



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, DC 20543

THIS IS THE END OF TUE # 1752

Date Filmed 7/16/85 Camera No. --- 2

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SUMMARY FILE CHECK-OFF

MUR # 1752

3-19-85

Date of Close-out Letters (Mailing Date)

CONTENT CHECK-OFF

- ☒ Close-Out Letter(s)
☒ Final OGC Report or Memorandum or Conciliation Agreement(s)
☒ Respondent(s) Reply to Brief(s)
☒ General Counsel's Brief(s)
☒ Respondent's Reply to RTB Finding
☒ First General Counsel's Report
☒ Respondent's Reply to the Complaint
☒ Original Complaint(s) (If Any)
☒ Other Report or Correspondence*
☒ All Certifications**

STEPHEN LEVIN Preparer of the Summary File

Date

7-3-85

File Reviewed by _____

* To be included if, in the opinion of the staff member, it is important.

** Certifications of Commission actions should be placed in the Summary File prior to the documents which formed the basis of the action and in reverse chronological order.

(Revised 7/5/83)

35040531505

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1752
Wilson for Utah Committee)
Ted Wilson, as treasurer,)
et. al.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 15, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1752:

1. Find no reason to believe that the AFL-CIO Committee on Political Education and Thomas R. Donahue, as treasurer, the Political Education Fund of the Building and Construction Trades Department and Joseph F. Maloney, as treasurer, and the Industrial Union Department AFL-CIO Voluntary Fund and Elmer Chatak, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Wilson for Utah Committee.
2. Find reason to believe that the AFL-CIO Committee on Political Education and Thomas R. Donahue, as treasurer, the Political Education Fund of the Building and Construction Trades Department and Joseph F. Maloney, as treasurer, and the Industrial Union Department AFL-CIO Voluntary Fund and Elmer Chatak, as treasurer, violated 11 C.F.R. § 104.14(d) for not properly reporting contributions to the Wilson for Utah Committee and take no further action.

(Continued)

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3. Find no reason to believe that the Wilson for Utah Committee and Ted L. Wilson, as treasurer, violated 2 U.S.C. § 441a(f) for accepting contributions from the AFL-CIO Committee on Political Education, the Political Education Fund of the Building and Construction Trades Department, and the Industrial Union Department AFL-CIO Voluntary Fund.
4. Find reason to believe that the Wilson for Utah Committee and Ted L. Wilson, as treasurer, violated 11 C.F.R. § 104.14(d) for not properly reporting the receipt of contributions from the AFL-CIO Committee on Political Education, the Political Education Fund of the Building and Construction Trades Department, and the Industrial Union Department AFL-CIO Voluntary Fund and take no further action.
5. Find reason to believe that the International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Wilson for Utah Committee and take no further action.
6. Find reason to believe that the Wilson for Utah Committee and Ted Wilson, as treasurer, violated 2 U.S.C. § 441a(f) by knowingly accepting excessive contributions from the International Ladies Garment Workers Union Campaign Committee and take no further action.
7. Approve and send the letters attached to the General Counsel's Report signed March 12, 1985.

(Continued)

MUR 1752
Certification
General Counsel's Report
Signed March 12, 1985

Page 3

8. Close the file.

Commissioners Aikens, Elliott, Harris, McDonald,
McGarry and Reiche voted affirmatively in this matter.

Attest:

3-15-85

Date

Jody C. Ransom

for Marjorie W. Emmons
Secretary of the Commission

85040531506

Received in Office of Commission Secretary:
Circulated on 48 hour tally basis:

3-13-85, 8:47
3-13-85, 11:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Wilson for Utah Committee,)
Ted Wilson, as treasurer)
AFL-CIO COPE-PCC,)
Thomas R. Donahue, as treasurer)
Political Education Fund of the)
Building and Construction Trades)
Department, (PEF-BCTD))
Joseph F. Maloney, as treasurer)
Industrial Union Department AFL-CIO)
Voluntary Fund, (IU Voluntary Fund))
Elmer Chatak, as treasurer)
International Ladies Garment Workers)
Union Campaign Committee, (ILGWUCC))
Lawrence Dock, as treasurer)

MUR 1752

SENSITIVE

GENERAL COUNSEL'S REPORT

Allegations

James Edward Antosh (hereinafter "Complainant") states that, in violation of 2 U.S.C. § 441a(a)(2)(A), the American Federation of Labor Committee on Political Education/Political Contributions Committee ("AFL-CIO COPE/PCC"), Thomas R. Donahue, as treasurer, and its affiliates, the Building and Construction Trades Department Political Education Fund ("PEF-BCTD"), Joseph F. Maloney, as treasurer, and the International Union Department AFL-CIO Voluntary Fund ("IU Voluntary Fund"), Elmer Chatak, as treasurer, contributed over \$5,000 to the Wilson for Utah Committee in connection with the 1982 Utah primary election. Further, Complainant states that the International Ladies Garment Workers Union Campaign Committee ("ILGWUCC"), Lawrence Dock, as treasurer, contributed over \$5,000 for the 1982 general election. Complainant also alleges that the Wilson for Utah Committee (the

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"Wilson Committee"), J. Alan Blodgett and Dick Van Klaveren, as treasurers,^{1/} violated 2 U.S.C. § 441a(f) by accepting the asserted excessive contributions.

Based on the complaint and records on file with the Commission, the following chart illustrates these transactions.

<u>C/or</u>	<u>Amount</u>	<u>C/or-Date and Desig.</u>	<u>Recip. Date and Desig.</u>
AFL-CIO			
COPE-PCC	\$ 4,000	3/25 P	3/29 Convention
PEF-BCTD	1,000	4/22 P	5/5 Convention
IU Voluntary Fund	250	5/5 P	5/17 Convention
	<u>\$ 5,250</u>		
ILGWUCC	2,500	9/15 G	10/8 G
	3,000	10/8 G	10/19 G
	<u>\$ 5,500</u>		

Democratic Party convention: July 9-10, 1982
Primary Election: September 14, 1982
General Election: November 2, 1982

^{1/} The Wilson Committee filed a termination report on September 2, 1983, which was accepted by the Commission. The Commission notified the Committee of this acceptance by letter dated June 28, 1984. By letter dated February 15, 1984, Dick Van Klaveren, the last committee treasurer of record, indicated that he was no longer acting as treasurer and that all future Commission correspondence should be directed to Mayor Wilson (Mr. Wilson is the Mayor of Salt Lake City, Utah). (Attachment 1). No amendment to the Committee's Statement of Organization was filed with Mr. Van Klaveren's letter and the letter does not expressly name Mayor Wilson as treasurer. Commission records, however, list him as treasurer. Accordingly, the recommendations in this report refer to Mayor Ted Wilson in the official capacity of treasurer.

LEGAL ANALYSIS

A. Applicable Law

Section 441a(a)(2)(A) of Title 2, United States Code, provides that multicandidate political committees may contribute no more than \$5,000 per election to a candidate for federal office. Section 441a(f) of Title 2, United States Code, provides that candidates may not accept contributions made in violation of the limits of 2 U.S.C. § 441a. Section 431(1)(B) of Title 2, United States Code, defines "election" to include a convention or caucus of a political party which has authority to nominate a candidate. Section 431(1)(B) of Title 2, United States Code, defines the term "election" for purposes of the Federal Election Campaign Act of 1971, as amended, to include a convention or caucus of a political party which has the authority to nominate a candidate.

The Commission concluded in AO 1978-30 that a Utah State "party primary convention" may constitute a separate election for contribution limit purposes because the convention has the authority to pick the party's nominee for the ensuing primary election and/or the general election. The Utah State law on this point has not changed since 1978.

Both the Utah Code Annotated ("UCA") and AO 1978-30 refer to the convention in Utah as a "primary convention" in contrast to the "primary election" which may be required after the convention. UCA section 20-4-4, titled "Selection of nominees

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for Congress-Delegates to state primary convention," provides that "delegates to said state party primary convention from each congressional district in the state of Utah shall meet in congressional district primary conventions . . . and select the party's nominees for United States congressman to run at the regular primary election." UCA section 20-4-9 provides that the two candidates gaining the greatest number of votes at the party primary conventions "shall be declared the party's nominees to run at the primary election." Section 20-4-9 further provides that if one candidate receives at least seventy percent of the total votes cast, "he shall become the party's nominee in the next general election without the necessity of running in the primary election." (See Utah Code Annotated 20-4-4 (1953 Repl. Vol. 3) and 20-4-9 (1983 Supp.). (Attachment 2, pages 3, 6, 10, 12).

B. Wilson for Utah Committee Response to Complaint

Counsel for the Wilson Committee, its former treasurers, and Mayor Ted Wilson, explains that through clerical inadvertence the subject contributions were not properly allocated between the convention and general election period. Counsel maintains that by letter dated May 3, 1982 (Attachment 4, page 20), two months prior to the July Democratic convention, the IU Voluntary Fund made the \$250 contribution cited in the chart above and designated it for the general election. Counsel says that when the Wilson Committee prepared its October 10, 1982 FEC Report,

the typist erroneously designated the \$250 contribution for the "convention" rather than the "general" election.

As to the ILGWUCC contributions, counsel explains that on June 18, 1984, forty-two days prior to the filing of the complaint in this matter, it received a letter from Lawrence Dock, treasurer of the ILGWUCC, stating that the September 15, 1982 contribution of \$2,500 made to the Wilson Committee should "...be \$500 for the primary and \$2,000 for the general. . . ." (Attachment 4, page 21). Counsel attributes the Wilson Committee's failure to discover the \$500 excess contribution upon receipt to a "...breakdown in the internal procedures of the Committee for keeping track of running contribution totals. . . ." He notes that the Committee received "in excess of 1.25 million dollars in contributions, a large figure by Utah campaign standards."

Counsel states that the Committee is willing to file amendments to the Committee's FEC reports even though the Committee is no longer in existence.

C. AFL-CIO and Affiliates' Response to Complaint

These respondent unions state that as to the AFL-CIO COPE/PCC and PEF-BCTD, their 1982 contribution records reflect essentially what is alleged. However, they contend that the IU Voluntary Fund's May 5, 1982 contribution in the amount of \$250.00 to the Wilson for Utah Committee was designated for the 1982 general election and not the primary election as alleged by

the complainant. The response by counsel states, "[t]his designation is reflected both in the cover letter that was sent with the contribution and in the IU Voluntary Fund's May 1982 Monthly FEC Report." (See Attachment 3, page 14). The 1982 cover letter refers to a contribution of \$250 "for your general campaign", but the report copy submitted by respondents reflects the public record of this transaction as amended in April 1984 by the IU Voluntary Fund.

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The original 1982 May monthly report designated the \$250 for the primary election. Respondents say that this amendment reflects their internal contribution records. The public record indicates that on April 9, 1984, the Commission received an amendment to the IU Voluntary Fund's 1982 May monthly report. That amendment was apparently used to answer this complaint. The amendment shows the May 5, 1982 contribution of \$250 to the Wilson Committee as being for the general election.

D. ILGWUCC Complaint Response

The ILGWUCC responded to this complaint by filing an affidavit from Evelyn Dubrow, executive secretary of the ILGWUCC. (See Attachment 6, page 24.) Ms. Dubrow says that she was personally involved in the contributions that the ILGWUCC made to the Wilson campaign. She attributes the reporting of an excessive contribution to the Wilson Committee to the fact that in 1982 the ILGWUCC's records were kept in New York, apart from her direct supervision since she spent "almost all" of her

working time in Washington, D.C., and the records were maintained by a new, inexperienced employee who, they recently learned, made many errors.

Ms. Dubrow says that by the end of August 1982 the ILGWUCC had contributed \$4,250 to the Wilson Committee for the primary and that no general election contributions had been authorized. Further, she says that in early September the ILGWUCC decided to contribute an additional \$500 to the Wilson primary election, for a total of \$4,750 and to make a first contribution of \$2,000 for the general election. She states that she personally instructed the New York office to do so on September 15, 1982.

Additionally, she says that on October 8, 1982, she directed the New York office to make an additional contribution of \$3,000 to Wilson's general election. Ms. Dubrow's inference is that her instructions of September 15, 1982, were misinterpreted and the entire amount, \$5,500, was inadvertently sent for the general election. No transmittal letters or check copies have been submitted to the Commission.

Ms. Dubrow says that in June 1984, the ILGWUCC audited its 1982 records of Senatorial contributions and discovered a number of inadvertent errors, including the Wilson contribution in this matter. The ILGWUCC, accordingly, she says, filed an amendment on June 12, 1984, to its October 1982 FEC report. A copy of the amendment was submitted with the affidavit.

E. Discussion

As seen in the chart above, the contributions from the AFL-CIO and affiliates were designated on FEC reports for the "primary" by the contributors and for the "convention" by the recipient. The AFL-CIO respondents affirm that the two contributions of March 25 (\$4,000) and April 22 (\$1,000) were intended for the primary election. They maintain that their internal records reflect that the May 5, 1982 \$250 contribution was for the general election and that, therefore, no violation of 2 U.S.C. § 441a occurred. Further, they say that the erroneous reporting of the \$250 for the primary was discovered and corrected in April 1984.

The ILGWUCC reported its contributions for the general election and Wilson for Utah Committee reports show that they were received for the general election. By affidavit, Ms. Dubrow asserts that no violation of 2 U.S.C. § 441a occurred because she directed that \$4,750 be contributed to the primary election and that \$5,000 be contributed to the general election. A clerical error is blamed for the sending of \$5,500 designated for the general election. This error was discovered and amended reports filed prior to the filing of this complaint.

At this juncture, it should be noted that strictly speaking, Mr. Wilson had no "primary election" contribution limit available to him. Since the Utah primary convention has been held to be an "election" by the Commission, the Wilson for Utah Committee

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enjoyed a separate contribution limit for that election. Mr. Wilson was not required to be in the September 14, 1982 regular primary election because he received seventy percent of the convention vote and became the party's general election nominee. However, whether the contributions were received for the primary or convention appears to be immaterial for purposes of contribution limitations in this matter.

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The Wilson Committee response cites a typist's error as the reason for designating the IU Voluntary Fund's \$250 contribution as "convention" rather than "general" as, it contends, the IU Voluntary Fund directed in its May 3 transmittal letter. The copy of the May 3 letter submitted corroborates this statement of the Wilson Committee's understanding. (Attachment 3, page 16). The May 3rd letter, however, places a caveat on its contribution "...in the amount of \$250 for your general campaign..." by asking that any amount received in excess of the Act's limit of \$5,000 per election be returned. Thus, in light of the facts that the convention was two months hence, and the primary was an uncertainty, the May 3rd letter is arguably ambiguous as to whether it refers to the campaign in general or the November general election. This Office believes that the letter is acceptable as the written designation of an election required by 11 C.F.R. § 110.1.

The AFL-CIO respondents' response confirms the Wilson Committee's understanding of the IU Voluntary Fund's direction of

the \$250 to the general election. The April Amendment filed supports a conclusion that the IU Voluntary Fund discovered and corrected a reporting error it made.

Based on the facts that the IU Voluntary Fund discovered and corrected asserted reporting errors it made some three months before this complaint was filed; states that the amendment reflects its internal records; and that the May 3rd IU Voluntary Fund transmittal letter refers to the "general campaign", this Office recommends that the Commission find no reason to believe that the AFL-CIO COPE and its affiliates violated 2 U.S.C. § 441a(a)(2)(A). Based on the facts that the AFL-CIO COPE and affiliates' contribution of \$250 was originally reported for the primary election and via pre-complaint amendment, the general, this Office recommends that the Commission find reason to believe that a violation of 11 C.F.R. § 104.14(d) occurred but take no further action.

Based on the facts that the Wilson Committee accurately believed the IU Voluntary Fund's \$250 contribution was for the general election and says that it was erroneously reported by the Committee, this Office recommends that the Commission find no reason to believe that a violation of 2 U.S.C. § 441a(f) occurred and reason to believe that the Committee violated 11 C.F.R. § 104.14(d) but take no further action.

The affidavit of Ms. Dubrow presents a different situation. She implies that her contribution directions were not followed

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and a clerical employee sent the subject ILGWUCC contributions and reported them for the general election. The June 12, 1984 letter from Lawrence Dock to the Wilson Committee says only that the ILGWUCC contribution of September 15, 1982, should be \$500 for the primary and \$2,000 for the general. The Wilson Committee says that its internal procedures broke down and they did not notice the receipt of \$500 in excess of the limits of 2 U.S.C. § 441a from the ILGWUCC.

By making contributions totalling \$5,500 to the Wilson for Utah Committee and reporting them for the 1982 general election the ILGWUCC violated 2 U.S.C. § 441a(a)(2)(A). Accordingly, by knowingly accepting and reporting the contributions in question, the Wilson Committee violated 2 U.S.C. § 441a(f). (By reporting the contributions in question, the Wilson Committee "knowingly" accepted them within the meaning of 2 U.S.C. § 441a(f).) It should be noted that, insofar as both the contributor and the recipient properly reported these contributions, this situation does not give rise to a violation of 11 C.F.R. § 104.14(d).

Therefore, this Office recommends that the Commission find reason to believe that the ILGWUCC and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but, in light of the minimal nature of the amount at issue and the amendment of the reports in question prior to the filing of this complaint, take no further action.

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Similarly, this Office recommends that the Commission find reason to believe that the Wilson for Utah Committee and Ted Wilson, as treasurer, violated 2 U.S.C. § 441a(f) and take no further action.

