00

**16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....**

00

00

29092634573

**DETAILED SUMMARY PAGE**  
of Disbursements

**II. DISBURSEMENTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

17. OPERATING EXPENDITURES .....	00	00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	00	00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate .....	00	00
(b) Of All Other Loans .....	00	00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)) .....	00	00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	00	00
(b) Political Party Committees .....	00	00
(c) Other Political Committees (such as PACs) .....	00	00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)) .....	00	00
21. OTHER DISBURSEMENTS .....	00	00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	00	00

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....	00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3) .....	00
25. SUBTOTAL (add Line 23 and Line 24) .....	00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) .....	00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25) .....	00

2909263457A

**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

EXAMINED  
FEDERAL ELECTION COMMISSION  
RECEIVED JUN 11 2009  
Office Use Only

1. NAME OF COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type over the lines.

12FE4M5

JOHNNY SWANSON III  
THE SWANSON CIRCLE

ADDRESS (number and street)

PO BOX 12825

Check if different than previously reported. (ACC)

BIRMINGHAM AL 35202-2825

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C00355909

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

AL

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P)
- General (12G)
- Runoff (12R)
- Convention (12C)
- Special (12S)

Election on MM/DD/YYYY in the State of

(c) 30-Day POST-Election Report for the:

- General (30G)
- Runoff (30R)
- Special (30S)

Election on MM/DD/YYYY in the State of

5. Covering Period

04 / 01 / 2008 through 06 / 30 / 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer JOHNNY SWANSON III

Signature of Treasurer

*Johnny Swanson*

Date

10 / 07 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office Use Only

**FEC FORM 3**  
(Revised 02/2003)

29092634575

**SUMMARY PAGE**  
of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Page 2

Write or Type Committee Name

*The Swanson Circle*

Report Covering the Period: From:

04 / 01 / 2008

To:

06 / 30 / 2008

COLUMN A  
This Period

COLUMN B  
Election Cycle-to-Date

6. Net Contributions (other than loans)

(a) Total Contributions  
(other than loans) (from Line 11(e))...

00

00

(b) Total Contribution Refunds  
(from Line 20(d)) .....

00

00

(c) Net Contributions (other than loans)  
(subtract Line 6(b) from Line 6(a))....

00

00

7. Net Operating Expenditures

(a) Total Operating Expenditures  
(from Line 17) .....

00

00

(b) Total Offsets to Operating  
Expenditures (from Line 14) .....

00

00

(c) Net Operating Expenditures  
(subtract Line 7(b) from Line 7(a))....

00

00

8. Cash on Hand at Close of  
Reporting Period (from Line 27) .....

00

9. Debts and Obligations Owed TO  
the Committee (Itemize all on  
Schedule C and/or Schedule D) .....

00

10. Debts and Obligations Owed BY  
the Committee (Itemize all on  
Schedule C and/or Schedule D) .....

00

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

29092634576

DETAILED SUMMARY PAGE

of Receipts

FEC Form 3 (Revised 02/2003)

Page 3

Write or Type Committee Name

The Swanson Circle

Report Covering the Period: From: 04 01 2008 To: 06 30 2008

I. RECEIPTS

COLUMN A Total This Period

COLUMN B Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A) 00

(ii) Unitemized 00

(iii) TOTAL of contributions from individuals 00

(b) Political Party Committees 00

(c) Other Political Committees (such as PACs) 00

(d) The Candidate 00

(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d)) 00

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES 00

13. LOANS:

(a) Made or Guaranteed by the Candidate 00

(b) All Other Loans 00

(c) TOTAL LOANS (add Lines 13(a) and (b)) 00

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) 00

15. OTHER RECEIPTS (Dividends, Interest, etc.) 00

16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) 00

29092634577

**DETAILED SUMMARY PAGE**  
of Disbursements

**II. DISBURSEMENTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

17. OPERATING EXPENDITURES .....	00	00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	00	00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate .....	00	00
(b) Of All Other Loans .....	00	00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)) .....	00	00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	00	00
(b) Political Party Committees .....	00	00
(c) Other Political Committees (such as PACs) .....	00	00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)) .....	00	00
21. OTHER DISBURSEMENTS .....	00	00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	00	00

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....	00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3) .....	00
25. SUBTOTAL (add Line 23 and Line 24) .....	00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) .....	00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25) .....	00

29092634578

**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

RECEIVED  
FEBRUARY 11 2009  
Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

JOHNNY SWANSON III  
THE SWANSON CIRCLE

ADDRESS (number and street) PO BOX 12825  
 Check if different than previously reported. (ACC) BIRMINGHAM AL 35202-12825

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲  
C00355909 IS THIS REPORT  NEW (N) OR  AMENDED (A) STATE ▼ DISTRICT  
AL

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P)  General (12G)  Runoff (12R)
- Convention (12C)  Special (12S)

