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ALLIANCE FOR AMERICAN LEADERSHIP

AN INCORPORATED POLITICAL ACTION COMMITTEE

DEC 21 9 16 AM '94

1707 L STREET NORTHWEST, SUITE 333
WASHINGTON, D.C. 20036-4200

DICK CHENEY
CHAIRMAN

TELEPHONE (202) 835-8300
FACSIMILE (202) 835-8303

December 21, 1994

The General Counsel
Office of General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

AOR 1994-40

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OFFICE OF GENERAL
COUNSEL
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Dear Sir:

This is an advisory opinion request in accordance with Section 308 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437f) ("the Act") and Section 112.1 of the Code of Federal Regulations. The purpose of the request is to obtain the Commission's opinion whether retention of microfilmed copies of records in lieu of paper copies of such records meets the records preservation requirements of the Act and its implementing regulations.

The Alliance for American Leadership ("the Alliance") is a non-connected qualified multicandidate political committee (C00084863). During 1994, the Alliance has received and disbursed substantial sums of money and generated a substantial volume of records, including records such as those described in Sections 102.9 and 104.14 of the Code of Federal Regulations, which the Alliance is required by those provisions to maintain.

A number of regulations issued by the Federal Election Commission require a political committee or its treasurer to maintain and preserve certain records. For example, Section 102.9(c) of the Code of Federal Regulations, relating to accounting for contributions and expenditures, provides that "the treasurer shall preserve all records and accounts required to be kept under 11 CFR 102.9 for three years after the report to which such records and accounts relate is filed." Similarly, Section 104.14(b) of the Code of Federal Regulations relating to reports and statements requires each political committee to "Maintain records, including bank records, with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and accounts, which shall provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained, clarified, and checked for accuracy and completeness," "Preserve a copy of each report or statement required to be filed under 11 CFR parts 102 and 104," and "Keep all reports required to be preserved under 11 CFR 104.14 available for audit, inspection, or examination by the Commission or its authorized representative(s) for a

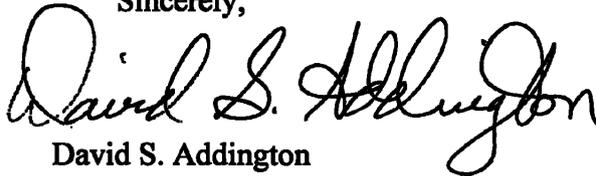
period of not less than 3 years after the report or statement is filed." Thus, the Commission's regulations require political committees to keep, maintain, preserve or retain many records.

The Alliance currently maintains most of its records in paper form. To reduce the physical storage space required for such records, and to preserve them more effectively from the potential of fire loss or degradation of paper over time, the Alliance plans to hire a professional firm to microfilm the paper records and mount them in 5-channel, 12-images-per-channel microfilm jackets. The jackets will, for ease of use, be labeled the same way as the file folders in which the paper records are filed. Upon completion of microfilming of the paper records, and verification that the microfilm has legibly and reproducibly captured the images of the paper records, the Alliance would destroy many of the paper records that have been recorded on microfilm. The microfilm form of the records can be viewed by the human eye through use of a microfilm reader machine. Paper copies of the record can be reproduced from the microfilm form of the record by a microfilm printer.

Please advise whether the provisions of the Act and its implementing regulations that require a political committee and its treasurer to keep, maintain, preserve and retain records are satisfied if the required records are retained solely in microfilm form as described above.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, reading "David S. Addington". The signature is written in a cursive style with a large initial "D" and "A".

David S. Addington
President and Treasurer