RECOMMENDATIONS

1. Find no reason to believe that the AFL-CIO Committee on Political Education and Thomas R. Donahue, as treasurer, the Political Education Fund of the Building and Construction Trades Department and Joseph F. Maloney, as treasurer, and the Industrial Union Department AFL-CIO Voluntary Fund and Elmer Chatak, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Wilson for Utah Committee.
2. Find reason to believe that the AFL-CIO Committee on Political Education and Thomas R. Donahue, as treasurer, the Political Education Fund of the Building and Construction Trades Department and Joseph F. Maloney, as treasurer, and the Industrial Union Department AFL-CIO Voluntary Fund and Elmer Chatak, as treasurer, violated 11 C.F.R. § 104.14(d) for not properly reporting contributions to the Wilson for Utah Committee and take no further action.
3. Find no reason to believe that the Wilson for Utah Committee and Ted L. Wilson, as treasurer, violated 2 U.S.C. § 441a(f) for accepting contributions from the AFL-CIO Committee on Political Education, the Political Education Fund of the Building and Construction Trades Department, and the Industrial Union Department AFL-CIO Voluntary Fund.
4. Find reason to believe that the Wilson for Utah Committee and Ted L. Wilson, as treasurer, violated 11 C.F.R. § 104.14(d) for not properly reporting the receipt of contributions from the AFL-CIO Committee on Political Education, the Political Education Fund of the Building and Construction Trades Department, and the Industrial Union Department AFL-CIO Voluntary Fund and take no further action.
5. Find reason to believe that the International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Wilson for Utah Committee and take no further action.

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6. Find reason to believe that the Wilson for Utah Committee and Ted Wilson, as treasurer, violated 2 U.S.C. § 441a(f) by knowingly accepting excessive contributions from the International Ladies Garment Workers Union Campaign Committee and take no further action.
7. Approve and send the attached letters.
8. Close the file

Charles N. Steele
General Counsel

March 12 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

Wilson for Utah/FEC treasurer correspondence
(Attachment 1, pages 1-2)
Utah Code Annotated
(Attachment 2, pages 3-13)
Complaint response of AFL-CIO
(Attachment 3, pages 14-16)
Complaint response of Wilson for Utah
(Attachment 4, pages 17-21)
Complaint response of ILGWUCC
(Attachments 5 & 6, pages 22-27)
Letters

95040531519

February 19, 1984
OFFICE OF THE SENATE

ISSA FEB 15 AM 9 43

HAND DELIVERED ☒

Ms. Linda Tangney
Reports Analysis Division
F.E.C.
Washington, D.C. 20463

Dear Ms. Tangney:

The Wilson for Utah Committee is no longer in existence and our final termination report was filed with the F.E.C. last year. This letter, therefore, is for the purpose of informing you that we are complying with the notice contained in your letter of November 8, 1983 regarding the return of \$4,000 received from the FOCUS PAC contribution.

Mr. Wilson was completely unaware of the impropriety of the receipt of the contribution in question, but has since refunded the \$4,000 to the FOCUS PAC from his personal funds, as per copy of his check.

I assure this action satisfies any obligations we have under the federal election laws; however, if you need additional information or further action is required, please so advise me. It is my understanding the FOCUS PAC has or will in the near future submit their report informing you of this refund.

Since our campaign committee is no longer in existence, and since the money has been refunded from the candidate's own resources, I assume we have no further reporting obligations outside of this letter.

Very truly yours,

Dick Van Kesteren
Dick Van Kesteren, Treasurer

P.S. Since I am no longer functioning as a campaign treasurer, would you please address any future correspondence, if required, to Mayor Ted Wilson, Room 300 City and County Building, Salt Lake City, Utah 84111, attention Dolly Plumb. Thank you.

cc: Secretary of the Senate
119 "D" Street, N.E. Rm. 623
Washington, D.C. 20510

ATTACHMENT 1

1A-14-82 11-20-82

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JAN 21 1983

Mayor Ted Wilson, Treasurer
Wilson for Utah Committee
ATTN: Dolly Plumb
Room 300 City and County Building
Salt Lake City, UT 84111

Identification Number: C00148468

Reference: Mid-Year Termination Amendment Report (1/1/83-6/4/83)

Dear Mayor Wilson:

Your committee's filing has been accepted as a valid termination because it meets the conditions set forth in 2 U.S.C. 433(d) and Section 102.3 of the Commission's Regulations. Your committee is no longer required to file reports on a periodic basis. However, 2 U.S.C. 432(d) and Sections 102.9(c) and 104.14(b)(3) of the Commission's Regulations require that you maintain your records and copies of reports for inspection for at least three (3) years. In addition, you may be required to respond to Commission requests for information regarding your committee's federal election activity and previously filed reports.

If your committee again becomes active in federal elections, it will be required to re-register with the Commission in accordance with the Federal Election Campaign Act and applicable Regulations. Your committee will be treated as a new entity by the Commission and should register as a new committee on FEC Form 1, pursuant to 2 U.S.C. 432(g) and 433(a).

If you have any questions concerning your status and requirements, please contact the Reports Analysis Division on the toll-free number, (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

Libby Cooperman

Libby Cooperman
Reports Analyst
Reports Analysis Division

20-4-4

ELECTIONS

than the fourth Saturday in June" at the beginning of the section for "On or before the first Saturday of August"; substituted references to state primary convention and county primary conventions for references to state convention and county conventions; and added the second sentence relating to duties of elected delegates in presidential election years.

The 1965 amendment substituted "During the month of July" for "After the first Saturday in June but not later than the fourth Saturday in June" at the beginning of the section.

The 1971 amendment substituted "During the months of June or July" for "During the month of July" at the beginning of the section.

Presidential electors.

Laws 1963, ch. 33, § 1 deleted from 20-4-2 provision that delegates select presidential electors and added it to this section. That provision was held to provide the only method for electing presidential electors; they could not be nominated by certificate of nomination under 20-3-38. *Markham v. Bennion*, 122 U. 562, 252 P. 2d 539.

Collateral References.

Elections 128.

29 C.J.S. Elections § 97 et seq.

districts embrace more from such districts than the party state primary district at the state primary

History: L. 1947, ch. 34, § 1; C. 1943, Supp., ch. 33, § 4.

Compiler's Notes.

The 1949 amendment, sentence, changed the special legislative district conventions from not more before nor three days primary convention to thirty days before nor to such state primary convention.

The 1971 amendment legislative district primary to be held not more than fore or more than three

20-4-4. Selection of nominees for Congress—Delegates to state primary convention.—Not more than three days before nor three days after the meeting of the state primary conventions of each political party the delegates to said state primary convention from each congressional district in the State of Utah shall meet in congressional district primary conventions at a time and place designated by the state central committee and select the party's nominees for United States congressman to run at the regular primary election.

History: L. 1947, ch. 35, § 4; C. 1943, Supp., 25-3-59.

20-4-5. Selection of party's nominees at regular primary election—Judicial district primary conventions—Delegates—Time.—Not more than 30 days before nor 30 days after the state primary convention of each political party at a time and place to be designated by the state committee of each party, the delegates to the state primary conventions from each judicial district shall meet in separate judicial district primary conventions and select the party's nominees to run at the regular primary election.

History: L. 1947, ch. 35, § 5; 1949, ch. 34, § 1; C. 1943, Supp., 25-3-60.

Collateral References.

Elections 128.

29 C.J.S. Elections § 97 et seq.

Compiler's Notes.

The 1949 amendment substituted "30 days" for "three days" in two instances.

20-4-6. Candidates for legislature—Manner of selection—Party primary conventions—Time.—Where either house or senate legislative districts are identical with a single county, candidates for the legislature for each political party from said districts shall be selected by the county primary conventions of each party. Where legislative districts cover an area smaller than a county, candidates for legislative offices from such districts shall be selected by the delegates to the county primary conventions of each party from the voting districts within such legislative district at the county primary convention of each party. Where legislative

20-4-7. County primary offices—Election of delegates to state primary Mass meeting of delegates to county primary of each even-numbered meetings shall convene by the county central there organize and regular primary election of their party for the the qualified electors in the party's state state primary convention of such party votes and major fraction date for member of said number of votes central committee of entitled to at least election for the office be in the proportion election for all the for candidates who have

(2) The county the county convention members as may be entitled to one or more committeeman and more than five.

20-4-8. Repealed.**Repeal.**

Section 20-4-8 (L. 1947, ch. 35, § 8; 1949, ch. 34, § 1; C. 1943, Supp., 25-3-63), relat-

ing to precinct primary conventions, was repealed by Laws 1971, ch. 23, § 5. For present provisions, see 20-4-6.

20-4-9. Party primary conventions—Candidates—Declaration of candidacy—Designation of nomination and acceptance—Balloting and voting—Selection and certification of nominees—Rules of procedure.—Between April fifteenth and May tenth of even-numbered years, all persons intending to become candidates at a primary convention for any elective office to be filled at the next ensuing November election shall file with the county clerk for all precinct, county and district offices solely within a county and with the secretary of state for all other offices, a declaration of candidacy and the county clerk or secretary of state shall certify to the chairman of the county or state committee of the party of which the candidate is a member, a copy of the declaration of candidacy; provided, that in the alternative, 25 or more registered voters may file with the appropriate foregoing filing officer a designation of the nomination of a candidate for the nomination for an elective office. Before the filing officer accepts any candidacy, he shall read to the candidate the constitutional and statutory requirements for candidacy, and the candidate shall state whether he fulfills the requirements of candidacy. If the candidate indicates that such candidate does not qualify, the filing officer shall decline such person's candidacy.

When such designation shall have been filed it shall be the duty of the officer in whose office it is filed to notify immediately, by registered mail, the elector named in the designation. If the elector named in the designation shall by the filing deadline file with the officer in whose office the designation was filed an acceptance of nomination and pay the required fee, he shall be a candidate at the primary convention. The signers of the designation of nomination shall all be of the same political party as the candidate designated. The acceptance shall be in a form similar to that used by a candidate who files a declaration of candidacy. The officer in whose office filings are made shall certify to the chairman of the county or state committee of which the candidate is a member, copies of the designation and acceptance. Should May 10th fall upon a Saturday or a Sunday, the filing time shall be extended to 5 o'clock p.m. of the following Monday. In all other cases the filing deadline shall be 5 o'clock p.m. on May tenth.

Form of Declaration.

The form of the declaration of candidacy shall be substantially as follows:

State of Utah

County of.....

I,, hereby declare my intention of becoming a candidate for nomination by the party for the office of I do solemnly swear that I can qualify to hold said office both legally and constitutionally, if selected, and I reside at No. Street in the City

at the general election. The ballots shall be counted by judges selected by the primary convention. Voting shall be by secret ballot, and adequate time and voting facilities shall be provided to enable all delegates to cast their ballot. Balloting shall continue for at least one hour or for such additional time as will afford all duly accredited delegates an opportunity to cast their ballots. The two persons receiving the highest number of votes for any office to be filled at the next ensuing election shall be declared the party's nominees to run at the primary election next ensuing; provided, that where more than one candidate is to be elected to any office at the next ensuing general election, the candidates at the convention not exceeding twice the number of the candidates to be elected at the ensuing general election who receive the highest votes at the primary convention shall be declared the party's nominees for such office. If one candidate receives 70% or more of the votes cast where only one office is to be filled, he shall become the party's candidate in the general election without the necessity of running in the primary election. The secretary of each primary convention shall immediately certify to the county clerk or the secretary of state, as the case may be, the names of the successful candidates at the primary convention election. Where the number of candidates filing declarations of candidacy, or acceptance of designation is not greater than the number of candidates to be selected for any office at the next ensuing general election, such candidates shall be declared the party's nominees for the office and shall be certified by the county clerk or secretary of state, as the case may be, and shall not be required to run at either the primary convention or the regular primary election.

Each political primary convention shall establish whatever rules it deems advisable governing its procedure, provided, that said rules be consistent with the laws of the State of Utah.

History: L. 1947, ch. 35, § 9; 1949, ch. 34, § 1; C. 1943, Supp. 25-3-64; L. 1957, ch. 42, § 1; 1963, ch. 33, § 1; 1965, ch. 39, § 8; 1969, ch. 51, § 3; 1975, ch. 58, § 18.

Compiler's Notes.

The 1949 amendment, under "Balloting," inserted the fifth sentence relating to death or disqualification of delegates; deleted "When the time fixed for voting expires" from the eighth sentence; and at the beginning of the tenth sentence substituted "After time balloting commences, balloting shall continue for at least one hour thereafter" for "Opportunity to vote shall commence not later than one hour after the opening of said convention, and shall continue for two additional hours thereafter."

The 1957 amendment changed the time for filing from 20 days before conventions to July 10th in the first paragraph; and added two sentences which read: "Should July 10th fall upon a Saturday, the filing deadline shall be one o'clock p.m. of that day. Should July 10th fall

upon a Sunday, the filing time would be extended to five o'clock p.m. of the following Monday."

The 1963 amendment changed the time for filing from July 10 to during the month of March at the beginning of the first paragraph; substituted "March 31st" for "July 10th" in three places in the first paragraph; added the last sentence to the first paragraph; inserted "for all contested offices" in the first sentence of the next to last paragraph; and inserted in that paragraph the eleventh sentence relating to candidacy of a person receiving 80% or more of the votes cast.

The 1965 amendment changed the filing date for candidacy at the beginning of the first paragraph from during the month of March to between April 15th and May 10th; in the present second sentence of the second paragraph, changed the time for filing from March 31st to by the filing deadline; combined the last two sentences of the first paragraph, now the next to last sentence of the second paragraph, to provide for the extension of

UTAH CODE ANNOTATED

SECOND REPLACEMENT
VOLUME 3
1983 Pocket Supplement

Containing

Amendments to statutes and new statutes in Titles 20 to 30 enacted since publication of Second Replacement Volume 3 through the 1983 First Special Session of the Utah Legislature

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The Publisher's Editorial Staff

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(3) After marking his ballot the elector shall detach the part of the ballot containing the names of the candidates of the party he has voted from the remainder of the ballot and shall fold the same so that its face shall be concealed, and shall deposit the same in the ballot box as provided in this act. The remainder of the ballot, containing the names of the candidates of the party or parties the elector did not vote, shall be folded in like manner by the elector who shall thereupon deposit the same in a separate ballot box to be marked and designated as blank ballot box. Immediately after the canvass, the judges of election shall, without examination, destroy the tickets deposited in the blank ballot box.

(4) Across the top of the ballot a one-inch perforated stub shall contain the numerical ballot numbers and "Judge's Initials." When printing the absent-voter ballots the words "Absent-Voter Ballot" shall precede the ballot numbers. Immediately below the perforated stub in 18 point bold type the wording "Official Primary Ballot for _____ County, Utah, _____, 19____" followed by the facsimile signature of the county clerk and his title. Next the party emblem and name of the party shall be listed. Below the party name there shall be printed in not smaller than 10 point bold-face type, doubled-leaded, the following: "Instructions to Voters" To vote for a candidate place a cross (X) in the square at the right of the name of the person for whom you desire to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation. This "Instructions to Voters" shall be separated from the lists of candidates and the designation of the several offices for which nominations are to be made by one light and one heavy line or rule.

(5) The names of the candidates shall be grouped according to the office for which they are candidates and the names in each group shall be placed with the surnames last and arranged as provided in section 20-3-20. Each group shall be preceded by the designation of the office for which the candidates seek nomination, and the words, Vote for one, or Vote for two or more, according to the number to be elected to such office at the ensuing general election. Such designation of the office for which nominations are to be made and of the number of candidates to be nominated shall be printed in heavy-faced type, not smaller than eight point. The word or words designating the office shall be printed flush with the left-hand margin, and the words, Vote for one, or Vote for two or more, as the case may be, shall extend to the extreme right of the column. The designations of office and the directions for voting shall be separated from the names of the candidates by a light line.

(6) The names of the candidates shall appear on the ballot in heavy-faced type not smaller than 10 point, between lines or rules, three-eighths of an inch apart. To the right of the names of the candidates shall be printed a square with sides not less than ¼ inch long.

(7) Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule.

(8) The nonpartisan candidates shall be listed the same on each party ticket in the following manner: immediately below the listing of the party candidates, if any, there shall be printed "NONPARTISAN" in reverse type in an eighteen point solid rule which is the full width of the type copy of the party listing above. Beneath this the listing of the office, the number of candidates to vote for, the candidate's name, voting square, etc. shall follow in the same style and manner as for party candidates.

History: L. 1937, ch. 29, § 24; 1939, ch. 37, § 1; C. 1943, 25-3-29; L. 1965, ch. 36, § 5; 1967, ch. 36, § 1; 1967, ch. 37, § 1; 1975, ch. 58, § 13; 1977, ch. 78, § 7.

Compiler's Notes.

The 1977 amendment inserted the subsection designations; and inserted "circuit judge, county justice of the peace" in the third sentence of subsec. (1).

20-3-20. Ballots — Arrangement of candidates' names. All voting at primaries shall be by ballot. It shall be the duty of the county clerk of each county

to provide such official printed ballots. Official ballots shall be printed on off paper in the manner provided in general election laws.

The joint candidates for governor and lieutenant governor shall be arranged alphabetically according to the gubernatorial candidates' surnames with one square for each set of joint candidates. The names of all other candidates shall be arranged alphabetically according to surnames, except as otherwise provided in sections 53-2-3 and 53-5-7, under the appropriate title of the respective offices, under the proper party designation upon the party ticket. If any elector writes upon his ticket the name of any person who is a candidate for the same office upon another ticket than that upon which his name is so written this ballot shall be counted for such person only as a candidate of the party upon whose ticket his name is written; and in no case shall be counted for such person as a candidate upon any other ticket.

History: L. 1937, ch. 29, § 25; 1939, ch. 37, § 1; C. 1943, 25-3-30; L. 1983, ch. 104, § 1; 1983, ch. 110, § 5.

Cross-References.

Grouping of candidates' names — 20-3-19.

20-3-21. Procedure for voting. Any registered voter desiring to vote shall place his name and, if requested to do so, his residence, to one of the election judges. When an election judge does not know the person requesting the ballot and has no reason to doubt that person's identity, the judge shall request identification of the voter identified by a known registered voter of the district. When the voter is properly identified, an election judge shall hand him a ballot containing the names of the candidates of all groups and parties provided herein and at the same time shall instruct him to vote for the candidates of only one party or group and show him how to separate the ticket he votes from the remainder of the ballot. The voter shall then vote according to law.

Whenever the county clerk is required to furnish more than one kind of official ballot to the voting district, the election judges of that district shall give the registered voter the kind of ballot he is qualified to vote.

History: L. 1937, ch. 29, § 26; C. 1943, 25-3-31; L. 1965, ch. 36, § 6; 1967, ch. 36, § 1; 1971, ch. 34, § 12; 1975, ch. 58, § 14; 1981, ch. 109, § 12.

Compiler's Notes.