Election on MM / DD / YYYY in the State of  

(c) 30-Day POST-Election Report for the:

- General (30G)  Runoff (30R)  Special (30S)

Election on MM / DD / YYYY in the State of  

5. Covering Period MM / DD / YYYY through MM / DD / YYYY  
04 / 01 / 2008 through 06 / 30 / 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer JOHNNY SWANSON III

Signature of Treasurer *Johnny Swanson* Date MM / DD / YYYY  
10 / 07 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

29092634579

**SUMMARY PAGE**  
of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Page 2

Write or Type Committee Name

*The Swanson Circle*

Report Covering the Period: From:

**04** / **01** / **2008**

To:

**06** / **30** / **2008**

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
<b>6. Net Contributions (other than loans)</b>		
(a) Total Contributions (other than loans) (from Line 11(e))...	00	00
(b) Total Contribution Refunds (from Line 20(d)) .....	00	00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))....	00	00
<b>7. Net Operating Expenditures</b>		
(a) Total Operating Expenditures (from Line 17) .....	00	00
(b) Total Offsets to Operating Expenditures (from Line 14) .....	00	00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))....	00	00
<b>8. Cash on Hand at Close of Reporting Period (from Line 27) .....</b>	00	
<b>9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	00	
<b>10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	00	

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

29092634580

DETAILED SUMMARY PAGE

of Receipts

FEC Form 3 (Revised 02/2003)

Page 3

Write or Type Committee Name

The Swanson Circle

Report Covering the Period:

From:

04 / 01 / 2008

To:

06 / 30 / 2008

I. RECEIPTS

COLUMN A  
Total This Period

COLUMN B  
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A) .....

00

(ii) Unitemized .....

00

(iii) TOTAL of contributions from individuals .....

00

00

(b) Political Party Committees .....

00

00

(c) Other Political Committees (such as PACs) .....

00

00

(d) The Candidate .....

00

00

(e) TOTAL CONTRIBUTIONS

(other than loans)

(add Lines 11(a)(iii), (b), (c), and (d))

00

00

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....

00

00

13. LOANS:

(a) Made or Guaranteed by the Candidate .....

00

00

(b) All Other Loans .....

00

00

(c) TOTAL LOANS

(add Lines 13(a) and (b)) .....

00

00

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....

00

00

15. OTHER RECEIPTS (Dividends, Interest, etc.) .....

00

00

16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....

00

00

29092634581

**DETAILED SUMMARY PAGE**  
of Disbursements

**II. DISBURSEMENTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

17. OPERATING EXPENDITURES .....	00	00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	00	00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate .....	00	00
(b) Of All Other Loans .....	00	00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)) .....	00	00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	00	00
(b) Political Party Committees .....	00	00
(c) Other Political Committees (such as PACs) .....	00	00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)) .....	00	00
21. OTHER DISBURSEMENTS .....	00	00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	00	00

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....	00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3) .....	00
25. SUBTOTAL (add Line 23 and Line 24) .....	00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) .....	00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25) .....	00

29092634582

REGARDLESS OF WEIGHT,  
DOMESTIC USE ONLY

CALL 1-800-222-1811 FOR PICKUP OR TRACKING



0000

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35203  
OCT 11, 08  
AMDUNT

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**EXPRESS MAIL**  
UNITED STATES POSTAL SERVICE®

www.usps.com



EH 283513213 US

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UNITED STATES POSTAL SERVICE® Post Office To Addressee

Mailing Label  
Label 11-B, March 2004

**ORIGIN (POSTAL SERVICE USE ONLY)**

PO ZIP Code <b>35203</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage <b>\$ 16.50</b>
Date Accepted <b>10/14</b>	Scheduled Date of Delivery <b>10/15</b>	Return Receipt Fee <b>\$</b>
Mo. Day Year <b>11/14</b>	Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM	Insurance Fee <b>\$</b>
Time Accepted <b>11:45</b>	Military <input type="checkbox"/> Yes <input type="checkbox"/> No	Total Postage & Fees <b>\$ 16.50</b>
Flat Rate <input type="checkbox"/> or Weight <b>7.9</b> lbs.	Int'l Alpha Country Code <b>SPK</b>	Acceptance Emp. Initials <b>SPK</b>

FROM: (PLEASE PRINT) PHONE: I

The Swenson For U.S. Senate Entire  
P.O. Box 12825  
Birmingham, AL 35202

FOR PICKUP OR TRACKING

Visit [www.usps.com](http://www.usps.com)

Call 1-800-222-1811



**DELIVERY (POSTAL SERVICE USE ONLY)**

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

**CUSTOMER USE ONLY**

PAYMENT BY ACCOUNT  
Express Mail Corporate Acct. No.  WAFER OF SIGNATURE (Domestic Mail Only)  
Additional merchandise insurance is void if customer requests waiver of signature.  
I wish delivery to be made without obtaining signature of addressee or addressee's agent. (If delivery employee judges that article can be left in secure location and I understand that delivery employee's signature constitutes valid proof of delivery.)

