



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

APR 15 P. 4:25

April 16, 1992

MEMORANDUM TO: The Commission  
THROUGH: John C. Surina  
Staff Director  
FROM: Lawrence M. Noble  
N. Bradley Litchfield  
SUBJECT: Draft AO 1992-11

**AGENDA ITEM**  
For Meeting of: APR 23 1992

Attached is a proposed draft of the subject advisory opinion. The draft addresses a request for approval of a computer generated Form 3X Summary Page and Detailed Summary Page. This request was submitted after the Reports Analysis Division declined to approve its use.

The draft provides for the conditional approval of the pages, stating that their use is acceptable if certain deviations are corrected. With the required changes, the pages would become reproductions in accordance with 11 CFR 104.2(c) and Advisory Opinion 1982-7. Although the draft refers in more general terms to the types of changes that need to be made, the specific changes are as follows:

- (1) Leave adequate space (at least one-half inch) on the left side of both summary pages for the printing of a microfilm location number.
- (2) Adjust the font size on both pages to ensure that the letters and numbers will be reproduced with clarity by the microfilming process.
- (3) On line 3 of the Summary Page, print a line for the entering of the date on which a committee qualified as a multicandidate committee.
- (4) On line 4, separate the boxes for the denotation of which monthly report is being filed.
- (5) On line 6, provide adequate shading to denote spaces to be left blank.
- (6) The reference to "Cash on Hand at Close of Reporting Period" on line 8 should be better spaced in order not to crowd against column A.

- (7) The reference to 2 U.S.C. §437g in the note near the bottom of the Summary Page referring to false submissions should contain a section sign.
- (8) Divide the bottom rectangular space on the Summary Page into nine boxes for the initials of staff reviewers.
- (9) The heading for "Net Contributions/ Operating Expenditures" on the Detailed Summary Page should be equal in size to the other two headings on that page, i.e., for Receipts and Disbursements.

**Attachment**

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2  
3 **ADVISORY OPINION 1992-11**

4 **Thomas C. Nice**  
5 **Coopers & Lybrand**  
6 **1800 M Street, N.W.**  
7 **Washington, D.C. 20036**

**DRAFT**

8 **Dear Mr. Nice:**

9 **This responds to your letters dated March 18 and March**  
10 **5, 1992, requesting an advisory opinion concerning**  
11 **application of the Federal Election Campaign Act of 1971, as**  
12 **amended ("the Act"), and Commission regulations to the**  
13 **reproduction of substitute Commission reporting forms.**

14 **You provide the service of preparing reports for**  
15 **political committees, which are filed with the Commission.**  
16 **You have submitted for the Commission's approval a computer**  
17 **generated Form 3X Summary Page and Detailed Summary Page.<sup>1/</sup>**  
18 **You state that the form you have produced is identical to the**  
19 **FEC 3X forms except for font size, i.e., the size of the**  
20 **print. You submitted a second version of these pages with**  
21 **your March 18 letter which corrected various errors appearing**  
22 **in the pages you sent on March 5.**

23 **Commission regulations at 11 CFR 104.2(a) provide that**  
24 **reports of political committees shall be filed on the**  
25 **appropriate FEC form. The regulations also provide, however,**  
26 **that "[a] committee may reproduce FEC forms for its own use**  
27 **provided they are not reduced in size." 11 CFR 104.2(c). In**  
28 **Advisory Opinion 1982-7, the Commission stated that it**

29 **<sup>1/</sup> Form 3X is the reporting form for use by any political**  
30 **committee that is not an authorized committee.**

3 interprets the term "reproduce" in that subsection of the  
4 regulations "to mean a photocopy or an otherwise accurate and  
5 exact format which would be uncompromisingly legible and  
6 would lend itself to a high degree of clarity in microfilming  
7 and indexing for public disclosure purposes." The Commission  
8 concluded that the term "reproduce" in section 104.2(c)  
9 "requires a resulting product which is identical in every  
10 respect to an original FEC Form 3X." Advisory Opinion  
11 1982-7.

12 The regulations do not specify or limit the manner of  
13 reproduction, but the product must be, in fact, a  
14 reproduction, not merely an "altered facsimile." Advisory  
15 Opinion 1982-7. The Commission, therefore, will accept the  
16 use of the second version of the Summary Page and Detailed  
17 Summary Page sent by you if a number of format changes are  
18 made to conform with the standards stated above. Changes  
19 need to be made with respect to font size, margins, spacing,  
20 shading, space for staff use, and citation form. The  
21 deviations will be easy to remedy and Commission staff will  
22 communicate with you forthwith on the specific changes  
23 needed. The Commission requires these modifications in order  
24 to ensure that the reports, as processed by the Commission  
25 for public disclosure and for its own use, are easy to read  
26 and review.

27 The Commission notes that, normally, the process by  
28 which substitute FEC forms are approved or not approved is  
29 conducted by the Commission's Reports Analysis Division  
30

3 ("RAD"). In your situation, however, you requested an  
4 advisory opinion after RAD declined to approve use of the  
5 form you submitted to that office. Accordingly, the  
6 Commission has considered your substitute FEC form in the  
7 advisory opinion process. The Commission has availed itself  
8 of this opportunity to emphasize that a reproduction of an  
9 FEC reporting form requires precision and conformance to  
10 certain standards. The Commission wishes to make clear that  
11 any future requests by any other person for approval of  
12 substitute report forms will be considered, consistent with  
13 past practice, by RAD.

14 This response constitutes an advisory opinion concerning  
15 application of the Act, or regulations prescribed by the  
16 Commission, to the specific transaction or activity set forth  
17 in your request. See 2 U.S.C. §437f.

18  
19 Sincerely,

20  
21 Joan D. Aikens  
22 Chairman for the  
23 Federal Election Commission

24 Enclosure (AO 1982-7)  
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