The 1981 amendment inserted the first two sentences of the first paragraph; substituted

"When the voter is properly identified, the election judge" in the third sentence of the first paragraph for "When an elector enters the polls to vote at a primary election, election officers"; and substituted "voter" for "elector" in the last sentence of the first paragraph.

20-3-38. Independent candidates, etc.

Law Reviews.

Toward an Interstate Standard of Equal Protection of the Laws: A Speculative Essay, 1981 B.Y.U. L. Rev. 275.

CHAPTER 4

PARTY CONVENTIONS

Section

- 20-4-1. County organizing conventions — Time of holding — Mailing and form of notice of convention — Convening of delegates — Election of chairman, vice-chairman, secretary, and treasurer — Delegates to state organizing convention.
- 20-4-2. State organizing convention — Time for holding — Election of state central committee chairman, and vice-chairman — Composition of state central committee — Term of office of state and county central committees — Filling vacancies — Executive committees.

- 20-4-3. Time and place of state primary convention — Election of nominees — Adoption of state platform — Selection of presidential electors, national convention delegates and alternates, and national committeeman and committeewoman.
- 20-4-7. County primary convention — Selection of nominees for county offices — Election of members of county central committee — Selection of delegates to state primary convention — Composition of county committee — Mass meeting of electors in county — Election of district officers and delegates to county primary convention.
- 20-4-9. Declarations of candidacy — Certification and approval of lieutenant governor candidates — Balloting procedure — Successful candidates — Rules of procedure.
- 20-4-11. Death, resignation or disqualification of candidate before primary or general election — Certification of another candidate.
- 20-4-11.5. Vacancy — Procedure for filling.

20-4-1. County organizing conventions — Time of holding — Mailing and form of notice of convention — Convening of delegates — Election of chairman, vice-chairman, secretary, and treasurer — Delegates to state organizing convention. (1) On or before the 15th of August in each year in which a general election is not to be held a county organizing convention of each political party shall be held in each county in the state. The county central committee of each political party shall cause notice of the holding of the county organizing convention of its party to be mailed to each delegate elected or chosen to that party's county primary convention held the previous year, which notice shall be in substantially the following form:

"Notice of _____ Party County Organizing Convention.

Notice is hereby given that the County Organizing Convention of the _____ party for _____ County will be held at _____ in _____, at _____ o'clock _____ M. on _____ the _____ day of _____, 19____. At this Convention a county chairman, vice-chairman, secretary, and treasurer to serve for the ensuing two years will be chosen and other party affairs may be considered. Delegates to this County Organizing Convention shall be the same persons who were delegates to the _____ County primary convention which was held last year."

(2) At the time and place designated for the party county organizing convention the delegates to this convention shall convene at the place designated by the party's county central committee and there organize.

(3) The delegates to each county organizing convention shall elect a county chairman, vice-chairman of opposite sex, secretary, and treasurer and take any other action consistent with this chapter pertaining to the affairs of the party in the county as deemed proper.

(4) The delegates to the state organizing convention of each party shall be the same persons who were delegates to the state primary convention that was held the previous year.

History: L. 1947, ch. 35, § 1; C. 1943, Supp., 25-3-56; L. 1963, ch. 33, § 1; 1969, ch. 51, § 1; 1971, ch. 33, § 3; 1979, ch. 83, § 2; 1981, ch. 104, § 1.

Compiler's Notes.

The 1979 amendment deleted headings before subsecs. (2) to (4); and rewrote subsec. (4). For prior version, see parent volume.

The 1981 amendment inserted "organizing" before "convention" throughout the section; deleted "delegates of _____ County for the _____ State Convention will be elected and" after "Convention" in the next to last

sentence of the form in subsec. (1); deleted "and the delegates to which the qualified electors of the party residing in the county are entitled in the party's state convention" after "treasurer" in subsec. (3); substituted "this chapter" in subsec. (3) for "the provisions of this act"; deleted the last sentence of subsec. (3) which read: "The chairman and secretary of each county convention shall certify to the state convention the result of the election by the county convention of delegates to the state convention"; rewrote subsec. (4) which read: "The number of dele-

gates to the state convention of each party which shall be chosen in each county convention of such party shall be one delegate for each definite number of votes and major fraction thereof cast in the county at the next preceding November election for all the party's candidates for the offices of governor, secretary of state, attorney general, state

auditor and state treasurer, excluding vote for candidates who have no opposition. The number of votes for each delegate shall be determined by the state central committee of each party, provided that each county shall be entitled to at least one delegate and made minor changes in phraseology, punctuation and style.

20-4-2. State organizing convention — Time for holding — Election of state central committee chairman, and vice-chairman — Composition of state central committee — Term of office of state and county central committees — Filling vacancies — Executive committees. (1) On or before the first day of September of each odd-numbered year, the delegates to the state organizing convention of each political party shall convene at such place in the state as the state central committee of that party shall designate and there organize. The convention shall elect a state central committee for the ensuing term and a chairman and vice-chairman of opposite sex.

(2) The state central committee of each political party shall consist of qualified electors affiliated with this party from each county. The number of members of the state central committee of each party to which each county shall be entitled shall be determined in proportion to the combined votes cast at the next preceding November election for the party's candidates for the offices of governor, secretary of state, attorney general, state auditor and state treasurer, excluding the vote for any candidate who had no opposition. There shall be one committeeman for each definite number of votes so cast, these numbers to be determined by the state central committee of the party but there shall be at least two members, a man and a woman from each county in the state.

(3) The state and county central committees shall serve for two years and until their successors shall have been elected. Any vacancy in the committee or in its offices, including the office of chairman, arising from death, resignation, or other cause shall be filled by the remaining members of the committee. Each committee may elect from its membership an executive committee and shall, except as otherwise provided in this chapter, choose its officers by ballot. Each committee and its officers shall have general charge of the affairs of the party in the state and county as the case may be, and have the powers usually exercised by these committees and their officers subject to the provisions of this chapter. The several state and county committees and their officers now in existence shall exercise the powers and the duties prescribed by this chapter until their successors shall be chosen in accordance with this chapter.

History: L. 1947, ch. 35, § 2; C. 1943, Supp., 25-3-57; L. 1963, ch. 33, § 1; 1979, ch. 83, § 3; 1981, ch. 104, § 2.

Compiler's Notes.

The 1979 amendment deleted headings before subsecs. (2) and (3); inserted "at the next preceding November election" in subsec. (2); and substituted "offices of governor, secretary of state, * * * who had no opposition"

in subsec. (2) for "United States congressmen at the next preceding November election."

The 1981 amendment deleted "elected after" "delegates" in the first sentence of subsec. (1); inserted "organizing" in the first sentence of subsec. (1); deleted "by the several county conventions of such party" after "political party" in the first sentence of subsec. (1); substituted "chapter" for "act" throughout the section; and made minor changes in phraseology.

20-4-3. Time and place of state primary convention — Election of nominees — Adoption of state platform — Selection of presidential electors, national convention delegates and alternates, and national committeeman and committeewoman. During the months month of June or July of each even-numbered year

delegates elected to the state primary convention of each political party by the several county primary conventions of such the party, shall convene at such a place the state as designated by the state central committee shall designate in a state primary convention; and there At the convention, the delegates shall organize and elect nominees to run on the party ticket at the regular primary election for all the appropriate elective offices and for the office of United States senator to be held at the ensuing November election; and shall adopt a state platform for such a political party for the ensuing election. In years of presidential elections they all also select presidential electors and the necessary delegates and alternates to the national convention and select the national committeeman and committeewoman for the state of Utah.

History: L. 1947, ch. 35, § 3; C. 1943, pp., 25-3-58; L. 1963, ch. 33, § 1; 1965, ch. 39, § 1; 1971, ch. 36, § 1; 1983, ch. 110, § 6.

20-4-7. County primary convention — Selection of nominees for county offices — Election of members of county central committee — Selection of delegates to state primary convention — Composition of county committee — Mass meeting of electors in county — Election of district officers and delegates to county primary convention. (1) Following the mass meetings Prior to a state party convention of each even-numbered year, the delegates elected at the district mass meetings shall convene in each county at a time and place designated by the county central committee as a county primary convention, and there at the convention, the delegates shall organize and select nominees to run on the party ticket at the regular primary election, elect the members of the county central committee of their party for the ensuing term, and select the delegates to which the qualified electors of the party residing in the county are entitled in the party's state primary convention.

(2) The county central committee of a political party shall consist of the chairman and vice-chairman of each voting district.

(3) The county central committee of each political party in each county shall cause a mass meeting of the citizens who will be at least 18 years old by the next November election of said the county residing in each voting district entitled to delegates in the county primary convention to be called and held on the first third day of May in April in each year in which a general election is to be held, and shall cause notice of the time and place of the holding of the meeting to be posted in at least three public places in the district at least five days prior to the date of such meeting; and, The notice shall specify the number of delegates to the county primary convention to be chosen at the meeting and the county central committee shall cause any further notice of the meeting to be given as the conditions existing in the district may reasonably require. The number of delegates to the county primary convention of each political party shall be one delegate for each definite number of votes and major fraction thereof cast at the next preceding November election within the voting district for all the party's candidates for the offices of governor, secretary of state, attorney general, state auditor and state treasurer, excluding the vote for any candidate who had no opposition. The number of votes required for each delegate is to be determined by the county central committee, provided that each voting district shall be entitled to at least one delegate.

(4) The mass meeting for each district shall be convened at the time appointed; and the place appointed; which. The place shall be within the district or in a public building of an adjacent or nearby district. At such the meeting a district chairman and vice-chairman, who shall be of the opposite sex, a secretary, a treasurer, and at least three committeemen and the delegates to which the members of the party residing in such district shall be entitled in the party's county primary convention,

shall be elected by ballot. Balloting; or the opportunity therefor, shall continue for at least one hour after the time the meeting opens for business and the result of the election for county delegates shall be certified at the county primary convention of the party by the chairman and secretary of said the meeting; provided; that if, If any district shall fail fails to elect delegates to any party's county primary convention the county central committee then in office may fill the vacancy from qualified members of the party in the district, and the secretary of the county central committee shall certify the same to the county primary conventions.

History: L. 1947, ch. 35, § 7; C. 1943, Supp., 25-3-62; L. 1963, ch. 33, § 1; 1965, ch. 39, § 6; 1969, ch. 51, § 2; 1979, ch. 83, § 4; 1980, ch. 22, § 1; 1981, ch. 103, § 1; 1983, ch. 110, § 7.

Compiler's Notes.

The 1979 amendment deleted two sentences at the end of subsec. (1), concerning the number of delegates to the state primary convention; rewrote subsec. (2) which allowed the county convention to determine the number of members of each county central committee; substituted "citizens who will be at least 18 years old by the next November election" in the first sentence of subsec. (3) for "qualified electors"; rewrote the second and third sentences of subsec. (3); inserted the first

sentence of subsec. (4) which replaced the former requirements in subsecs. (3) and (4) that mass meetings be held "in the district"; and made minor changes in phraseology and punctuation. For prior version, see parent volume.

The 1980 amendment authorized the holding of county primary conventions in the month of May following the mass meetings or in the month of June.

The 1981 amendment substituted "Following the mass meetings" at the beginning of subsec. (1) for "During the month of May following the mass meetings or the month of June"; and substituted "first Monday of May" in the first sentence of subsec. (3) for "third Monday of May."

20-4-9. Declarations of candidacy — Certification and approval of lieutenant governor candidates — Balloting procedure — Successful candidates — Rules of procedure. Between March twenty-fifth 15 and April twenty-fifth 15 of even-numbered years, all persons intending to become candidates at a primary convention for any elective office to be filled at the next ensuing November election other than the office of lieutenant governor shall file with the county clerk for all precinct, county and district offices solely within a county and with the secretary of state lieutenant governor for all other offices other than that of lieutenant governor, a declaration of candidacy and the. The county clerk or secretary of state lieutenant governor shall certify to the chairman of the county or state committee of the party of which the candidate is a member, a copy of the declaration of candidacy; provided; that in the alternative, 25 or more registered voters may file with the appropriate foregoing filing officer a designation of the nomination of a candidate for the nomination for an elective office. Before the filing officer accepts any candidacy, he shall read to the candidate the constitutional and statutory requirements for candidacy, and the candidate shall state whether he fulfills the requirements of candidacy. If the candidate indicates that such candidate does not qualify, the filing officer shall decline such person's candidacy.

When such designation shall have been filed it shall be the duty of the officer in whose office it is filed to notify immediately, by registered mail; the elector named in the designation: If the elector named in the designation shall by the filing deadline file with the officer in whose office the designation was filed an acceptance of nomination and pay the required fee, he shall be a candidate at the primary convention: The signers of the designation of nomination shall all be of the same political party as the candidate designated: The acceptance shall be in a form similar to that used by a candidate who files a declaration of candidacy. The officer in whose office filings are made shall certify to the chairman of the county or state committee of which the candidate is a member, copies of the designation and acceptance: Should April 26th 15th fall upon a Saturday or a Sunday, the filing time shall be extended to 5 o'clock p.m. of the following Monday. In the case of

vacancy in an office which requires nomination at a county convention and when two years or more remain in the unexpired term and the vacancy occurs or a certified written resignation is submitted on the filing deadline as provided above or in any of the preceding five days, the filing deadline shall be extended to seven days from the date of the vacancy or of the letter of resignation. In all other cases the filing deadline shall be 5 o'clock p.m. on April twenty-fifth.

Form of Declaration.

The form of the declaration of candidacy shall be substantially as follows:

State of Utah
County of _____

I, _____, hereby declare my intention of becoming a candidate for nomination as the _____ party for the office of _____. I do solemnly swear that I can qualify to hold said office both legally and constitutionally, if selected, and I reside at No. _____ Street in the City or Town of _____, state of Utah, zip code, _____, phone no. _____, and that I am a member of the _____ party; that I believe and intend to support throughout my term, if elected, the principles and policies of such political party; that I affiliated with such party at the last general election and I voted for the majority of such party in the last general election (or did not vote at such general election, giving reason); that I intend to vote for a majority of the candidates of said party at the ensuing election for which I seek to be a candidate; and that if nominated as a candidate of said the _____ party at said the ensuing election, I will accept such the nomination and not withdraw; and that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practice in campaigns and elections in this state, and that I will qualify for said the office if elected thereto.

Subscribed and sworn before me this _____ day of _____, 19____.

Notary Public (or other officer
qualified to administer oath.)

Failure to File Declaration or Acceptance.

Any person who fails to file a declaration of candidacy or to file his acceptance of designation of nomination within the time provided shall be ineligible for nomination to office. At the time and place set for the state, district, county, or precinct primary conventions, the name of any person who has filed a declaration of candidacy, or an acceptance may be placed in nomination for the office other than that of lieutenant governor for which such the declaration was filed.

Governor and lieutenant governor nominations.

Following all nominating and seconding speeches made on behalf of any candidate for governor at a state primary convention, the delegates shall proceed to ballot as provided in this section. The procedure and percentage provisions of this section shall be applicable.

The gubernatorial candidates nominated shall certify to the convention their respective choice for a constitutionally and legally eligible lieutenant governor candidate who will be their joint candidate in the primary and general elections. The certification shall constitute nomination unless the convention fails to affirmatively ratify any lieutenant governor designee. If an affirmative ratification fails to occur the appropriate gubernatorial nominee shall submit another or other designees until the affirmative ratification occurs. The lieutenant governor candidates shall, within 5 days of nomination, file a declaration or declarations of candidacy with the lieutenant governor and pay the fee required by section 20-3-14.

Balloting.

Following all other nominating and seconding speeches made on behalf of any candidate for an office to be filled by a precinct, county, district, or state primary convention, the delegates shall proceed to ballot for all contested offices on printed

ballots which the county clerk or secretary of state lieutenant governor, as the case may be, shall have cause to be printed. Ballots shall have printed the names of all persons who have filed declarations of candidacy or acceptance of designation. Voting shall be done in private booths in which no person other than the delegate casting a ballot shall be allowed and no delegate shall be allowed to occupy a booth for a period of time exceeding three minutes. No person other than a duly elected delegate shall be allowed to vote. If a duly elected delegate shall die or become disqualified, the county central committee of the party to which the delegate belonged and is a resident shall certify the name of an appointed delegate to fill such vacancy. After being marked, the ballots cast by the delegate shall be folded so that no person can see the marks and deposited by the delegate in a common ballot box. Each delegate shall cast one vote for each office to be filled; provided, that where two or more candidates are to be elected to any office at the next ensuing general election each delegate shall cast as many votes for candidates for the office as there are candidates to be elected to such office at the general election. The ballots shall be counted by judges selected by the primary convention. Voting shall be by secret ballot, and adequate time and voting facilities shall be provided to enable all delegates to cast their ballot. Balloting shall continue for at least one hour or for such additional time as will afford all duly accredited delegates an opportunity to cast their ballots. The two persons receiving the highest number of votes for any office to be filled at the next ensuing election shall be declared the party's nominees to run at the primary election next ensuing; provided, that where more than one candidate is to be elected to any office at the next ensuing general election, the candidates at the convention not exceeding twice the number of the candidates to be elected at the ensuing general election who receive the highest votes at the primary convention shall be declared the party's nominees for such office. If one candidate receives seventy per cent or more of the votes cast where only one office is to be filled, he shall become the party's candidate in the general election without the necessity of running in the primary election. The secretary of each primary convention shall immediately certify to the county clerk or the secretary of state lieutenant governor, as the case may be, the names of the successful candidates at the primary convention election. Where the number of candidates filing declarations of candidacy or acceptance of designation is not greater than the number of candidates to be selected for any office at the next ensuing general election, such the candidates shall be declared the party's nominees for the office and shall be certified by the county clerk or secretary of state lieutenant governor, as the case may be, and shall not be required to run at either the primary convention election or the regular primary convention.

Each political primary convention shall establish whatever rules it deems advisable governing its procedure, provided, that said rules be consistent with the laws of the state of Utah.

History: L. 1947, ch. 35, § 9; 1949, ch. 34, § 1; C. 1943, Supp., 25-3-64; L. 1957, ch. 42, § 1; 1963, ch. 33, § 1; 1965, ch. 39, § 8; 1969, ch. 51, § 3; 1975, ch. 58, § 18; 1979, ch. 27, § 5; 1981, ch. 103, § 2; 1983, ch. 110, § 8.