NO DELIVERY  Mailing Signature

TO: (PLEASE PRINT) PHONE: I

Federal Election Commission  
Office of Admin Review  
Attn: Rhinowyn Masgrubel  
999 E Street, N.W.  
Washington, DC  
20446

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

only  
box many

PRESS HARD. YOU ARE MAKING 3 COPIES.

2854926062





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

October 17, 2008

Johnny Swanson III, as Treasurer  
Swanson for U S Senate Committee  
P.O. Box 12825  
Birmingham, AL 35202

C00359695  
AF# 1829 and AF #1872

Dear Mr. Swanson:

On October 15, 2008 the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen Benitz". The signature is written in a cursive style with a large, looping "M" and "B".

Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review

29092634585

2008 OCT 16 P 2: 35

Date: October 16, 2008

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

AF#: 1829

Committee Name: Swanson for U S Senate Committee

Committee ID#: C00359695

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

**Attachments:**

**Copy of RTB Circulation Report, dated July 21, 2008 and RTB Certification,  
dated September 19, 2008: Y**

**Attachment #: 1**

**Certified Return Receipt (to be forwarded at later date if not yet received)(Y/N): N**

**Attachment #: N/A**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2008 Pre-Primary Report Prior Notice, dated April 28, 2008.**

**-Non-Filer Letter, dated May 23, 2008.**

**-RTB Letter, dated September 19, 2008.**

**Attachment #: 3**

**Other RAD Information: (Y/N): Y**

**Attachment#: Original Mailing Tracking Information, Copy of Returned  
RTB Letter, Re-mail Information**

29092634586

## DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Swanson for U S Senate Committee:
  - A) Prior Notice, dated April 28, 2008, referencing the 2008 Pre-Primary Report (sent via electronic mail to: swansonforsenate@earthlink.net);
  - B) Non-Filer Letter, dated May 23, 2008, referencing the 2008 Pre-Primary Report;
  - C) Reason-to-Believe Letter, dated September 19, 2008, referencing the 2008 Pre-Primary Report.
3. I hereby certify that I have searched the Commission's public records and find that Swanson for U S Senate Committee filed the 2008 Pre-Primary Report with the Commission on June 9, 2008.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 16<sup>th</sup> day of October, 2008.



Nataliya Ioffe  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission

29092634587



# PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

ALABAMA  
Congressional Committees

April 28, 2008

**COMMITTEES INVOLVED IN THE PRIMARY (06/03/08) MUST FILE:**

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/08 - 05/14/08	05/19/08	05/22/08
48 Hour Notices	05/15/08 - 05/31/08	---see p. 3 of notice---	
July Quarterly	05/15/08 - 06/30/08	07/15/08	07/15/08

**FOR COMMITTEES INVOLVED IN BOTH THE PRIMARY (06/03/08) AND RUNOFF (07/15/08), IF HELD:**

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/08 - 05/14/08	05/19/08	05/22/08
48 Hour Notices	05/15/08 - 05/31/08	---see p. 3 of notice---	
Pre-Runoff	05/15/08 - 06/25/08	06/30/08	07/03/08
48 Hour Notices	06/26/08 - 07/12/08	---see p. 3 of notice---	
July Quarterly	06/26/08 - 06/30/08	07/15/08	07/15/08

Supplemental Filing Information is available on pages 2 and 3 of this notice.

<sup>1</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

29092634588

## SUPPLEMENTAL FILING INFORMATION

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates<sup>2</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) who seek nomination in the primary election must file the above reports and notices.<sup>3</sup> Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at [www.fec.gov/elecfil/electron.shtml](http://www.fec.gov/elecfil/electron.shtml).

Under the Commission's mandatory electronic filing regulations, U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports and statements with the FEC electronically. Other U.S. House committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules. U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

#### Registered & Certified Mail

Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

#### Overnight Mail

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

Forms are available for downloading and printing at the FEC website at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

<sup>2</sup>Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>3</sup>If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

### Other Means of Filing

Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for Senate committees, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

### 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more per source, during the period of:

Primary: 05/15/08 - 05/31/08

Runoff: 06/26/08 - 07/12/08

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s).

U.S. Senate candidates must transmit the notices to the Secretary of the Senate by fax at (202) 224-1851.

**Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at [www.fec.gov/electfil/online.shtml](http://www.fec.gov/electfil/online.shtml). U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. Paper forms are available at the website at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

### COMPLIANCE

**Treasurer Responsibility.** Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at [www.fec.gov/law/policy/2004/notice2004-20.pdf](http://www.fec.gov/law/policy/2004/notice2004-20.pdf)

**Administrative Fine Program.** Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).<sup>4</sup> For additional information, visit the FEC website at [www.fec.gov/af/af.shtml](http://www.fec.gov/af/af.shtml).

