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FEDERAL ELECTION COMMISSION
Washington, DC 20463

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December 9, 2003

AGENDA ITEM

For Meeting of: 12-11-03

MEMORANDUM

SUBMITTED LATE

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Lawrence H. Norton
General Counsel

Rosemary C. Smith
Acting Associate General Counsel

John C. Vergelli
Acting Assistant General Counsel

Esa L. Sferra
Attorney

Subject: Proposed Amendment AO 2003-31

Attached is a proposed amendment of the subject advisory opinion. We request that this amendment be placed on the agenda for December 11, 2003.

Attachment

On page 8, line 2, add the following sentence to the paragraph ending on line 2:

The reporting provisions of both the Act and Commission regulations use the terms “aggregate” and “total” interchangeably. Political committees must disclose the “total amount of all receipts” including contributions from persons that “have an aggregate amount or value in excess of \$200 within the [] election cycle, in the case of an authorized committee” 2 U.S.C. 434(b)(2) and (b)(3)(A); 11 CFR 104.3(a)(3) and (a)(4)(i). Similarly, section 434(b)(7) requires reporting of “the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions” 2 U.S.C. 434(b)(7); 11 CFR 104.3(a)(3)(v), and (b)(2)(v)(C). Offsets to contributions, including refunds, are reported as part of “total amount of disbursements,” which would be unnecessary if the reported figure of “total contributions” included the subtraction of contribution offsets. 2 U.S.C. 434(b)(4)(F); 11 CFR 104.3(b)(2)(v). These three figures are reported on lines 6(a), (b), and (c) of FEC Form 3, under the headings of “Total Contributions,” “Total Contribution Refunds,” and “Net Contributions.”

On page 8, line 4, add the following after “funds.”:

“2 U.S.C. 441a(i)(1)(E)(ii) (definition of “gross receipts advantage”).”

On page 8, line 7, add the following after “candidate.” before “11 CFR 400.10(b)”:

“2 U.S.C. 441a(i)(1)(D)(i) and (ii); *see also*”