Compiler's Notes.

The 1979 amendment inserted the next to last sentence of the second paragraph.

The 1981 amendment substituted "March twenty-fifth and April twenty-fifth" in the first sentence of the first paragraph for "March fifteenth and April tenth"; and substituted "April 25th" in the sixth and the

last sentences of the second paragraph for "May 10th."

Declaration of candidacy.

A federal statement of candidacy form was not substantially the same as the declaration of candidacy required by this section, and the filing of a copy of the federal form did not satisfy the requirements of this section, where the federal statement of candidacy form required no oath nor affirmation by the candidate that he would not violate the election laws and that he would qualify for his office if elected. Utah State Democratic Committee v. Monson (1982) 652 P.2d 890.

Candidate was not entitled to equitable relief to enable him to file a late declaration of candidacy where his failure to timely file was due solely to a misunderstanding between him and his campaign staff. *Utah State Democratic Committee v. Monson* (1982) 652 P 2d 890.

Statement that candidate fulfills requirement of candidacy.

This section requires the filing officer to read to the candidate the constitutional and

20-4-11. Death, resignation or disqualification of candidate before primary or general election — Certification of another candidate. If no more than two candidates have filed for a nomination and one or both dies, resigns because of becoming physically or mentally disabled as certified by a physician or is disqualified after the close of the filing period but before the primary election or if after the primary convention and before the general election a candidate dies, resigns because of becoming physically or mentally disabled as certified by a physician or is disqualified, the proper state or county central committee, as the case may be, of that party shall certify the name of another candidate or candidates to the proper filing election officers.

History: L. 1947, ch. 35, § 11; 1949, ch. 34, § 1; C. 1943, Supp., 25-3-66; L. 1957, ch. 43, § 1; 1981, ch. 109, § 13.

Compiler's Notes.

The 1981 amendment inserted "because of becoming physically or mentally disabled as certified by a physician" in two places; and made minor changes in phraseology and punctuation.

statutory requirements for candidacy and to obtain a statement from the candidate that he does in fact fulfill those requirements; this affirmation of qualification by the candidate is a requirement of filing, without which the filing is incomplete and cannot be accepted by the filing officer. *Utah State Democratic Committee v. Monson* (1982) 652 P 2d 890.

Disqualification existing at time of filing for office.

This section encompasses any and all disqualifications, irrespective of the time of their occurrence; a replacement candidate was properly certified under this section where the original candidate was disqualified because of lack of residency in the district at the time she filed her declaration of candidacy and such disqualification was not discovered until after the filing deadline had passed. *Peck v. Monson* (1982) 652 P 2d 1325.

20-4-11.5. Vacancy — Procedure for filling. (1) If any vacancy occurs in any office for which nominees for the direct primary elections are elected at county conventions and the vacancy has an unexpired term of two years following the first Monday of January next and the vacancy occurs after less than five days remain before the regular county convention, and if the vacancy occurs before there are less than 35 days remaining before the direct primary election, then the following procedures will apply:

(a) The county clerk or clerks, as the case may be, shall make a public notification that the vacancy exists.

(b) All persons intending to become candidates for the vacant offices shall then have five days, ending at 5 o'clock p.m. on the fifth day, to declare an intention in accordance with procedures of section 20-4-9.

(c) The proper county central committee or committees, as the case may be, of each party shall then certify the name of the candidate or candidates from among those qualified to the proper filing election officers no later than five days following the closing date of filing.

(2) If the vacancy as described in (1) occurs after there are less than 35 days remaining before the primary election and before there are less than 30 days remaining before a general election, the proper county central committee or committees, as the case may be, shall summarily certify the name of one candidate, if available, to the proper filing officer.

MUNICIPAL ELECTION CODE

Nothing in this act shall preclude the proper filing of independent candidate within the same time limitations.

History: C. 1953, 20-4-11.5, enacted by L. 1979, ch. 27, § 6; L. 1981, ch. 109, § 14.

Compiler's Notes.

The 1981 amendment deleted a subsec. (3) reading "The person declared the winning

candidate at the official canvass to fill vacancy under this section shall take office 12 o'clock noon the day following the declaration."

CHAPTER 5

MUNICIPAL ELECTION CODE

Part

1. Short title, construction, general provisions.
2. Qualifications.
3. Nominations.
4. Judges.
5. Notice and preparation for elections.
6. Conduct of elections.
7. Electronic system.
8. Paper ballots.
9. Absentee voting.
10. Challenge of voters.
11. Canvass of votes.
12. Other judicial proceedings.
13. Contests.
15. Election offenses.

PART 1

SHORT TITLE, CONSTRUCTION, GENERAL PROVISIONS

Section

- 20-5-1. Short title.
- 20-5-2. Liberal construction.
- 20-5-3. Special elections.
- 20-5-4. Clerk to render interpretations and make decisions.
- 20-5-5. Definitions.

20-5-1. Short title. This chapter shall be known and may be cited as the "Utah Municipal Election Code."

History: C. 1953, 20-5-1, enacted by L. 1981, ch. 101, § 1.

Compiler's Notes.

Laws 1981, ch. 101, § 1 repealed old sections 20-5-1 to 20-5-11 (L. 1939, ch. 38, §§ 1 to 11; C. 1943, 25-4-15 to 25-4-25; L. 1975, ch. 58, §§ 19, 20), relating to nominations in cities of third class and towns, and enacted new sections 20-5-1 to 20-5-76.

Title of Act.

An act relating to elections; providing for the enactment of a code governing the conduct of municipal elections; providing qualifications for voters and candidates; providing for nomination of candidates; providing for the appointment and duties of election officials; providing for notice of, and preparation for, elections; providing for the counting and canvassing of ballots; providing procedures for voter challenges.

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

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Charles H. Pillard
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James E. Hatfield
Vincent R. Sombrotto
Marvin J. Seede
Owen Sieber

August 20, 1984

GC
4300
AUG 20 P 1:53

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: FEC MUR 1752

Dear Mr. Steele:

This letter constitutes the response of Thomas R. Donahue, the AFL-CIO Committee On Political Education Political Contributions Committee ("AFL-CIO/COPE-PCC"), Elmer Chatak, the Industrial Union Department AFL-CIO Voluntary Fund ("IUD Voluntary Fund"), Joseph P. Maloney, and the Political Education Fund of the Building and Construction Trades Department ("PEF-BCTD") (hereinafter "respondents") to your letter dated August 6, 1984, stating that the Commission has received a complaint alleging that respondents may have violated the Federal Election Campaign Act of 1971 ("FECA") as amended.

The complaint, which the Commission has numbered MUR 1752, alleges that the respondent political committees and their treasurers violated §441a(a)(2)(A) of the Act by making contributions to the Wilson for Utah Committee for the 1982 primary election which in the aggregate totalled \$5,250.00.

Respondents' 1982 contribution records reflect the following contributions to the Wilson For Utah Committee for the 1982 primary election: AFL-CIO/COPE-PCC contributed \$4000 for the primary election on March 25, 1982; and PEF-BCTD contributed \$1000 for the primary election on April 22, 1982. Respondents internal records thus reflect that AFL-CIO/COPE-PCC and its affiliated committees contributed a total of \$5000 to the Wilson for Utah Committee for the 1982 primary election.

The IUD Voluntary Fund's May 5, 1982 contribution in the amount of \$250.00 to the Wilson for Utah Committee was designated for the 1982 general election, not the primary election as alleged by complainant. This designation is reflected both in the cover letter that was sent with the contribution (see attachment A) and in the Voluntary Fund's May 1982 Monthly FEC Report (see attachment B).

ATTACHMENT 3

14

Since as demonstrated above, respondent committees' contributions to the Wilson for Utah Committee for the 1982 primary election did not exceed \$5000, respondents have not violated 2 U.S.C. §441a(a)(2)(A). Accordingly, respondents respectfully request that the Commission take no further action in this matter and that the complaint in MUR 1752 be dismissed.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for Respondents
Thomas R. Donahue, AFL-CIO/COPE-PCC,
Elmer Chatak and IUD Voluntary Fund

Robert D. Kurnick

Robert D. Kurnick
Counsel for Respondents
Joseph F. Maloney and PEF-BCTD

850405, 1534

Industrial
Union
Department
AFL-CIO

615 16th Street N.W.
Washington, D.C. 20006
202/842-7800

Howard D. Samuel, President
Elmer Chatak, Secretary-Treasurer

May 3, 1982

The Honorable Ted Wilson
Wilson for Utah
c/o Robyn Matheson
1120 20th Street, N.W., Suite S700
Washington, D. C. 20036

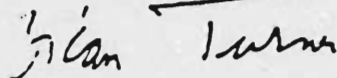
Dear Mayor Wilson:

Enclosed is a contribution in the amount of \$250.00 for your general campaign from the Industrial Union Department Voluntary Fund. The IUD Voluntary Fund was established and is maintained by the Industrial Union Department of the AFL-CIO.

Under the Federal Election Campaign Act, contributions of the AFL-CIO, the IUD and other subordinate bodies to a campaign must be combined for purposes of the \$5,000 contribution limit applicable to each election.

If you have received, or later receive, contributions to your campaign from a political fund or funds established and maintained by the AFL-CIO, any state or local central body of the AFL-CIO or any department of the AFL-CIO, and those contributions, together with the enclosed contribution, total more than \$5,000, we would appreciate it if you would return the amount over \$5,000 to the contributor(s).

Sincerely,



Brian Turner

Director of Legislation
Enclosure

16

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84 SEP 10 A 9:43

LAW OFFICES OF
PARSONS, BEHLE & LATIMER

A PROFESSIONAL CORPORATION

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POST OFFICE BOX 11898
SALT LAKE CITY, UTAH 84147-0898
TELEPHONE (801) 532-1234
TELECOPIER (801) 521-98681101 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20036-4803
TELEPHONE (202) 639-0862FORMERLY
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1907-1968CALVIN A. BEHLE
1947-OF COUNSEL
GEORGE W. LATIMER
CONSTANCE K. LUNDBERGSPENCER E. AUSTIN
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T. PATRICK CASEY
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DAVID R. BIRD
RAYMOND J. ETCHEVERRY
FRANCIS M. WIKSTROM
DAVID W. TUNDERMANN
KREGE S. CHRISTENSEN
JAMES M. ELEGANTE
DAVID P. HIRSCHI
VAL R. ANTCHAK
PATRICK J. GARVER

August 30, 1984

Paul Reyes, Esq.
Staff Counsel
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

RE: MUR 1752

Dear Mr. Reyes:

The undersigned, as an individual, represents Ted L. Wilson, the Wilson for Utah Committee, and its past treasurers, J. Alan Blodgett and Richard Van Klaveren (hereinafter "Committee Respondents") in the above-referenced matter under review. A designation of counsel for the Committee and Messrs. Wilson and Van Klaveren is enclosed. Mr. Blodgett, who was replaced by Mr. Van Klaveren as the Committee Treasurer early in 1982 is out of state for the next ten days and I will forward his designation of counsel statement upon his return.

This letter constitutes the Committee Respondents' preliminary response to the complaint notification letters sent by your office. I should note at the outset that the subject contributions were made over two years ago and that the Wilson Committee filed its termination report in August of 1983. Consequently, it has been difficult to ascertain the precise factual events surrounding the complaint allegations since the whereabouts of some of those individuals involved with the receipt of monies for the campaign is not now known. Nonetheless, I have gleaned sufficient information through review of the Committee records and through interviewing those persons

Attachment

4

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
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still available to conclude that the allegations of the complaint are without merit.

The Complaint alleges that the Committee Respondents violated the provisions of 2 U.S.C. §441(a)(f) by accepting contributions in excess of the \$5,000 per election limitation. Specifically, the complaint alleges that the Committee Respondents accepted the total sum of \$5,250 for the 1982 primary election from the AFL-CIO COPE-PCC and its affiliated separate segregated funds and the sum of \$5,500 for the 1982 general election from the International Ladies Garment Workers Union Campaign Committee (ILGWUCC).

In both instances, as explained below, the total permissible contribution limits available to the Wilson Committee were not exceeded. The apparent problem results from the fact that the subject contributions, through clerical inadvertence, were not properly allocated between the convention and general election periods.

1. AFL-CIO Contribution. Under letter of May 3, 1982, a copy of which is enclosed, the Industrial Union Department of the AFL-CIO made a \$250 contribution to the Wilson Committee and specifically designated the contribution for the general election. The contribution was actually made and received, however, prior to the 1982 Democratic Convention which was held in July, 1982. (Mr. Wilson received 70% of the delegate votes at the convention, and thus became the nominee of the party without the necessity of a primary election. Mr. Wilson therefore had two elections--a convention and a general--for purposes of calculating his 1982 campaign contribution limits.)

Thus, the total amount of contributions received by the Wilson Committee from the AFL-CIO and its affiliated SSF's was \$5,000 for the convention and \$250 for the general election. Unfortunately, when the typist prepared the October 10, 1982 FEC report, she erroneously designated the \$250 contribution as "convention" rather than "general".

2. ILGWUCC Contributions. On June 18, 1984, Ted Wilson received a letter, a copy of which is enclosed, from Lawrence Dock, acting treasurer of the ILGWUCC.

As the Dock letter indicates, the \$2,500 contribution received by the Wilson Committee from the ILGWU in September, 1982 should be allocated \$500 for the primary (in this instance the convention) and \$2,000 for the general election. This would result in total receipts by the Committee from the

Paul Reyes, Esq.
August 30, 1984
Page 3

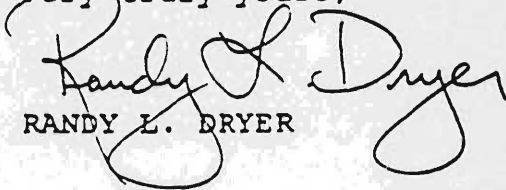
ILGWUCC of \$4,750 for the convention and \$5,000 for the general. Since the Wilson Committee had already filed its termination report prior to receiving the Dock letter, the treasurer did not believe it was necessary to file an amended report. As regards why the \$500 excess contribution was not noted upon receipt, I have spoken with as many of the individuals as possible who were involved with the receipt and handling of campaign contributions during the 1982 campaign. Apparently, there was a breakdown in the internal procedures of the Committee for keeping track of running contribution totals. There was certainly no intent to receive monies in excess of the contribution limits. The Wilson Committee received contributions from literally thousands of persons and hundreds of political action committees totalling in excess of \$1.25 million, a large figure by Utah campaign standards.

In any event, in both of the above instances, when the contributions are properly allocated to the intended election period, the Committee's total contribution receipts from the AFL-CIO and the ILGWUCC do not exceed the permissible limits.

In the interest of full compliance with the requirements of the Federal Election Act and in order to make an accurate and complete public record, the treasurer is willing to make this response a part of the public record or, if the Commission desires, he will file amendments to the appropriate FEC reports even though the Committee is no longer in existence.

Please advise if you require further information or elaboration. It is the Committee's intention to cooperate fully with your investigation.

Very truly yours,


RANDY L. DRYER

RLD/rla
Enclosures

cc: Mayor Ted L. Wilson
Mr. Richard Van Klaveren
J. Alan Blodgett



Industrial
Union
Department
AFL-CIO

815 16th Street N.W.
Washington, D.C. 20006
202/642-7800

Howard D. Samuel, President
Elmer Chatak, Secretary-Treasurer

May 3, 1982

8 5 0 4 0 5 3 1 5 3 0
The Honorable Ted Wilson
Wilson for Utah
c/o Robyn Matheson
1120 20th Street, N.W., Suite S700
Washington, D. C. 20036

Dear Mayor Wilson:

Enclosed is a contribution in the amount of \$250.00 for your general campaign from the Industrial Union Department Voluntary Fund. The IUD Voluntary Fund was established and is maintained by the Industrial Union Department of the AFL-CIO.

Under the Federal Election Campaign Act, contributions of the AFL-CIO, the IUD and other subordinate bodies to a campaign must be combined for purposes of the \$5,000 contribution limit applicable to each election.

If you have received, or later receive, contributions to your campaign from a political fund or funds established and maintained by the AFL-CIO, any state or local central body of the AFL-CIO or any department of the AFL-CIO, and those contributions, together with the enclosed contribution, total more than \$5,000, we would appreciate it if you would return the amount over \$5,000 to the contributor(s).

Sincerely,

Brian Turner

Director of Legislation
Enclosure

20

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ILGWU CAMPAIGN COMMITTEE

NATIONAL COMMITTEE OFFICE • 1710 BROADWAY • NEW YORK, N.Y. 10019

PHONE: COLUMBUS 5-7012

SOLO C. CHARKIN
CHAIRMAN

JAY MAZUR
TREASURER

W. BUR DANIELS
IRWIN SOLOMON
VICE CHAIRMAN

GUS TYLER
DIRECTOR

EVELYN DUBROW
EXECUTIVE SECRETARY

DAVID I. WELLS
ASSISTANT DIRECTOR

June 12, 1984

Wilson for Utah Committee
530 East 4th South
Salt Lake City, Utah

Dear Sirs:

A review of our records shows us that we sent you the following contributions in 1982:

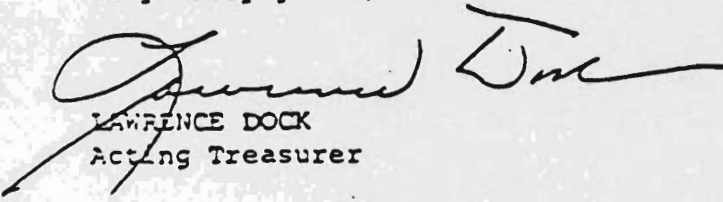
3/29/82	\$1,000.00	Primary
5/14/82	250.00	Primary
8/13/82	3,000.00	Primary
9/15/82	2,500.00	General
10/8/82	3,000.00	General

Our 9/15/82 contribution should be \$500.00 for Primary and \$2,000.00 for General. We are amending our October 1982 report for the month of September 1982 to indicate this.

Your F.E.C. reports should reflect the same information.

If there are any questions in connection with this matter, feel free to contact me at (212) 265-7000.