**Report Format.** In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

**Electronic Filers Must File Electronically.** Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

### IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>5</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail service, and hand delivery.

<sup>4</sup>Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

<sup>5</sup>Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

---

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 23, 2008

RQ-7

JOHNNY SWANSON III, TREASURER  
SWANSON FOR U S SENATE COMMITTEE  
PO BOX 12825  
BIRMINGHAM, AL 35202

IDENTIFICATION NUMBER: C00359695

REFERENCE: PRE-PRIMARY REPORT 4/1/2008 - 5/14/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

YOU WILL BE ALLOWED FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION.

THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510, FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. IF YOU HAVE FILED THE REPORT TIMELY BY EXPRESS, CERTIFIED OR REGISTERED MAIL, PLEASE NOTIFY US IMMEDIATELY OF THE CERTIFIED, REGISTERED OR TRACKING NUMBER AND THE DATE THAT THE REPORT WAS SENT.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

A handwritten signature in cursive script that reads "Patricia Carmona".

PATRICIA CARMONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

2803973416402634591



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 19, 2008

**MEMORANDUM**

**SENSITIVE**

To: The Commission

Through: Joseph F. Stoltz *JFS*  
Acting Staff Director

From: John D. Gibson *JG*  
Chief Compliance Officer

Shawn Woodhead Werth *SW*  
Reviewing Officer  
Office of Administrative Review

By: Maureen Benitz *MB*  
Reviewing Analyst

Subject: AF# 1829 and 1872 - Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer (C00359695)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

29092634592



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 19, 2008

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 1829 and 1872 – Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer  
(C00359695)

On September 18 and 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-Primary Report and 2008 July Quarterly Report, respectively, and made a preliminary determination that the civil money penalty was \$900 for each report based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 19 and 22, 2008, respectively, of the Commission's RTB findings and civil money penalties. The letters were sent to their address of record; copies were sent to them at 1725 4<sup>th</sup> Ave West, Birmingham, AL 35208.

**Respondents' Response**

On October 15, 2008, the Commission received the written response ("challenge") from the Treasurer for both cases requesting that the Commission remove or reduce the findings and/or penalties. The Treasurer asserts that the 12 Day Pre-Primary Report was filed, but filed late. The Treasurer acknowledges that the July Quarterly Report was filed extremely late due to the death of the campaign manager as well as the Treasurer's illness and subsequent hospitalization. Furthermore, the Treasurer believed that the new campaign manager would file the July Quarterly Report. He also references the Committee's October Quarterly Report, which was filed timely.

The response includes two copies of the Summary and Detailed Summary Pages for the July Quarterly Report, which shows \$0 in activity for the period, and two copies of the Summary and Detailed Summary Pages for the October Quarterly Report for the Swanson for Senate Committee. It also includes two copies of the Summary and Detailed Summary Pages for the July Quarterly Report and the Summary and Detailed Summary Pages for the October Quarterly Report for The Swanson Circle committee. Copies of the challenge and the RTB letter for AF # 1829 are also included in the response.

**Analysis**

The 12 Day Pre-Primary Report was filed, via certified mail, on June 9, 2008, 18 days late. The July Quarterly Report was filed, via overnight delivery, on October 14, 2008, 90 days late.

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report no later than the 12th day before (or posted by certified mail no later than the 15th day before) any election in which the candidate is seeking election, or nomination for election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i)(A). The Act states that the treasurer of a principal campaign committee shall file a report for the period ending June 30 no later than July 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i).

The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The Treasurer correctly asserts that the 12 Day Pre-Primary Report was filed, but filed late. The 12 Day Pre-Primary Report is an election sensitive report. 11 C.F.R. § 111.43(d). An election sensitive report that is not filed more than four days prior to the election (June 3, 2008) is considered not filed for the purpose of the civil money penalty calculation. 11 C.F.R. § 111.43(e)(2). The RTB civil money penalty for the 12 Day Pre-Primary Report is correct (\$900) as the report was filed six days after the Primary.

With respect to the July Quarterly Report, the Reviewing Officer is sympathetic about the campaign manager's death and the hospitalization of the Treasurer; however, the illness and unavailability of the Treasurer and other staff are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control which prevented them from filing on time.

Another issue raised regarding the July Quarterly Report is the level of activity. At the time of the RTB finding, the Commission estimated the level of activity to be \$28,191 because no report was received. 11 C.F.R. § 111.43(a)(2)(ii) and (e). The July Quarterly Report, filed on October 14, 2008, discloses \$0 in receipts and \$0 in disbursements. Since the schedule of penalties at 11 C.F.R. § 111.43(a)(2)(iii) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty should be assessed in this case.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900 in AF# 1829 and \$0 in AF# 1872 (reduced from the RTB civil money penalty of \$900).

### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1829 involving the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1829 that the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900;
- (3) Adopt the Reviewing Office recommendation in AF# 1872 involving the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer;
- (4) Make a final determination in AF# 1872 that the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the July Quarterly Report (\$0), assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$900); and
- (5) Send the appropriate letters.