Very truly yours,


LAWRENCE DOCK
Acting Treasurer

LD/cf
opeiu - 153



LEGAL DEPARTMENT

MAX ZIMNY
General Counsel

June 15, 1984

Mayor Ted Wilson
Room 300
City and County Building
Salt Lake City, Utah 84111

Attention: Ms. Dolly Plumb,
Administrative Assistant

Dear Mayor Wilson:

Enclosed for your information is a copy
of a letter which we sent to your 1982 campaign
committee several days ago. I discussed the
matter with Ms. Plumb on the phone this morning.

Should you have any question, feel free to
call me.

Sincerely,

Max Zimny
General Counsel

encl.

Attachment 5

22



ILGWU CAMPAIGN COMMITTEE

NATIONAL COMMITTEE OFFICE • 1710 BROADWAY • NEW YORK, N.Y. 10019

PHONE: COLUMBUS 5-7012

SOL C. CHAMKIN
CHAIRMAN

JAY MAZUR
TREASURER

WILBUR DANIELS
IRWIN SOLOMON
VICE CHAIRMAN

GUS TYLER
DIRECTOR

EVELYN DUBROW
EXECUTIVE SECRETARY

DAVID I. WELLS
ASSISTANT DIRECTOR

June 12, 1984

Wilson for Utah Committee
530 East 4th South
Salt Lake City, Utah

Dear Sirs:

A review of our records shows us that we sent you the following contributions in 1982:

EXECUTIVE COMMITTEE
DONALD A. MAN
MICHAEL S. BONANNO
GLENWOOD CLAY
CLIFFORD DEPIN
JOSEPH FISHER
SALVATORE GARDINA
SOL GOLDBERG
MANUEL GONZALEZ
GERALD GROSSMAN
SOL HOFFMAN
MATTIE JACKSON
DOUGLAS LEVIN
FRANK LONGO
LOU MONTENEGRO
PETER NADASH
SAUL J. NEUMAYER
EDWARD SCHNEIDER
FRED SCHENWALD
CORNELIUS WALL

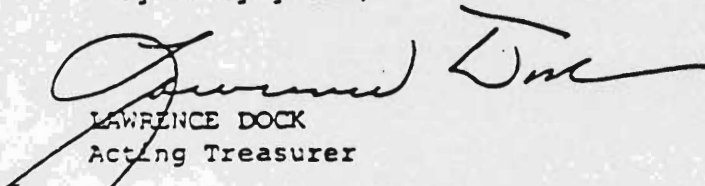
3/29/82	\$1,000.00	Primary
5/14/82	250.00	Primary
8/13/82	3,000.00	Primary
9/15/82	2,500.00	General
10/8/82	3,000.00	General

Our 9/15/82 contribution should be \$500.00 for Primary and \$2,000.00 for General. We are amending our October 1982 report for the month of September 1982 to indicate this.

Your F.E.C. reports should reflect the same information.

If there are any questions in connection with this matter, feel free to contact me at (212) 265-7000.

Very truly yours,


LAWRENCE DOCK
Acting Treasurer

LD/cf
opeiu - 153

GCC # 4549
P 1: 2

INTERNATIONAL LADIES' GARMENT WORKERS' UNION

AFL-CIO

1710 BROADWAY • NEW YORK, N.Y. 10019

CABLE ADDRESS: ILGWU—NEW YORK • PHONE: 212-265-7000

LEGAL DEPARTMENT

MAX ZIMNY

General Counsel

CERTIFIED RRR

August 30, 1984

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1752
Attention: Paul Reyes

Dear Sir:

Enclosed is the response to the complaint in the captioned case filed on behalf of the I.L.G.W.U. Campaign Committee and its treasurer.

Also enclosed is a designation of the undersigned as Counsel.

Sincerely yours,

Max Zimny
Max Zimny
General Counsel

MZ:cs
Enclosure

ATTACHMENT 6

94 SEP 4 2
P 2: 57

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STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

Evelyn Dubrow, being duly sworn, deposes and says:

1. I am the Executive Secretary of the I.L.G.W.U. Campaign Committee ("Campaign Committee"). I also served in that capacity throughout 1982. I was personally involved in the political contributions made by the Campaign Committee to the Ted L. Wilson Senatorial Campaign, and I am fully familiar with the facts and circumstances relating thereto. This affidavit responds to the complaint filed against the I.L.G.W.U. Campaign Committee and its treasurer in MUR 1752.

2. Political contributions made by the Campaign Committee in 1982, as in other years, were made from the Campaign Committee's New York City Office. Almost all of my working time is spent in my office in Washington, D.C.. In 1982, the Campaign Committee's records in New York City were maintained by a new, inexperienced clerical employee who, as we recently learned, made many errors.

3. The Campaign Committee made contributions to the Wilson Campaign in 1982 from its New York City office upon my instructions on five separate occasions. The contributions made through August of 1982 were confined to the primary campaign, as follows:

<u>Date</u>	<u>Amount</u>	<u>Election</u>
3/29/82	\$1000	Primary
5/14/82	250	Primary
8/13/82	3000	Primary

Thus, by the end of August 1982, the Campaign Committee's 1982 contributions - to Wilson's primary campaign were \$4250. No contributions had been authorized for the general election at that point in time.

4. In early September 1982, I received a request from the Wilson Campaign for additional contributions to the primary and general elections, up to the limits permitted by the Federal Election Campaign Act. The Campaign Committee thereupon decided to contribute an additional \$500 to Wilson's primary election for a total of \$4750, and to make a first contribution of \$2000 to Wilson's general election, and I instructed the New York City office to do so on September 15, 1982. On October 8, 1982, I instructed the Campaign Committee's New York office to make an additional contribution of \$2000 to Wilson's general election for a total of \$5000 in contributions to Wilson's general election, as permitted by law.

5. In June 1984, the Campaign Committee conducted an audit of its records of 1982 contributions to Senatorial candidates and discovered a number of inadvertent record-keeping errors, including those relating to the Wilson Campaign. Accordingly, on June 12, 1984, it filed with the FEC an amendment to its October 1982 report for the month of September 1982, a copy of which is attached hereto. With respect to the September 15, 1982 contributions of \$2500 to the Wilson Campaign, the Campaign Committee corrected the September 15, 1982 contribution to

correctly reflect its intention to contribute \$500 to the primary election for a total contribution of \$4750 to the primary election, and \$2000 to the general election. The \$3000 contribution to the general election made on October 8, 1982 brought the total contributions made to Wilson's general election to \$5000, as permitted by law.

6. It is therefore clear that the misstatement of contributions made by the Campaign Committee to Wilson's primary and general elections on September 15, 1982, set forth in the Campaign Committee's original FEC report, was inadvertent and resulted from clerical error; and that the corrected statement of contributions made on September 15, 1982, set forth in the amended FEC filing, accurately reflects the actual intention of the Campaign Committee. It is therefore respectfully requested that no action be taken by the Commission against the Campaign Committee or its treasurer in MUR 1752.

Evelyn Dubrow
Evelyn Dubrow

Sworn to before me this
30th day of August, 1984

Max Zimny
Notary Public

MAX ZIMNY
Notary Public, State of New York
No. 30-4302203
Qualified in Nassau County
Certificate filed in New York County
Commission Expires March 30, 1985

(27)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 19, 1985

Michael Ernest Avakian, Esquire
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

RE: MUR 1752

Dear Mr. Avakian:

The Federal Election Commission has reviewed the allegations of your complaint which was received by the Commission on July 30, 1984. On the basis of the information provided in your complaint and information provided by the respondents, the Commission made the following determinations:

1. Found no reason to believe that the AFL-CIO Committee on Political Education and Thomas R. Donahue, as treasurer, and its affiliates: the Political Education Fund of the Building and Construction Trades Department and Joseph F. Maloney, as treasurer, and the Industrial Union Department AFL-CIO Voluntary Fund and Elmer Chatak, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) and reason to believe they violated 11 C.F.R. § 104.14(d) by making and reporting contributions to the Wilson for Utah Committee in connection with the 1982 Utah Democratic convention but took no further action as to the violation of Section 104.14(d).
2. Found no reason to believe that the Wilson for Utah Committee and Ted L. Wilson, as treasurer, violated 2 U.S.C. § 441a(f) and reason to believe they violated 11 C.F.R. § 104.14(d) by accepting and reporting contributions from the AFL-CIO and affiliates in connection with the 1982 Democratic convention in Utah, and took no further action.
3. Found reason to believe that the International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of the limits established by 2 U.S.C. § 441a to the Wilson for Utah Committee in connection with the 1982 general election and took no further action.

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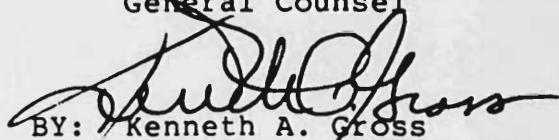
4. Found reason to believe that the Wilson for Utah Committee and Ted L. Wilson, as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the limits established by 2 U.S.C. § 441a from the International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer, and took no further action.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 19, 1985

Margaret E. McCormick, Esquire
AFL-CIO Legal Department
815 16th Street, N.W.
Room 804
Washington, D.C. 20006

RE: MUR 1752
AFL-CIO COPE,
Thomas R. Donahue,
as treasurer;
International Union
Department,
AFL-CIO Voluntary Fund,
Elmer Chatak, as treasurer

Dear Ms. McCormick:

On August 6, 1984, the Commission notified your clients, the AFL-CIO Committee on Political Education and Thomas R. Donahue, as treasurer, and the Industrial Union Department, AFL-CIO Voluntary Fund, and Elmer Chatak, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

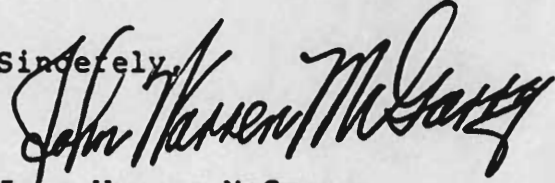
The Commission, on March 15, 1985, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that your clients violated 2 U.S.C. § 441a(a)(2)(A) and reason to believe that they violated 11 C.F.R. § 104.14(d) in connection with the above referenced MUR by making and reporting contributions to the Wilson for Utah Committee in connection with the 1982 Utah Democratic convention. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that the improper reporting of contributions nevertheless appears to be a violation of 11 C.F.R. § 104.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Stephen Levin, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Warren McGarry". The signature is written in a cursive, flowing style with some capitalization.

John Warren McGarry
Chairman

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 19, 1985

Robert D. Kurnick, Esquire
Sherman, Dunn, Cohen,
Leifer & Counts
1125 15th Street, N.W.
Washington, D.C. 20005

RE: MUR 1752
Building and Construction
Trades Department,
Political Education Fund,
Joseph F. Maloney,
as treasurer

Dear Mr. Kurnick:

On August 6, 1984, the Commission notified your clients, the Building and Construction Trades Department Political Education Fund and Joseph F. Maloney, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 15, 1985, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that your clients violated 2 U.S.C. § 441a(a)(2)(A) and reason to believe that they violated 11 C.F.R. § 104.14(d) in connection with the above referenced MUR by making and reporting contributions to the Wilson for Utah Committee in connection with the 1982 Utah Democratic convention. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that the improper reporting of contributions nevertheless appears to be a violation of 11 C.F.R. § 104.14(d). You should take immediate steps to insure that this activity does not occur in the future.

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If you have any questions, please direct them to Stephen Levin, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Warren McGarry". The signature is stylized with a large, looped initial "J" and a long, sweeping underline.

John Warren McGarry
Chairman

85040531552



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 19, 1985

Randy Dryer, Esquire
Parsons, Behle & Latimer
P.O. Box 11898
Salt Lake City, Utah 84147

RE: MUR 1752
Wilson for Utah Committee,
Ted Wilson, as treasurer

Dear Mr. Dryer:

On August 6, 1984, the Commission notified your clients, the Wilson for Utah Committee and Ted Wilson, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 15, 1985, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that your clients violated 2 U.S.C. § 441a(f) with regard to accepting contributions from the AFL-CIO and affiliates in connection with the 1982 Democratic convention in Utah. On that same date, the Commission did find reason to believe that your clients had violated 11 C.F.R. § 104.14(d) by not properly reporting the aforementioned contributions. However, after considering the circumstances of this matter, the Commission has determined to take no further action.

Further, on that same date, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(f) by accepting contributions in excess of the limits established by 2 U.S.C. § 441a from the International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer. However, after considering the circumstances of this matter, the Commission has determined to take no further action. In addition, the Commission has closed its file with regard to this matter.

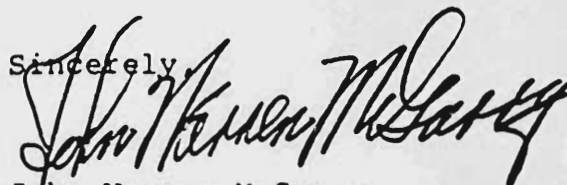
The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

Ted Wilson, Treasurer
Page 2

The Commission reminds you that the acceptance and reporting of excessive contributions nevertheless appears to be a violation of 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Stephen Levin, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 19, 1985

Max Zimny, Esquire
1710 Broadway
New York, New York 10019

RE: MUR 1752
International Ladies
Garment Workers Union,
Campaign Committee,
Lawrence Dock, as treasurer

Dear Mr. Zimny:

On March 15, 1985, the Commission found reason to believe that your clients, the International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer, had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act"), in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that making contributions in excess of the limits established by the Act nevertheless appears to be a violation of 2 U.S.C. § 441a(a)(2)(A). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Stephen Levin, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

John Warren McGarry
Chairman

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Wilson for Utah Committee,)

Ted Wilson, as treasurer)

AFL-CIO COPE-PCC,)

Thomas R. Donahue, as treasurer)

MUR 1752

Political Education Fund of the)

Building and Construction Trades)

Department, (PEF-BCTD))

Joseph F. Maloney, as treasurer)

Industrial Union Department AFL-CIO)

Voluntary Fund, (IU Voluntary Fund))

Elmer Chatak, as treasurer)

International Ladies Garment Workers)

Union Campaign Committee, (ILGWUCC))

Lawrence Dock, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

Allegations

James Edward Antosh (hereinafter "Complainant") states that, in violation of 2 U.S.C. § 441a(a)(2)(A), the American Federation of Labor Committee on Political Education/Political Contributions Committee ("AFL-CIO COPE/PCC"), Thomas R. Donahue, as treasurer, and its affiliates, the Building and Construction Trades Department Political Education Fund ("PEF-BCTD"), Joseph F. Maloney, as treasurer, and the International Union Department AFL-CIO Voluntary Fund ("IU Voluntary Fund"), Elmer Chatak, as treasurer, contributed over \$5,000 to the Wilson for Utah Committee in connection with the 1982 Utah primary election. Further, Complainant states that the International Ladies Garment Workers Union Campaign Committee ("ILGWUCC"), Lawrence Dock, as treasurer, contributed over \$5,000 for the 1982 general election. Complainant also alleges that the Wilson for Utah Committee (the

"Wilson Committee"), J. Alan Blodgett and Dick Van Klaveren, as treasurers,^{1/} violated 2 U.S.C. § 441a(f) by accepting the asserted excessive contributions.

Based on the complaint and records on file with the Commission, the following chart illustrates these transactions.

<u>C/or</u>	<u>Amount</u>	<u>C/or-Date and Desig.</u>	<u>Recip. Date and Desig.</u>
AFL-CIO			
COPE-PCC	\$ 4,000	3/25 P	3/29 Convention
PEF-BCTD	1,000	4/22 P	5/5 Convention
IU Voluntary			
Fund	250	5/5 P	5/17 Convention
	<u>\$ 5,250</u>		
ILGWUCC	2,500	9/15 G	10/8 G
	3,000	10/8 G	10/19 G
	<u>\$ 5,500</u>		

Democratic Party convention: July 9-10, 1982
 Primary Election: September 14, 1982
 General Election: November 2, 1982

^{1/} The Wilson Committee filed a termination report on September 2, 1983, which was accepted by the Commission. The Commission notified the Committee of this acceptance by letter dated June 28, 1984. By letter dated February 15, 1984, Dick Van Klaveren, the last committee treasurer of record, indicated that he was no longer acting as treasurer and that all future Commission correspondence should be directed to Mayor Wilson (Mr. Wilson is the Mayor of Salt Lake City, Utah). (Attachment 1). No amendment to the Committee's Statement of Organization was filed with Mr. Van Klaveren's letter and the letter does not expressly name Mayor Wilson as treasurer. Commission records, however, list him as treasurer. Accordingly, the recommendations in this report refer to Mayor Ted Wilson in the official capacity of treasurer.

LEGAL ANALYSIS

A. Applicable Law

Section 441a(a)(2)(A) of Title 2, United States Code, provides that multicandidate political committees may contribute no more than \$5,000 per election to a candidate for federal office. Section 441a(f) of Title 2, United States Code, provides that candidates may not accept contributions made in violation of the limits of 2 U.S.C. § 441a. Section 431(1)(B) of Title 2, United States Code, defines "election" to include a convention or caucus of a political party which has authority to nominate a candidate. Section 431(1)(B) of Title 2, United States Code, defines the term "election" for purposes of the Federal Election Campaign Act of 1971, as amended, to include a convention or caucus of a political party which has the authority to nominate a candidate.

The Commission concluded in AO 1978-30 that a Utah State "party primary convention" may constitute a separate election for contribution limit purposes because the convention has the authority to pick the party's nominee for the ensuing primary election and/or the general election. The Utah State law on this point has not changed since 1978.

Both the Utah Code Annotated ("UCA") and AO 1978-30 refer to the convention in Utah as a "primary convention" in contrast to the "primary election" which may be required after the convention. UCA section 20-4-4, titled "Selection of nominees

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for Congress-Delegates to state primary convention," provides that "delegates to said state party primary convention from each congressional district in the state of Utah shall meet in congressional district primary conventions . . . and select the party's nominees for United States congressman to run at the regular primary election." UCA section 20-4-9 provides that the two candidates gaining the greatest number of votes at the party primary conventions "shall be declared the party's nominees to run at the primary election." Section 20-4-9 further provides that if one candidate receives at least seventy percent of the total votes cast, "he shall become the party's nominee in the next general election without the necessity of running in the primary election." (See Utah Code Annotated 20-4-4 (1953 Repl. Vol. 3) and 20-4-9 (1983 Supp.)). (Attachment 2, pages 3, 6, 10, 12).