Reviewing Analyst: Maureen Benitz

### Attachments

Attachment 1 – Challenge Received from Respondents

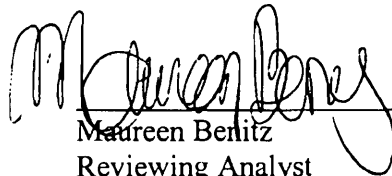
Attachment 2 – Declarations from RAD

Attachment 3 – Declaration from OAR

29092634594

**DECLARATION OF MAUREEN BENITZ**

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2008 12 Day Pre-Primary Report for the Alabama Primary is due May 22, 2008. If the report is filed by certified mail, it must be postmarked by May 19, 2008 to be timely filed.
3. The 2008 July Quarterly Report is due July 15, 2008. If the report is sent by express mail having a delivery confirmation and is postmarked by July 15 it is considered timely filed.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
  - (a) Page 1 of the Summary Page, envelope, and Senate Office of Public Records postmark sheet, for the 2008 12 Day Pre-Primary Report filed by certified mail by the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer. According to Commission records, the Report was sent on June 9, 2008, received on June 16, 2008 and had a coverage period of April 1, 2008 through May 14, 2008; and
  - (b) Page 1 of the Summary Page, Page 4 of the Detailed Summary Page, envelope, and Senate Office of Public Records postmark sheet for the 2008 July Quarterly Report filed by express mail by the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer. According to Commission records, the Report was sent on October 14, 2008, received on October 16, 2008 and had a coverage period of May 14, 2008 through June 30, 2008. Lines 24 and 26 list \$0.00 in total receipts and \$0.00 in total disbursements, respectively, for this period.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 19<sup>th</sup> of November, 2008.

  
\_\_\_\_\_  
Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review  
Federal Election Commission

29092634595

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS For An Authorized Committee

SECRETARY OF THE SENATE 08 JUN 16 PM 12:48

Office Use Only

1. NAME OF COMMITTEE (in full)

USE FEC MAILING LABEL OR TYPE OR PRINT

Example: If typing, type over the lines.

12FE4M5

C00359693 060601 JOHNNY SWANSON III SWANSON FOR SENATE COMMITTEE PO BOX 12825 BIRMINGHAM AL 35202

ADDRESS (number and street)

Check if different than previously reported. (ACC)

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00359693

3. IS THIS REPORT



NEW (N)

OR



AMENDED (A)

AL

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



July 31 Mid-Year Report (Non-election Year Only) (MY)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

06

08

2008

in the State of

AL

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

in the State of

5. Covering Period

04

01

2008

through

05

14

2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Johnny Swanson III

Signature of Treasurer

[Handwritten Signature]

Date

06

08

2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office

FEC FORM 3

29092634596

28020262903

29092634597

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SWANSON FOR U.S. SENATE COMMITTEE  
"LET US LOOK TO THE FUTURE"

JOHNNY SWANSON III - CANDIDATE  
P.O. BOX 12825  
BIRMINGHAM, ALABAMA 35202  
www.swansonforsenate.com  
E-MAIL: swansonforsenate@atl.net

\*\*\*\*\*  
ID FOR BY: SWANSON FOR U.S. SENATE COMMITTEE  
\*\*\*\*\*



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PAMELA B. GAVIN  
SUPERINTENDENT

MARY SENATE OFFICE BUILDING  
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29092634598

28020262911

08 OCT 16 PM 3:10

FEC  
FORM 3

# REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

08 OCT 16 PM 3:07

Office Use Only

1. NAME OF COMMITTEE (in full) USE FEC MAILING LABEL OR TYPE OR PRINT Example: If typing, type over the lines.

12FE4M5

\_\_\_\_\_

\_\_\_\_\_

C00359693  
JOHNNY SWANSON III  
SWANSON FOR SENATE COMMITTEE  
PO BOX 12825  
BIRMINGHAM AL 35202

\_\_\_\_\_

\_\_\_\_\_

ADDRESS (number and street)

Check if different than previously reported. (ACC)

\_\_\_\_\_

\_\_\_\_\_

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00359693

3. IS THIS REPORT  NEW (N) OR  AMENDED (A)

AL 09

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- July 31 Mid-Year Report (Non-election Year Only) (MY)
- Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P)  General (12G)  Runoff (12R)
- Convention (12C)  Special (12S)

Election on \_\_\_\_\_ in the State of \_\_\_\_\_

(c) 30-Day POST-Election Report for the:

- General (30G)  Runoff (30R)  Special (30S)

Election on \_\_\_\_\_ in the State of \_\_\_\_\_

5. Covering Period

03 14 2008

through

06 30 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Johnny SWANSON III

Signature of Treasurer

*Johnny Swanson III*

Date

10 07 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office

FEC FORM 3

29092634599

28020551292

**DETAILED SUMMARY PAGE  
of Disbursements**

FEC Form 3 (Revised 1/01)

Page 4

**II. DISBURSEMENTS**

**COLUMN A  
Total This Period**

**COLUMN B  
Election Cycle-to-Date**

17. OPERATING EXPENDITURES .....

00

8857.457

18. TRANSFERS TO OTHER  
AUTHORIZED COMMITTEES .....

00

00

19. LOAN REPAYMENTS:  
(a) Of Loans Made or Guaranteed  
by the Candidate .....

00

2598.00

(b) Of All Other Loans .....