B. Wilson for Utah Committee Response to Complaint

Counsel for the Wilson Committee, its former treasurers, and Mayor Ted Wilson, explains that through clerical inadvertence the subject contributions were not properly allocated between the convention and general election period. Counsel maintains that by letter dated May 3, 1982 (Attachment 4, page 20), two months prior to the July Democratic convention, the IU Voluntary Fund made the \$250 contribution cited in the chart above and designated it for the general election. Counsel says that when the Wilson Committee prepared its October 10, 1982 FEC Report,

the typist erroneously designated the \$250 contribution for the "convention" rather than the "general" election.

As to the ILGWUCC contributions, counsel explains that on June 18, 1984, forty-two days prior to the filing of the complaint in this matter, it received a letter from Lawrence Dock, treasurer of the ILGWUCC, stating that the September 15, 1982 contribution of \$2,500 made to the Wilson Committee should "...be \$500 for the primary and \$2,000 for the general. . . ." (Attachment 4, page 21). Counsel attributes the Wilson Committee's failure to discover the \$500 excess contribution upon receipt to a "...breakdown in the internal procedures of the Committee for keeping track of running contribution totals. . . ." He notes that the Committee received "in excess of 1.25 million dollars in contributions, a large figure by Utah campaign standards."

Counsel states that the Committee is willing to file amendments to the Committee's FEC reports even though the Committee is no longer in existence.

C. AFL-CIO and Affiliates' Response to Complaint

These respondent unions state that as to the AFL-CIO COPE/PCC and PEF-BCTD, their 1982 contribution records reflect essentially what is alleged. However, they contend that the IU Voluntary Fund's May 5, 1982 contribution in the amount of \$250.00 to the Wilson for Utah Committee was designated for the 1982 general election and not the primary election as alleged by

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the complainant. The response by counsel states, "[t]his designation is reflected both in the cover letter that was sent with the contribution and in the IU Voluntary Fund's May 1982 Monthly FEC Report." (See Attachment 3, page 14). The 1982 cover letter refers to a contribution of \$250 "for your general campaign", but the report copy submitted by respondents reflects the public record of this transaction as amended in April 1984 by the IU Voluntary Fund.

The original 1982 May monthly report designated the \$250 for the primary election. Respondents say that this amendment reflects their internal contribution records. The public record indicates that on April 9, 1984, the Commission received an amendment to the IU Voluntary Fund's 1982 May monthly report. That amendment was apparently used to answer this complaint. The amendment shows the May 5, 1982 contribution of \$250 to the Wilson Committee as being for the general election.

D. ILGWUCC Complaint Response

The ILGWUCC responded to this complaint by filing an affidavit from Evelyn Dubrow, executive secretary of the ILGWUCC. (See Attachment 6, page 24.) Ms. Dubrow says that she was personally involved in the contributions that the ILGWUCC made to the Wilson campaign. She attributes the reporting of an excessive contribution to the Wilson Committee to the fact that in 1982 the ILGWUCC's records were kept in New York, apart from her direct supervision since she spent "almost all" of her

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working time in Washington, D.C., and the records were maintained by a new, inexperienced employee who, they recently learned, made many errors.

Ms. Dubrow says that by the end of August 1982 the ILGWUCC had contributed \$4,250 to the Wilson Committee for the primary and that no general election contributions had been authorized. Further, she says that in early September the ILGWUCC decided to contribute an additional \$500 to the Wilson primary election, for a total of \$4,750 and to make a first contribution of \$2,000 for the general election. She states that she personally instructed the New York office to do so on September 15, 1982.

Additionally, she says that on October 8, 1982, she directed the New York office to make an additional contribution of \$3,000 to Wilson's general election. Ms. Dubrow's inference is that her instructions of September 15, 1982, were misinterpreted and the entire amount, \$5,500, was inadvertently sent for the general election. No transmittal letters or check copies have been submitted to the Commission.

Ms. Dubrow says that in June 1984, the ILGWUCC audited its 1982 records of Senatorial contributions and discovered a number of inadvertent errors, including the Wilson contribution in this matter. The ILGWUCC, accordingly, she says, filed an amendment on June 12, 1984, to its October 1982 FEC report. A copy of the amendment was submitted with the affidavit.

E. Discussion

As seen in the chart above, the contributions from the AFL-CIO and affiliates were designated on FEC reports for the "primary" by the contributors and for the "convention" by the recipient. The AFL-CIO respondents affirm that the two contributions of March 25 (\$4,000) and April 22 (\$1,000) were intended for the primary election. They maintain that their internal records reflect that the May 5, 1982 \$250 contribution was for the general election and that, therefore, no violation of 2 U.S.C. § 441a occurred. Further, they say that the erroneous reporting of the \$250 for the primary was discovered and corrected in April 1984.

The ILGWUCC reported its contributions for the general election and Wilson for Utah Committee reports show that they were received for the general election. By affidavit, Ms. Dubrow asserts that no violation of 2 U.S.C. § 441a occurred because she directed that \$4,750 be contributed to the primary election and that \$5,000 be contributed to the general election. A clerical error is blamed for the sending of \$5,500 designated for the general election. This error was discovered and amended reports filed prior to the filing of this complaint.

At this juncture, it should be noted that strictly speaking, Mr. Wilson had no "primary election" contribution limit available to him. Since the Utah primary convention has been held to be an "election" by the Commission, the Wilson for Utah Committee

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enjoyed a separate contribution limit for that election. Mr. Wilson was not required to be in the September 14, 1982 regular primary election because he received seventy percent of the convention vote and became the party's general election nominee. However, whether the contributions were received for the primary or convention appears to be immaterial for purposes of contribution limitations in this matter.

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The Wilson Committee response cites a typist's error as the reason for designating the IU Voluntary Fund's \$250 contribution as "convention" rather than "general" as, it contends, the IU Voluntary Fund directed in its May 3 transmittal letter. The copy of the May 3 letter submitted corroborates this statement of the Wilson Committee's understanding. (Attachment 3, page 16). The May 3rd letter, however, places a caveat on its contribution "...in the amount of \$250 for your general campaign..." by asking that any amount received in excess of the Act's limit of \$5,000 per election be returned. Thus, in light of the facts that the convention was two months hence, and the primary was an uncertainty, the May 3rd letter is arguably ambiguous as to whether it refers to the campaign in general or the November general election. This Office believes that the letter is acceptable as the written designation of an election required by 11 C.F.R. § 110.1.

The AFL-CIO respondents' response confirms the Wilson Committee's understanding of the IU Voluntary Fund's direction of

the \$250 to the general election. The April Amendment filed supports a conclusion that the IU Voluntary Fund discovered and corrected a reporting error it made.

Based on the facts that the IU Voluntary Fund discovered and corrected asserted reporting errors it made some three months before this complaint was filed; states that the amendment reflects its internal records; and that the May 3rd IU Voluntary Fund transmittal letter refers to the "general campaign", this Office recommends that the Commission find no reason to believe that the AFL-CIO COPE and its affiliates violated 2 U.S.C. § 441a(a)(2)(A). Based on the facts that the AFL-CIO COPE and affiliates' contribution of \$250 was originally reported for the primary election and via pre-complaint amendment, the general, this Office recommends that the Commission find reason to believe that a violation of 11 C.F.R. § 104.14(d) occurred but take no further action.

Based on the facts that the Wilson Committee accurately believed the IU Voluntary Fund's \$250 contribution was for the general election and says that it was erroneously reported by the Committee, this Office recommends that the Commission find no reason to believe that a violation of 2 U.S.C. § 441a(f) occurred and reason to believe that the Committee violated 11 C.F.R. § 104.14(d) but take no further action.

The affidavit of Ms. Dubrow presents a different situation. She implies that her contribution directions were not followed

and a clerical employee sent the subject ILGWUCC contributions and reported them for the general election. The June 12, 1984 letter from Lawrence Dock to the Wilson Committee says only that the ILGWUCC contribution of September 15, 1982, should be \$500 for the primary and \$2,000 for the general. The Wilson Committee says that its internal procedures broke down and they did not notice the receipt of \$500 in excess of the limits of 2 U.S.C. § 441a from the ILGWUCC.

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By making contributions totalling \$5,500 to the Wilson for Utah Committee and reporting them for the 1982 general election the ILGWUCC violated 2 U.S.C. § 441a(a)(2)(A). Accordingly, by knowingly accepting and reporting the contributions in question, the Wilson Committee violated 2 U.S.C. § 441a(f). (By reporting the contributions in question, the Wilson Committee "knowingly" accepted them within the meaning of 2 U.S.C. § 441a(f).) It should be noted that, insofar as both the contributor and the recipient properly reported these contributions, this situation does not give rise to a violation of 11 C.F.R. § 104.14(d).

Therefore, this Office recommends that the Commission find reason to believe that the ILGWUCC and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but, in light of the minimal nature of the amount at issue and the amendment of the reports in question prior to the filing of this complaint, take no further action.

Similarly, this Office recommends that the Commission find reason to believe that the Wilson for Utah Committee and Ted Wilson, as treasurer, violated 2 U.S.C. § 441a(f) and take no further action.

RECOMMENDATIONS

1. Find no reason to believe that the AFL-CIO Committee on Political Education and Thomas R. Donahue, as treasurer, the Political Education Fund of the Building and Construction Trades Department and Joseph F. Maloney, as treasurer, and the Industrial Union Department AFL-CIO Voluntary Fund and Elmer Chatak, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Wilson for Utah Committee.
2. Find reason to believe that the AFL-CIO Committee on Political Education and Thomas R. Donahue, as treasurer, the Political Education Fund of the Building and Construction Trades Department and Joseph F. Maloney, as treasurer, and the Industrial Union Department AFL-CIO Voluntary Fund and Elmer Chatak, as treasurer, violated 11 C.F.R. § 104.14(d) for not properly reporting contributions to the Wilson for Utah Committee and take no further action.
3. Find no reason to believe that the Wilson for Utah Committee and Ted L. Wilson, as treasurer, violated 2 U.S.C. § 441a(f) for accepting contributions from the AFL-CIO Committee on Political Education, the Political Education Fund of the Building and Construction Trades Department, and the Industrial Union Department AFL-CIO Voluntary Fund.
4. Find reason to believe that the Wilson for Utah Committee and Ted L. Wilson, as treasurer, violated 11 C.F.R. § 104.14(d) for not properly reporting the receipt of contributions from the AFL-CIO Committee on Political Education, the Political Education Fund of the Building and Construction Trades Department, and the Industrial Union Department AFL-CIO Voluntary Fund and take no further action.
5. Find reason to believe that the International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Wilson for Utah Committee and take no further action.

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6. Find reason to believe that the Wilson for Utah Committee and Ted Wilson, as treasurer, violated 2 U.S.C. § 441a(f) by knowingly accepting excessive contributions from the International Ladies Garment Workers Union Campaign Committee and take no further action.
7. Approve and send the attached letters.
8. Close the file

Charles M. Steele
General Counsel

March 12, 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

- Wilson for Utah/FEC treasurer correspondence
(Attachment 1, pages 1-2)
- Utah Code Annotated
(Attachment 2, pages 3-13)
- Complaint response of AFL-CIO
(Attachment 3, pages 14-16)
- Complaint response of Wilson for Utah
(Attachment 4, pages 17-21)
- Complaint response of ILGWUCC
(Attachments 5 & 6, pages 22-27)
- Letters

8504031539

February 19, 1984
U.S. SENATE

ISSN 128 15 AM 9 43

HAND DELIVERED ☒

Ms. Linda Tangney
Reports Analysis Division
F.E.C.
Washington, D.C. 20463

Dear Ms. Tangney:

The Wilson for Utah Committee is no longer in existence and our final termination report was filed with the F.E.C. last year. This letter, therefore, is for the purpose of informing you that we are complying with the notice contained in your letter of November 8, 1983 regarding the return of \$4,000 received from the FOCUS PAC contribution.

Mr. Wilson was completely unaware of the impropriety of the receipt of the contribution in question, but has since refunded the \$4,000 to the FOCUS PAC from his personal funds, as per copy of his check.

I assume this action satisfies any obligations we have under the federal election laws; however, if you need additional information or further action is required, please so advise me. It is my understanding the FOCUS PAC has or will in the near future submit their report informing you of this refund.

Since our campaign committee is no longer in existence, and since the money has been refunded from the candidate's own resources, I assume we have no further reporting obligations outside of this letter.

Very truly yours,

Dick Van Mavere
Dick Van Mavere, Treasurer

P.S. Since I am no longer functioning as a campaign treasurer, would you please address any future correspondence, if required, to Mayor Ted Wilson, Room 300 City and County Building, Salt Lake City, Utah 84111, attention Dolly Plumb. Thank you.

cc: Secretary of the Senate
119 "D" Street, N.E. Rm. 623
Washington, D.C. 20510

ATTACHMENT 1

10-26-82



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

EN 28134

Mayor Ted Wilson, Treasurer
Wilson for Utah Committee
Attn: Dolly Plumb
Room 300 City and County Building
Salt Lake City, UT 84111

Identification Number: C00146460

Reference: Mid-Year Termination Amendment Report (1/1/83-6/4/83)

Dear Mayor Wilson:

Your committee's filing has been accepted as a valid termination because it meets the conditions set forth in 2 U.S.C. 433(6) and Section 102.3 of the Commission's Regulations. Your committee is no longer required to file reports on a periodic basis. However, 2 U.S.C. 432(d) and Sections 102.5(c) and 104.14(b)(3) of the Commission's Regulations require that you maintain your records and copies of reports for inspection for at least three (3) years. In addition, you may be required to respond to Commission requests for information regarding your committee's federal election activity and previously filed reports.

If your committee again becomes active in federal elections, it will be required to re-register with the Commission in accordance with the Federal Election Campaign Act and applicable Regulations. Your committee will be treated as a new entity by the Commission and should register as a new committee on FEC Form 1, pursuant to 2 U.S.C. 432(g) and 433(e).

If you have any questions concerning your status and requirements, please contact the Reports Analysis Division on the toll-free number, (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,

Libby Cooperman
Reports Analyst
Reports Analysis Division

20-4-4

ELECTIONS

than the fourth Saturday in June" at the beginning of the section for "On or before the first Saturday of August"; substituted references to state primary convention and county primary conventions for references to state convention and county conventions; and added the second sentence relating to duties of elected delegates in presidential election years.

The 1965 amendment substituted "During the month of July" for "After the first Saturday in June but not later than the fourth Saturday in June" at the beginning of the section.

The 1971 amendment substituted "During the months of June or July" for "During the month of July" at the beginning of the section.

Presidential electors.

Laws 1963, ch. 33, § 1 deleted from 20-4-2 provision that delegates select presidential electors and added it to this section. That provision was held to provide the only method for electing presidential electors; they could not be nominated by certificate of nomination under 20-3-38. *Markham v. Bennion*, 122 U. 562, 252 P. 2d 539.

Collateral References.

Elections—128.

29 C.J.S. Elections § 97 et seq.

districts embrace more than one county from such districts and the party state primary election in each district at the state primary election.

History: L. 1947, ch. 34, § 1; C. 1943, Supp. ch. 33, § 4.

Compiler's Notes.

The 1949 amendment, changed the special legislative district conventions from not more than three days before nor three days after the state primary convention to thirty days before nor thirty days after the state primary convention.

The 1971 amendment changed the legislative district primary election to be held not more than thirty days before or more than thirty days after the state primary election.

* 20-4.4. Selection of nominees for Congress—Delegates to state primary convention.—Not more than three days before nor three days after the meeting of the state primary conventions of each political party the delegates to said state primary convention from each congressional district in the State of Utah shall meet in congressional district primary conventions at a time and place designated by the state central committee and select the party's nominees for United States congressman to run at the regular primary election.

History: L. 1947, ch. 35, § 4; C. 1943, Supp. 25-3-59.

20-4.5. Selection of party's nominees at regular primary election—Judicial district primary conventions—Delegates—Time.—Not more than 30 days before nor 30 days after the state primary convention of each political party at a time and place to be designated by the state committee of each party, the delegates to the state primary conventions from each judicial district shall meet in separate judicial district primary conventions and select the party's nominees to run at the regular primary election.

History: L. 1947, ch. 35, § 5; 1949, ch. 34, § 1; C. 1943, Supp. 25-3-60.

Collateral References.

Elections—128.

29 C.J.S. Elections § 97 et seq.

Compiler's Notes.

The 1949 amendment substituted "30 days" for "three days" in two instances.

20-4.6. Candidates for legislature—Manner of selection—Party primary conventions—Time.—Where either house or senate legislative districts are identical with a single county, candidates for the legislature for each political party from said districts shall be selected by the county primary conventions of each party. Where legislative districts cover an area smaller than a county, candidates for legislative offices from such districts shall be selected by the delegates to the county primary conventions of each party from the voting districts within such legislative district at the county primary convention of each party. Where legislative

20-4.7. County primary offices—Election of delegates to state primary Mass meeting of delegates to county primary meetings shall convene by the county central committee there organize and regular primary election of their party for the qualified electors in the party's state primary convention of such votes and major fraction date for member of said number of votes central committee entitled to at least election for the office be in the proportion election for all the for candidates who

(2) The county the county convention members as may be entitled to one or more committeeman and than five.

20-4-8. Repealed.**Repeal.**

Section 20-4-8 (L. 1947, ch. 35, § 8; 1949, ch. 34, § 1; C. 1943, Supp., 25-3-63), relat-

ing to precinct primary conventions, was repealed by Laws 1971, ch. 33, § 5. For present provisions, see 20-4-6.