00

00

(c) TOTAL LOAN REPAYMENTS  
(add Lines 19(a) and (b)) .....

00

2598.00

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other  
Than Political Committees .....

00

00

(b) Political Party Committees .....

00

00

(c) Other Political Committees  
(such as PACs) .....

00

00

(d) TOTAL CONTRIBUTION REFUNDS  
(add Lines 20(a), (b), and (c)) .....

00

00

21. OTHER DISBURSEMENTS .....

00

00

22. TOTAL DISBURSEMENTS  
(add Lines 17, 18, 19(c), 20(d), and 21) ▶

00

9117.257

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....

444 190.12  
~~8857.457~~

24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3) .....

00

25. SUBTOTAL (add Line 23 and Line 24) .....

444 190.12  
~~8857.457~~

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) .....

00

27. CASH ON HAND AT CLOSE OF REPORTING PERIOD  
(subtract Line 26 from Line 25) .....

190.12

29092634600

23020551295

29092634601

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Date Accepted	10/14	<input type="checkbox"/> 1st Day	<input type="checkbox"/> 2nd Day	Return Receipt Fee	
Mo. Day Year	10 14 08	<input type="checkbox"/> 3rd Day	<input type="checkbox"/> 4th Day	COO Fee	
Time Accepted	11:45	<input type="checkbox"/> 5th Day	<input type="checkbox"/> 6th Day	Insurance Fee	
Mo. Day Year	10 14 08	<input type="checkbox"/> 7th Day	<input type="checkbox"/> 8th Day	Total Postage & Fees	\$ 16.50
Rate	PM	<input type="checkbox"/> 9th Day	<input type="checkbox"/> 10th Day	Acceptance Emp. Initials	JK
Flat Rate <input type="checkbox"/> or Weight	7.9 lbs.				

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The Swanson For U.S. Senate Office  
P.O. Box 12825  
Birmingham, AL 35202

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Delivery Attempt	Time	<input type="checkbox"/> AM	<input type="checkbox"/> PM
Mo. Day	Time	<input type="checkbox"/> AM	<input type="checkbox"/> PM
Delivery Attempt	Time	<input type="checkbox"/> AM	<input type="checkbox"/> PM
Mo. Day	Time	<input type="checkbox"/> AM	<input type="checkbox"/> PM

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29092634602

20020551297



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA OVERNIGHT DELIVERY**

December 1, 2008

Johnny Swanson III, as Treasurer  
Swanson for U S Senate Committee  
P.O. Box 12825  
Birmingham, AL 35202

C00359695  
AF# 1829 and AF# 1872

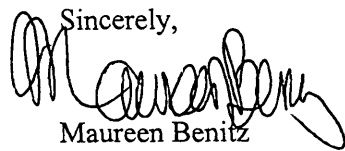
Dear Mr. Swanson:

On September 18 and 19, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Swanson for U S Senate Committee and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-Primary Report and 2008 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$900 for each report based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,  
  
Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review

Attachment

29092634603

**THE SWANSON FOR U.S. SENATE COMMITTEE  
JOHNNY SWANSON III, TREASURER  
P.O. BOX 12825  
BIRMINGHAM, ALABAMA 35202**

RECEIVED  
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SECRETARIAT

2008 DEC 31 A 9:38

**December 18, 2008**

**The Federal Election Commission  
ATTN: Commission Secretary  
999 E Street, N.W.  
Washington, D.C. 20463**

**REF: C00359695  
AF# 1829 and AF# 1872**

**This correspondence is forwarded in regards to your letter dated December 1, 2008, which arrived to me late due to my continued hospitalization and medical treatments on all days of Mondays, Wednesdays, and Fridays. Please forgive any tardiness that this letter may arrive under.**

**This document will also be filed by facsimile at 202-208-3333.**

**To address the issues at hand, First in regards to AF# 1872 – I am in agreement with the fact that I am the treasurer of the Swanson for US Senate Committee and that a zero amount be assessed for penalty in that matter.**

**In regards to regards to AF#1829, I am asking that the Commission adopt a new determination. The Analysis portion of the report indicates that there was a \$28,191 level of activity. Of that level of activity, \$27,000 was a loan made by my own sources. Instead of the money being paid back, because the committee could not, my sources opted to use the equipment**

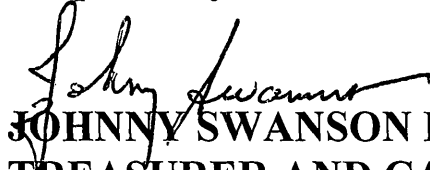
29092634604

bought with the \$27,000. This amount can be verified on our year end report already filed with the Commission. In addition, disbursements for the year included fuel, vehicle use, hand outs and similar campaign cost that will be further reduced from the operating cost to reduce it as we go into 2009. We believe the activity level when adjusted will be below \$0.