20-4-9. Party primary conventions—Candidates—Declaration of candidacy—Designation of nomination and acceptance—Balloting and voting—Selection and certification of nominees—Rules of procedure.—Between April fifteenth and May tenth of even-numbered years, all persons intending to become candidates at a primary convention for any elective office to be filled at the next ensuing November election shall file with the county clerk for all precinct, county and district offices solely within a county and with the secretary of state for all other offices, a declaration of candidacy and the county clerk or secretary of state shall certify to the chairman of the county or state committee of the party of which the candidate is a member, a copy of the declaration of candidacy; provided, that in the alternative, 25 or more registered voters may file with the appropriate foregoing filing officer a designation of the nomination of a candidate for the nomination for an elective office. Before the filing officer accepts any candidacy, he shall read to the candidate the constitutional and statutory requirements for candidacy, and the candidate shall state whether he fulfills the requirements of candidacy. If the candidate indicates that such candidate does not qualify, the filing officer shall decline such person's candidacy.

When such designation shall have been filed it shall be the duty of the officer in whose office it is filed to notify immediately, by registered mail, the elector named in the designation. If the elector named in the designation shall by the filing deadline file with the officer in whose office the designation was filed an acceptance of nomination and pay the required fee, he shall be a candidate at the primary convention. The signers of the designation of nomination shall all be of the same political party as the candidate designated. The acceptance shall be in a form similar to that used by a candidate who files a declaration of candidacy. The officer in whose office filings are made shall certify to the chairman of the county or state committee of which the candidate is a member, copies of the designation and acceptance. Should May 10th fall upon a Saturday or a Sunday, the filing time shall be extended to 5 o'clock p.m. of the following Monday. In all other cases the filing deadline shall be 5 o'clock p.m. on May tenth.

Form of Declaration.

The form of the declaration of candidacy shall be substantially as follows:

State of Utah

County of _____

I, _____, hereby declare my intention of becoming a candidate for nomination by the _____ party for the office of _____. I do solemnly swear that I can qualify to hold said office both legally and constitutionally, if selected, and I reside at No. _____ Street in the City

or Town of _____, State of Utah, zip code, phone no. _____, and that I am a member of the _____ party, that I believe in and intend to support throughout my term, if elected, the principles and policies of such political party; that I affiliated with such party at the last general election and I voted for the majority of such party in the last general election (or did not vote at such general election, giving reason); that I intend to vote for a majority of the candidates of said party at the ensuing election for which I seek to be a candidate; that if nominated as a candidate of said _____ party at said ensuing election, I will accept such nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practice in campaigns and elections in this state, and that I will qualify for said office if elected thereto.

Subscribed and sworn before me this _____ day of _____, 19_____

Notary Public (or other officer
qualified to administer oath.)

Failure to File Declaration or Acceptance.

Any person who fails to file a declaration of candidacy or to file his acceptance of designation of nomination within the time provided shall be ineligible for nomination to office. At the time and place set for the state, district, county, or precinct primary conventions, the name of any person who has filed a declaration of candidacy, or an acceptance may be placed in nomination for the office for which such declaration was filed.

Balloting.

Following all nominating and seconding speeches made on behalf of any candidate for an office to be filled by a precinct, county, district, or state primary convention, the delegates shall proceed to ballot for all contested offices on printed ballots which the county clerk or secretary of state, as the case may be, shall have cause to be printed. Ballots shall have printed the names of all persons who have filed declarations of candidacy or acceptance of designation. Voting shall be done in private booths in which no person other than the delegate casting a ballot shall be allowed and no delegate shall be allowed to occupy a booth for a period of time exceeding three minutes. No person other than a duly elected delegate shall be allowed to vote. If a duly elected delegate shall die or become disqualified, the county central committee of the party to which the delegate belonged and is a resident shall certify the name of an appointed delegate to fill such vacancy. After being marked, the ballots cast by the delegate shall be folded so that no person can see the marks and deposited by the delegate in a common ballot box. Each delegate shall cast one vote for each office to be filled; provided, that where two or more candidates are to be elected to any office at the next ensuing general election each delegate shall cast as many votes for candidates for the office as there are candidates to be elected to such office

at the general election by the primary election. Adequate time and vote to cast their ballots. Such additional time opportunity to cast number of votes for be declared the primary ensuing; provided, to any office at the convention not elected at the primary election. If one candidate for one office is to be declared the winner at the general election. The secretary of the county clerk of the successful candidate of the number of candidates of designation is not for any office at the election. The county clerk shall be required to run the election.

Each political party deems advisable consistent with the

History: L. 1947, ch. 34, § 1; C. 1942, Supp. 42, § 1; 1963, ch. 33, § 1; 1969, ch. 51, § 3; 1975,

Compiler's Notes

The 1949 amendment inserted the fifth sentence, "When the time expires" from the beginning of the sentence "After time expires" shall continue for one hour thereafter" for the ballot shall commence not after the opening of the election shall continue for the thereafter."

The 1957 amendment for filing from 20 o'clock to July 10th in the morning and added two sentences "Should July 10th fall on the filing deadline at 5 p.m. of that day. Should

at the general election. The ballots shall be counted by judges selected by the primary convention. Voting shall be by secret ballot, and adequate time and voting facilities shall be provided to enable all delegates to cast their ballot. Balloting shall continue for at least one hour or for such additional time as will afford all duly accredited delegates an opportunity to cast their ballots. The two persons receiving the highest number of votes for any office to be filled at the next ensuing election shall be declared the party's nominees to run at the primary election next ensuing; provided, that where more than one candidate is to be elected to any office at the next ensuing general election, the candidates at the convention not exceeding twice the number of the candidates to be elected at the ensuing general election who receive the highest votes at the primary convention shall be declared the party's nominees for such office. If one candidate receives 70% or more of the votes cast where only one office is to be filled, he shall become the party's candidate in the general election without the necessity of running in the primary election. The secretary of each primary convention shall immediately certify to the county clerk or the secretary of state, as the case may be, the names of the successful candidates at the primary convention election. Where the number of candidates filing declarations of candidacy, or acceptance of designation is not greater than the number of candidates to be selected for any office at the next ensuing general election, such candidates shall be declared the party's nominees for the office and shall be certified by the county clerk or secretary of state, as the case may be, and shall not be required to run at either the primary convention or the regular primary election.

Each political primary convention shall establish whatever rules it deems advisable governing its procedure, provided, that said rules be consistent with the laws of the State of Utah.

History: L. 1947, ch. 35, § 8; 1949, ch. 34, § 1; C. 1942, Supp., 25-3-64; L. 1957, ch. 42, § 1; 1963, ch. 33, § 1; 1965, ch. 35, § 8; 1969, ch. 51, § 3; 1975, ch. 58, § 18.

Compiler's Notes

The 1949 amendment, under "Balloting," inserted the fifth sentence relating to death or disqualification of delegates; deleted "When the time fixed for voting expires" from the eighth sentence; and at the beginning of the tenth sentence substituted "After time balloting commences, balloting shall continue for at least one hour thereafter" for "Opportunity to vote shall commence not later than one hour after the opening of said convention, and shall continue for two additional hours thereafter."

The 1957 amendment changed the time for filing from 20 days before conventions to July 10th in the first paragraph; and added two sentences which read: "Should July 10th fall upon a Saturday, the filing deadline shall be one o'clock p.m. of that day. Should July 10th fall

upon a Sunday, the filing time would be extended to five o'clock p.m. of the following Monday."

The 1963 amendment changed the time for filing from July 10 to during the month of March at the beginning of the first paragraph; substituted "March 31st" for "July 10th" in three places in the first paragraph; added the last sentence to the first paragraph; inserted "for all contested offices" in the first sentence of the next to last paragraph; and inserted in that paragraph the eleventh sentence relating to candidacy of a person receiving 50% or more of the votes cast.

The 1965 amendment changed the filing date for candidacy at the beginning of the first paragraph from during the month of March to between April 15th and May 10th; in the present second sentence of the second paragraph, changed the time for filing from March 31st to by the filing deadline; combined the last two sentences of the first paragraph, now the next to last sentence of the second paragraph, to provide for the extension of

the filing deadline to 5 o'clock p.m. the following Monday should it fall on Sunday and setting it at 1 o'clock p.m. should it fall on Saturday; changed the filing date in the last sentence of the present second paragraph from March 31st to May 10th; made the last sentence of the former last paragraph the present last paragraph; and made minor changes in punctuation.

The 1969 amendment deleted "in like manner as if he had himself filed a declaration of candidacy" after "primary convention" in the second sentence of the second paragraph; substituted "70%" for "60%" in the next to last paragraph; and made minor changes in phraseology and punctuation.

The 1975 amendment substituted "provided, that in the alternative . . . for an elective office" at the end of the first sentence for "provided, that in the al-

ternative, 25 or more qualified electors may file with the appropriate foregoing officer a designation of the nomination designating any qualified elector as a candidate for the nomination for an elective office"; inserted the second and third sentences of the first paragraph; inserted, in the form of declaration of candidacy, the requirements for the zip code and phone number; and made minor changes in phraseology, punctuation and style.

Effective Date.

Section 2 of Laws 1963, ch. 33, provided: "This act shall take effect January 1, 1964."

Collateral References.

Elections—128.

29 C.J.S. Elections § 97 et seq.

DECISIONS UNDER FORMER LAW

Declaration of candidacy.

Former provision requiring declaration of candidacy to be filed at least 20 days before date set for primary convention was mandatory; however, a candidate could be excused from filing on time where he relied in good faith on widely publicized, but erroneous, statement of secretary of state that a later date was actual

deadline; losing candidate who, on ground that successful candidate had failed to file a timely declaration of candidacy and was thus ineligible, petitioned Supreme Court for an extraordinary writ to place his name on the ballot did not act within the reasonable time contemplated by equity in such a case. *Clegg v. Bennion*, 122 U. 188, 247 P. 2d 614.

20-4-10. County or state conventions—Voting by secret ballot—Establishment of rules governing conventions.—At the time and place set for the county or state convention and following all nominating and seconding speeches to be made on behalf of candidates for the offices to be filled by the county or state conventions, the delegates shall proceed to vote by secret ballot. Each political convention shall establish whatever rules it deems advisable governing its procedure; provided, that said rules shall be consistent with the laws of the State of Utah.

History: L. 1947, ch. 35, § 10; C. 1943, Supp., 25-3-65.

20-4-11. Death, resignation or disqualification of candidate before primary or general election—Certification of another candidate.—When there are no more than two candidates for a nomination and one or both shall die, resign or become disqualified, after the close of the filing period, and before the primary election or if after the primary convention and before the general election, a candidate shall die, resign or become disqualified, the proper state or county central committee, as the case may be, of that party shall certify the name of another candidate or candidates, if available, to the proper filing election officers.

History: L. 1947, ch. 35, § 11; 1949, ch. 34, § 1; C. 1943, Supp., 25-3-66; L. 1957, ch. 43, § 1.

Compiler's Notes.

The 1949 amendment substituted "In the event there are two and only two

candidates for a nomination, both shall die, resign or become disqualified, after the close of the filing period, and before the primary election or if after the primary convention and before the general election, a candidate shall die, resign or become disqualified, the proper state or county central committee, as the case may be, of that party shall certify the name of another candidate or candidates, if available, to the proper filing election officers.

20-4-12. Conduct of elections—Charges for use of facilities—Expense of notices—Expense of other official or facilities used in general election—Political parties in conduct the elections.

The county clerk for the election of . . . with him their declaration. The county clerk shall . . . relative to the precinct and primary election.

Duties of Secretary.

The secretary of . . . be used for the election. He shall also . . . relative to all primary candidates who have filed . . . in his office.

Expenses.

The expense of . . . to be used at the elections provided for in the preparation of . . . paid out of the treasury in the same manner, with . . . November elections.

History: L. 1947, ch. 35, § 12; C. 1943, Supp., 25-3-67.

20-4-13. Register of delegates.—The county clerk shall register the delegates elected in the county and the chairman and secretary of the county central committee.

UTAH CODE ANNOTATED

SECOND REPLACEMENT
VOLUME 3
1983 Pocket Supplement

Containing

Amendments to statutes and new statutes in Titles 20 to 30 enacted since
publication of Second Replacement Volume 3 through the 1983 First Special
Session of the Utah Legislature

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(3) After marking his ballot the elector shall detach the part of the ballot containing the names of the candidates of the party he has voted from the remainder of the ballot and shall fold the same so that its face shall be concealed, and shall deposit the same in the ballot box as provided in this act. The remainder of the ballot, containing the names of the candidates of the party or parties the elector did not vote, shall be folded in like manner by the elector who shall thereupon deposit the same in a separate ballot box to be marked and designated as blank ballot box. Immediately after the canvass, the judges of election shall, without examination, destroy the tickets deposited in the blank ballot box.

(4) Across the top of the ballot a one-inch perforated stub shall contain the numerical ballot numbers and "Judge's Initials." When printing the absent-voter ballots the words "Absent-Voter Ballot" shall precede the ballot numbers. Immediately below the perforated stub in 18 point bold type the wording "Official Primary Ballot for _____ County, Utah, _____, 19____" followed by the facsimile signature of the county clerk and his title. Next the party emblem and name of the party shall be listed. Below the party name there shall be printed in not smaller than 10 point bold-face type, doubled-leaded, the following: "Instructions to Voters" To vote for a candidate place a cross (X) in the square at the right of the name of the person for whom you desire to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation. This "Instructions to Voters" shall be separated from the lists of candidates and the designation of the several offices for which nominations are to be made by one light and one heavy line or rule.

(5) The names of the candidates shall be grouped according to the office for which they are candidates and the names in each group shall be placed with the surnames last and arranged as provided in section 20-3-20. Each group shall be preceded by the designation of the office for which the candidates seek nomination, and the words, Vote for one, or Vote for two or more, according to the number to be elected to such office at the ensuing general election. Such designation of the office for which nominations are to be made and of the number of candidates to be nominated shall be printed in heavy-faced type, not smaller than eight point. The word or words designating the office shall be printed flush with the left-hand margin, and the words, Vote for one, or Vote for two or more, as the case may be, shall extend to the extreme right of the column. The designations of office and the directions for voting shall be separated from the names of the candidates by a light line.

(6) The names of the candidates shall appear on the ballot in heavy-faced type not smaller than 10 point, between lines or rules, three-eighths of an inch apart. To the right of the names of the candidates shall be printed a square with sides not less than ¼ inch long.

(7) Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule.

(8) The nonpartisan candidates shall be listed the same on each party ticket in the following manner: immediately below the listing of the party candidates, if any, there shall be printed "NONPARTISAN" in reverse type in an eighteen point solid rule which is the full width of the type copy of the party listing above. Beneath this the listing of the office, the number of candidates to vote for, the candidate's name, voting square, etc. shall follow in the same style and manner as for party candidates.

History: L. 1937, ch. 29, § 24; 1939, ch. 37, § 1; C. 1943, 25-3-29; L. 1965, ch. 36, § 6; 1967, ch. 36, § 1; 1967, ch. 37, § 1; 1975, ch. 58, § 13; 1977, ch. 78, § 7.

Compiler's Notes.

The 1977 amendment inserted the subsection designations; and inserted "circuit judge, county justice of the peace" in the third sentence of subsec. (1).

20-3-20. Ballots — Arrangement of candidates' names. All voting at pri-

to provide such official printed ballots. Official ballots shall be printed on paper in the manner provided in general election laws.

The joint candidates for governor and lieutenant governor shall be alphabetically according to the gubernatorial candidates' surnames with one for each set of joint candidates. The names of all other candidates arranged alphabetically according to surnames, except as otherwise provided in sections 53-2-3 and 53-5-7, under the appropriate title of the respective office under the proper party designation upon the party ticket. If any elector writes his ticket the name of any person who is a candidate for the same office upon other ticket than that upon which his name is so written this ballot counted for such person only as a candidate of the party upon whose ticket his name is written; and in no case shall be counted for such person as a candidate upon any other ticket.

History: L. 1937, ch. 29, § 25; 1939, ch. 37, § 1; C. 1943, 25-3-30; L. 1983, ch. 104, § 1; 1983, ch. 110, § 6.

Cross-References.

Grouping of candidates — Sec. 20-

20-3-21. Procedure for voting. Any registered voter desiring to vote shall write his name and, if requested to do so, his residence, to one of the election judges. When an election judge does not know the person requesting the ballot, the voter shall identify himself by a known registered voter of the district. When the voter is properly identified, an election judge shall hand him a ballot containing the names of the candidates of all groups and parties provided herein and at the time shall instruct him to vote for the candidates of only one party or group. The voter shall then vote according to law.

Whenever the county clerk is required to furnish more than one kind of ballot to the voting district, the election judges of that district shall give the registered voter the kind of ballot he is qualified to vote.

History: L. 1937, ch. 29, § 26; C. 1943, 25-3-31; L. 1965, ch. 36, § 6; 1967, ch. 36, § 1; 1971, ch. 34, § 12; 1975, ch. 58, § 14; 1981, ch. 109, § 12.

Compiler's Notes.

The 1981 amendment inserted the first two sentences of the first paragraph; substituted

"When the voter is properly identified by a known registered voter of the district" in the third sentence of the first paragraph for "When an elector is properly identified by a known registered voter of the district"; and substituted "elector" for "voter" in the last sentence of the first paragraph.

20-3-38. Independent candidates, etc.

Law Reviews.

Toward an Interstate Standard of Equal Protection of the Laws: A Speculative Essay, 1981 B.Y.U. L. Rev. 275.

CHAPTER 4

PARTY CONVENTIONS

Section

20-4-1.

County organizing conventions — Time of holding — Mailing and form of convention — Convening of delegates — Election of chairman, vice-chairman, secretary, and treasurer — Delegates to state organizing convention.

20-4-2.

State organizing convention — Time for holding — Election of state central committee chairman, and vice-chairman — Composition of state central committee — Term of office of state and county central committees — Filling vacancies — Executive committees.

- 20-4-3. Time and place of state primary convention — Election of nominees — Adoption of state platform — Selection of presidential electors, national convention delegates and alternates, and national committeeman and committeewoman.
- 20-4-7. County primary convention — Selection of nominees for county offices — Election of members of county central committee — Selection of delegates to state primary convention — Composition of county committee — Mass meeting of electors in county — Election of district officers and delegates to county primary convention.
- 20-4-9. Declarations of candidacy — Certification and approval of lieutenant governor candidates — Balloting procedure — Successful candidates — Rules of procedure.
- 20-4-11. Death, resignation or disqualification of candidate before primary or general election — Certification of another candidate.
- 20-4-11.5. Vacancy — Procedure for filling.