Further, in regards to AF#1829, we operated with approxiametely six individuals to conduct this campaign. Two quit at the start of the campaign because we had no money for salaries, one found full time work and quit the majority of his activities. The balance were street venders putting up signs as they traveled around that state. I traveled from county to county speaking and handing out brochures as well as signs.

Finally, in regards to AF#1829, I am a disabled veteran, and I live on that income with less than \$15.00 left per month. I therefore ask that you consider reducing the assessment to \$0 in both actions.

Respectfully,



**JOHNNY SWANSON III**  
**TREASURER AND CANDIDATE**

**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full)

USE FEC MAILING LABEL OR TYPE OR PRINT ▼

Example: If typing, type over the lines.

12FE4M5

\_\_\_\_\_

\_\_\_\_\_

C00359695  
JOHNNY SWANSON III  
SWANSON FOR SENATE COMMITTEE  
PO BOX 12825  
BIRMINGHAM AL 35202

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ADDRESS (number and street)

Check if different than previously reported. (ACC)

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C00359695

3. IS THIS REPORT



NEW (N)

OR



AMENDED (A)

AL

09

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



July 31 Mid-Year Report (Non-election Year Only) (MY)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

\_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

in the State of

\_\_\_\_\_

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

\_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

in the State of

\_\_\_\_\_

5. Covering Period

10 / 01 / 2008

through

12 / 31 / 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

JOHNNY SWANSON III

Signature of Treasurer

*Johnny Swanson III*

Date

12 / 14 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office

FEC FORM 3

29092634606

SUMMARY PAGE

FEC Form 3 (Revised 02/2003)

of Receipts and Disbursements

Page 2

Write or Type Committee Name

SWANSON FOR U.S. SENATE COMMITTEE

Report Covering the Period:

From:

1.0 0.1 2008

To:

1.2 3.1 2008

COLUMN A This Period

COLUMN B Election Cycle-to-Date

6. Net Contributions (other than loans)

(a) Total Contributions (other than loans) (from Line 11(e))....

00

6434013

(b) Total Contribution Refunds (from Line 20(d)).....

00

00

(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....

00

6434013

7. Net Operating Expenditures

(a) Total Operating Expenditures (from Line 17).....

00

8857457

(b) Total Offsets to Operating Expenditures (from Line 14).....

00

00

(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....

00

8857457

8. Cash on Hand at Close of Reporting Period (from Line 27).....

00

9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....

00

10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....

00

For further information contact:

Federal Election Commission 999 E Street, NW Washington, DC 20463

Toll Free 800-424-9530 Local 202-694-1100

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**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3 (Revised 1/01)

Page 3

Write or Type Committee Name

SWANSON For Senate Committee

Report Covering the Period: From:

10 / 01 / 2008

To:

12 / 31 / 2008

**I. RECEIPTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

**11. CONTRIBUTIONS (other than loans) FROM:**

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A) .....

00

(ii) Unitemized .....

00

(iii) TOTAL of contributions from individuals .....

00

248000

(b) Political Party Committees .....

00

00

(c) Other Political Committees (such as PACs) .....

00

00

(d) The Candidate .....

00

6135993

(e) TOTAL CONTRIBUTIONS (other than loans)

(add Lines 11(a)(iii), (b), (c), and (d))

00

6433993

**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....**

00

00

**13. LOANS:**

(a) Made or Guaranteed by the Candidate .....

00

00

(b) All Other Loans .....

00

00

(c) TOTAL LOANS (add Lines 13(a) and (b)) .....

00

00

**14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....**

(2700000)

(2700000)

**15. OTHER RECEIPTS (Dividends, Interest, etc.) .....**

00

00

**16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....**

(2700000)

(2700000)

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**DETAILED SUMMARY PAGE  
of Disbursements**

FEC Form 3 (Revised 1/01)

Page 4

**II. DISBURSEMENTS**

**COLUMN A  
Total This Period**

**COLUMN B  
Election Cycle-to-Date**

17. OPERATING EXPENDITURES .....	27,000.00	61,574.57
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	00	00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate .....	27,000.00	00
(b) Of All Other Loans .....	00	00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)) .....	27,000.00	00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	00	00
(b) Political Party Committees .....	00	00
(c) Other Political Committees (such as PACs) .....	00	00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)) .....	00	00
21. OTHER DISBURSEMENTS .....	00	00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	27,000.00	64,172.57

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD .....	190.12
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3) .....	00
25. SUBTOTAL (add Line 23 and Line 24) .....	190.12
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22) .....	00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25) .....	190.12

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 APR -1 P 12: 56

April 1, 2009

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Robert A. Hickey  
Staff Director

From: John D. Gibson  
Chief Compliance Officer

Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

By: Maureen Benitz  
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1829 and 1872 -  
Swanson for US Senate Committee and Johnny Swanson, III, as  
Treasurer (C00359695)

On September 18 and 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-Primary Report and 2008 July Quarterly Report, respectively. As a result, the Commission also made a preliminary determination that the civil money penalty was \$900 for each report based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 14, 2008, the Committee filed the July Quarterly Report, 90 days late. It discloses \$0 in receipts and \$0 in disbursements. Since the report shows that the Committee had no activity during the July Quarterly reporting period and the schedule of penalties at 11 C.F.R. § 111.43(a)(2)(iii) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty would have been assessed had the report been filed prior to the RTB finding.

On October 15, 2008, the Commission received their written response ("challenge") for both cases. After reviewing the challenge, the Reviewing Officer's recommendation dated November 19, 2008 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$900 civil money penalty in AF# 1829 and

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\$0 in AF# 1872 because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). On December 19 and 31, 2008, the Commission received their written response via mail and facsimile. A copy is attached.

After receipt of the response to the Reviewing Officer recommendations, the Treasurer, who is also the candidate, died. A copy of the death notice is attached for your review. Given that the Treasurer of record at the time of the late filing of both reports, who is also named as Treasurer in the RTB finding, submitted the challenge, and responded to the Reviewing Officer's recommendation, is now deceased, the Reviewing Officer recommends that the Commission not adopt the Reviewing Officer recommendation for these cases but, instead, terminate its proceedings in accordance with 11 C.F.R. § 111.37(b).

**OAR Recommendations**

- (1) Terminate the proceedings in AF# 1829 that the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer, violated 2 U.S.C. § 434(a) and close the file;
- (2) Terminate the proceedings in AF# 1872 that the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letters.

Attachment 1 – Written Responses Received December 19 and 31, 2008

Attachment 2 – Death Notices & Guest Books from The Birmingham News on March 17, 2009 retrieved March 17, 2009 from <http://www.legacy.com/Birmingham/DeathNotices.asp?Page=LifeStoryPrint&PersonID=1>.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation - ) AFs 1829 and 1872  
Swanson for US Senate Committee and )  
Johnny Swanson, III, as Treasurer  
(C00359695)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on April 16, 2009, the Commission decided by a vote of 6-0 to take the following actions in AFS 1829 and 1872:

1. Terminate the proceedings in AF 1829 that the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
2. Terminate the proceedings in AF 1872 that the Swanson for US Senate Committee and Johnny Swanson, III, as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
3. Send the appropriate letters.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther and

Weintraub voted affirmatively for the decision.

Attest:

April 16, 2009  
Date

Mary W. Dove  
Mary W. Dove  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 7, 2009

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Swanson for US Senate Committee  
P.O. Box 12825  
Birmingham, AL 35202

C00359695  
AF# 1829 and 1872

On September 18 and 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Swanson for US Senate Committee and its Treasurer violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-Primary Report and the 2008 July Quarterly Report, respectively. By letters dated September 19 and 22, 2008, respectively, the Commission sent the Committee notification of the RTB findings that included a civil money penalty calculated at RTB of \$900 for each report in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 15, 2008, the Office of Administrative Review received the written response challenging both cases.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. After reviewing the challenge, the Reviewing Officer's recommendation dated November 19, 2008 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$900 civil money penalty in AF# 1829. The Reviewing Officer recommended that the Commission reduce the civil money penalty in AF# 1972 because it was calculated on an estimated level of activity, make a final determination that they violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the July Quarterly Report filed October 14, 2008 (\$0), assess a civil money penalty of \$0 in accordance with 11 C.F.R. § 111.43. In both cases, the Reviewing Officer determined that they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

After receipt of the response to the Reviewing Officer recommendations, the Treasurer, who is also the candidate, died. Given that the Treasurer of record at the time of the late filing of both reports, who is also named as Treasurer in the RTB finding, submitted the challenge, and responded to the Reviewing Officer's recommendation, is now deceased, the Reviewing Officer recommended that the Commission not adopt the Reviewing Officer recommendation for these cases but, instead, terminate its proceedings in accordance with 11 C.F.R. § 111.37(b). On April 16, 2009, the Commission adopted the Reviewing Officer recommendation and terminated its proceedings in both cases.

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The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the outcome of these challenges, please contact Maureen Benitz on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Steven T. Walther  
Chairman

Attachment

CC: Dr. Reginald Swanson (100 Avenue W Birmingham, AL 35214)

29092634614



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1829

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR Jm13

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