20-4-1. County organizing conventions — Time of holding — Mailing and form of notice of convention — Convening of delegates — Election of chairman, vice-chairman, secretary, and treasurer — Delegates to state organizing convention. (1) On or before the 15th of August in each year in which a general election is not to be held a county organizing convention of each political party shall be held in each county in the state. The county central committee of each political party shall cause notice of the holding of the county organizing convention of its party to be mailed to each delegate elected or chosen to that party's county primary convention held the previous year, which notice shall be in substantially the following form:

"Notice of _____ Party County Organizing Convention.

Notice is hereby given that the County Organizing Convention of the _____ party for _____ County will be held at _____ in _____, at _____ o'clock _____ M. on _____ the _____ day of _____, 19____. At this Convention a county chairman, vice-chairman, secretary, and treasurer to serve for the ensuing two years will be chosen and other party affairs may be considered. Delegates to this County Organizing Convention shall be the same persons who were delegates to the _____ County primary convention which was held last year."

(2) At the time and place designated for the party county organizing convention the delegates to this convention shall convene at the place designated by the party's county central committee and there organize.

(3) The delegates to each county organizing convention shall elect a county chairman, vice-chairman of opposite sex, secretary, and treasurer and take any other action consistent with this chapter pertaining to the affairs of the party in the county as deemed proper.

(4) The delegates to the state organizing convention of each party shall be the same persons who were delegates to the state primary convention that was held the previous year.

History: L. 1947, ch. 35, § 1; C. 1943, Supp., 25-3-56; L. 1963, ch. 33, § 1; 1969, ch. 51, § 1; 1971, ch. 33, § 3; 1979, ch. 83, § 2; 1981, ch. 104, § 1.

Compiler's Notes.

The 1979 amendment deleted headings before subsecs. (2) to (4); and rewrote subsec. (4). For prior version, see parent volume.

The 1981 amendment inserted "organizing" before "convention" throughout the section; deleted "delegates of _____ County for the _____ State Convention will be elected the _____ to the next to last

sentence of the form in subsec. (1); deleted "and the delegates to which the qualified electors of the party residing in the county are entitled in the party's state convention" after "treasurer" in subsec. (3); substituted "this chapter" in subsec. (3) for "the provisions of this act"; deleted the last sentence of subsec. (3) which read: "The chairman and secretary of each county convention shall certify to the state convention the result of the election by the county convention of delegates to the state convention"; rewrote subsec. (4) which read: "The number of dele-

gates to the state convention of each party which shall be chosen in each county convention of such party shall be one delegate for each definite number of votes and major fraction thereof cast in the county at the next preceding November election for all the party's candidates for the offices of governor, secretary of state, attorney general, state

auditor and state treasurer, excluding the vote for candidates who have no opposition. The number of votes for each delegate shall be determined by the state central committee of each party, provided that each shall be entitled to at least one delegate and made minor changes in phraseology and style.

20-4-2. State organizing convention — Time for holding — Election of central committee chairman, and vice-chairman — Composition of state central committee — Term of office of state and county central committee — Filling vacancies — Executive committees. (1) On or before the first September of each odd-numbered year, the delegates to the state organizing convention of each political party shall convene at such place in the state as the central committee of that party shall designate and there organize. The convention shall elect a state central committee for the ensuing term and a chairman and vice-chairman of opposite sex.

(2) The state central committee of each political party shall consist of qualified electors affiliated with this party from each county. The number of members of the state central committee of each party to which each county shall be entitled shall be determined in proportion to the combined votes cast at the next preceding November election for the party's candidates for the offices of governor, secretary of state, attorney general, state auditor and state treasurer, excluding the vote of any candidate who had no opposition. There shall be one committeeman for each definite number of votes so cast, these numbers to be determined by the state central committee of the party but there shall be at least two members, a man and a woman from each county in the state.

(3) The state and county central committees shall serve for two years and their successors shall have been elected. Any vacancy in the committee or in any office, including the office of chairman, arising from death, resignation, or expulsion shall be filled by the remaining members of the committee. Each committee may elect from its membership an executive committee and shall, except as otherwise provided in this chapter, choose its officers by ballot. Each committee and its officers shall have general charge of the affairs of the party in the state or county as the case may be, and have the powers usually exercised by these committees and their officers subject to the provisions of this chapter. The several state and county committees and their officers now in existence shall exercise the powers and perform the duties prescribed by this chapter until their successors shall be chosen in accordance with this chapter.

History: L. 1947, ch. 35, § 2; C. 1943, Supp., 25-3-57; L. 1963, ch. 33, § 1; 1979, ch. 83, § 3; 1981, ch. 104, § 2.

Compiler's Notes.

The 1979 amendment deleted headings before subsecs. (2) and (3); inserted "at the next preceding November election" in subsec. (2); and substituted "offices of governor, secretary of state, attorney general, state auditor and state treasurer, excluding the vote of any candidate who had no opposition" in subsec. (2) for "offices of governor, secretary of state, attorney general, state auditor and state treasurer, excluding the vote for candidates who have no opposition".

In subsec. (2) for "United States congressional election" insert "state or county election".

The 1981 amendment deleted "electors" after "delegates" in the first sentence of subsec. (1); inserted "organizing" in the first sentence of subsec. (1); deleted "by the state central committee of each party" in the first sentence of subsec. (1); substituted "chapter" for "section" throughout the section; and made minor changes in phraseology.

20-4-3. Time and place of state primary convention — Election of nominees — Adoption of state platform — Selection of presidential electors, national convention delegates and alternates, and national committeeman and committeewoman. During the month of June or July of each even-numbered year

e delegates elected to the state primary convention of each political party by the several county primary conventions of such the party, shall convene at such a place the state as designated by the state central committee shall designate in a state primary convention, and there At the convention, the delegates shall organize and select nominees to run on the party ticket at the regular primary election for all state appropriate elective offices and for the office of United States senator to be held at the ensuing November election; and shall adopt a state platform for such a political party for the ensuing election. In years of presidential elections they shall also select presidential electors and the necessary delegates and alternates to the national convention and select the national committeeman and committeewoman for the state of Utah.

History: L. 1947, ch. 35, § 3; C. 1943, pp. 25-3-58; L. 1963, ch. 33, § 1; 1965, ch. 39, § 1; 1971, ch. 36, § 1; 1983, ch. 110, § 6.

20-4-7. County primary convention — Selection of nominees for county offices — Election of members of county central committee — Selection of delegates to state primary convention — Composition of county committee — Mass meeting of electors in county — Election of district officers and delegates to county primary convention. (1) Following the mass meetings Prior to the state party convention of each even-numbered year, the delegates elected at the district mass meetings shall convene in each county at a time and place designated by the county central committee as a county primary convention, and there at the convention, the delegates shall organize and select nominees to run on the party ticket at the regular primary election, elect the members of the county central committee of their party for the ensuing term, and select the delegates to which the qualified electors of the party residing in the county are entitled in the party's state primary convention.

(2) The county central committee of a political party shall consist of the chairman and vice-chairman of each voting district.

(3) The county central committee of each political party in each county shall cause a mass meeting of the citizens who will be at least 18 years old by the next November election of said the county residing in each voting district entitled to delegates in the county primary convention to be called and held on the first third Monday of May in April in each year in which a general election is to be held, and shall cause notice of the time and place of the holding of the meeting to be posted in at least three public places in the district at least five days prior to the date of such meeting; and, The notice shall specify the number of delegates to the county primary convention to be chosen at the meeting and the county central committee shall cause any further notice of the meeting to be given as the conditions existing in the district may reasonably require. The number of delegates to the county primary convention of each political party shall be one delegate for each definite number of votes and major fraction thereof cast at the next preceding November election within the voting district for all the party's candidates for the offices of governor, secretary of state, attorney general, state auditor and state treasurer, excluding the vote for any candidate who had no opposition. The number of votes required for each delegate is to be determined by the county central committee, provided that each voting district shall be entitled to at least one delegate.

(4) The mass meeting for each district shall be convened at the time appointed; and the place appointed; which, The place shall be within the district or in a public building of an adjacent or nearby district. At such the meeting a district chairman and vice-chairman, who shall be of the opposite sex, a secretary, a treasurer, and at least three committeemen and the delegates to which the members of the party entitled in such district shall be entitled in the party's county primary convention,

shall be elected by ballot. Balloting, or the opportunity therefor, shall continue for at least one hour after the time the meeting opens for business and the result of the election for county delegates shall be certified at the county primary convention of the party by the chairman and secretary of said the meeting; provided; that if, If any district shall fail to elect delegates to any party's county primary convention the county central committee then in office may fill the vacancy from qualified members of the party in the district, and the secretary of the county central committee shall certify the same to the county primary conventions.

History: L. 1947, ch. 35, § 7; C. 1943, Supp. 25-3-62; L. 1963, ch. 33, § 1; 1965, ch. 39, § 6; 1969, ch. 51, § 2; 1979, ch. 83, § 4; 1980, ch. 22, § 1; 1981, ch. 103, § 1; 1983, ch. 110, § 7.

Compiler's Notes.

The 1979 amendment deleted two sentences at the end of subsec. (1), concerning the number of delegates to the state primary convention; rewrote subsec. (2) which allowed the county convention to determine the number of members of each county central committee; substituted "citizens who will be at least 18 years old by the next November election" in the first sentence of subsec. (3) for "qualified electors"; rewrote the second and third sentences of subsec. (3); inserted the first

sentence of subsec. (4) which replaced the former requirements in subssecs. (3) and (4) that mass meetings be held "in the district" and made minor changes in phraseology and punctuation. For prior version, see parent volume.

The 1980 amendment authorized the holding of county primary convention in the month of May following the mass meetings or in the month of June.

The 1981 amendment substituted "Following the mass meetings" at the beginning of subsec. (1) for "During the month of May following the mass meetings or the month of June"; and substituted "first Monday of May" in the first sentence of subsec. (3) for "third Monday of May."

20-4-9. Declarations of candidacy — Certification and approval of lieutenant governor candidates — Balloting procedure — Successful candidates — Rules of procedure. Between March twenty-fifth 15 and April twenty-fifth 15 of even-numbered years, all persons intending to become candidates at a primary convention for any elective office to be filled at the next ensuing November election other than the office of lieutenant governor shall file with the county clerk for all precinct, county and district offices solely within a county and with the secretary of state lieutenant governor for all other offices other than that of lieutenant governor, a declaration of candidacy and the. The county clerk or secretary of state lieutenant governor shall certify to the chairman of the county or state committee of the party of which the candidate is a member, a copy of the declaration of candidacy; provided; that in the alternative, 25 or more registered voters may file with the appropriate foregoing filing officer a designation of the nomination of a candidate for the nomination for an elective office. Before the filing officer accepts any candidacy, he shall read to the candidate the constitutional and statutory requirements for candidacy, and the candidate shall state whether he fulfills the requirements of candidacy. If the candidate indicates that such candidate does not qualify, the filing officer shall decline such person's candidacy.

When such designation shall have been filed it shall be the duty of the officer in whose office it is filed to notify immediately; by registered mail; the elector named in the designation: If the elector named in the designation shall by the filing deadline file with the officer in whose office the designation was filed an acceptance of nomination and pay the required fee; he shall be a candidate at the primary convention. The signers of the designation of nomination shall all be of the same political party as the candidate designated. The acceptance shall be in a form similar to that used by a candidate who files a declaration of candidacy. The officer in whose office filings are made shall certify to the chairman of the county or state committee of which the candidate is a member, copies of the designation and acceptance. Should April 26th 15th fall upon a Saturday or a Sunday, the filing time shall be extended to 6 o'clock p.m. of the following Monday. In the case of

vacancy in an office which requires nomination at a county convention and when two years or more remain in the unexpired term and the vacancy occurs or a certified written resignation is submitted on the filing deadline as provided above or on any of the preceding five days, the filing deadline shall be extended to seven days from the date of the vacancy or of the letter of resignation. In all other cases the filing deadline shall be 5 o'clock p.m. on April twenty-fifth.

Form of Declaration.

The form of the declaration of candidacy shall be substantially as follows:

State of Utah
County of _____

I, _____, hereby declare my intention of becoming a candidate for nomination by the _____ party for the office of _____. I do solemnly swear that I am qualified to hold said office both legally and constitutionally, if selected, and I reside at No. _____ Street in the City or Town of _____, state of Utah, zip code, _____, phone no. _____, and that I am a member of the _____ party; that I believe and intend to support throughout my term, if elected, the principles and policies of such political party; that I affiliated with such party at the last general election and I voted for the majority of such party in the last general election (or did not vote at such general election, giving reason); that I intend to vote for a majority of the candidates of said party at the ensuing election for which I seek to be a candidate; and that if nominated as a candidate of said the _____ party at said the ensuing election, I will accept such the nomination and not withdraw; and that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practice in campaigns and elections in this state, and that I will qualify for said the office if elected thereto.

Subscribed and sworn before me this _____ day of _____, 19____.

Notary Public (or other officer
qualified to administer oath.)

Failure to File Declaration or Acceptance.

Any person who fails to file a declaration of candidacy or to file his acceptance of designation of nomination within the time provided shall be ineligible for nomination to office. At the time and place set for the state, district, county, or precinct primary conventions, the name of any person who has filed a declaration of candidacy, or an acceptance may be placed in nomination for the office other than that of lieutenant governor for which such the declaration was filed.

Governor and lieutenant governor nominations.

Following all nominating and seconding speeches made on behalf of any candidate for governor at a state primary convention, the delegates shall proceed to ballot as provided in this section. The procedure and percentage provisions of this section shall be applicable.

The gubernatorial candidates nominated shall certify to the convention their respective choice for a constitutionally and legally eligible lieutenant governor candidate who will be their joint candidate in the primary and general elections. The certification shall constitute nomination unless the convention fails to affirmatively ratify any lieutenant governor designee. If an affirmative ratification fails to occur the appropriate gubernatorial nominee shall submit another or other designees until the affirmative ratification occurs. The lieutenant governor candidates shall, within 5 days of nomination, file a declaration or declarations of candidacy with the lieutenant governor and pay the fee required by section 20-3-14.

Balloting.

Following all other nominating and seconding speeches made on behalf of any candidate for an office to be filled by a precinct, county, district, or state primary convention, the delegates shall proceed to ballot for all contested offices on printed

ballots which the county clerk or secretary of state lieutenant governor, as the case may be, shall have cause to be printed. Ballots shall have printed the names of all persons who have filed declarations of candidacy or acceptance of designation. Voting shall be done in private booths in which no person other than the delegate casting a ballot shall be allowed and no delegate shall be allowed to occupy a booth for a period of time exceeding three minutes. No person other than a duly elected delegate shall be allowed to vote. If a duly elected delegate shall die or become disqualified, the county central committee of the party to which the delegate belonged and is a resident shall certify the name of an appointed delegate to fill such vacancy. After being marked, the ballots cast by the delegate shall be folded so that no person can see the marks and deposited by the delegate in a common ballot box. Each delegate shall cast one vote for each office to be filled; provided that where two or more candidates are to be elected to any office at the next ensuing general election each delegate shall cast as many votes for candidates for that office as there are candidates to be elected to such office at the general election. The ballots shall be counted by judges selected by the primary convention. Voting shall be by secret ballot, and adequate time and voting facilities shall be provided to enable all delegates to cast their ballot. Balloting shall continue for at least one hour or for such additional time as will afford all duly accredited delegates a opportunity to cast their ballots. The two persons receiving the highest number of votes for any office to be filled at the next ensuing election shall be declared the party's nominees to run at the primary election next ensuing; provided, that where more than one candidate is to be elected to any office at the next ensuing general election, the candidates at the convention not exceeding twice the number of the candidates to be elected at the ensuing general election who receive the highest votes at the primary convention shall be declared the party's nominees for such office. If one candidate receives seventy per cent or more of the votes cast where only one office is to be filled, he shall become the party's candidate in the general election without the necessity of running in the primary election. The secretary of each primary convention shall immediately certify to the county clerk or the secretary of state lieutenant governor, as the case may be, the names of the successful candidates at the primary convention election. Where the number of candidates filing declarations of candidacy or acceptance of designation is not greater than the number of candidates to be selected for any office at the next ensuing general election, such the candidates shall be declared the party's nominees for the office and shall be certified by the county clerk or secretary of state lieutenant governor, as the case may be, and shall not be required to run at either the primary convention election or the regular primary convention.

Each political primary convention shall establish whatever rules it deems advisable governing its procedure, provided, that said rules be consistent with the laws of the state of Utah.

History: L. 1947, ch. 35, § 9; 1949, ch. 34, § 1; C. 1943, Supp., 25-3-64; L. 1957, ch. 42, § 1; 1963, ch. 33, § 1; 1965, ch. 39, § 8; 1969, ch. 51, § 3; 1975, ch. 58, § 18; 1979, ch. 27, § 5; 1981, ch. 103, § 2; 1983, ch. 110, § 8.

Compiler's Notes.

The 1979 amendment inserted the next to last sentence of the second paragraph.

The 1981 amendment substituted "March twenty-fifth and April twenty-fifth" in the first sentence of the first paragraph for "March fifteenth and April tenth"; and substituted "April 25th" in the sixth and the

last sentences of the second paragraph for "May 10th."

Declaration of candidacy.

A federal statement of candidacy form was not substantially the same as the declaration of candidacy required by this section, and the filing of a copy of the federal form did not satisfy the requirements of this section, where the federal statement of candidacy form required no oath nor affirmation by the candidate that he would not violate the election laws and that he would qualify for his office if elected. Utah State Democratic Committee v. Monson (1982) 662 U.2d 899.

Candidate was not entitled to equitable relief to enable him to file a late declaration of candidacy where his failure to timely file was due solely to a misunderstanding between him and his campaign staff. *Utah State Democratic Committee v. Monson* (1982) 652 P 2d 890.

Statement that candidate fulfills requirement of candidacy.

This section requires the filing officer to read to the candidate the constitutional and

20-4-11. Death, resignation or disqualification of candidate before primary or general election — Certification of another candidate. If no more than two candidates have filed for a nomination and one or both dies, resigns because of becoming physically or mentally disabled as certified by a physician or is disqualified after the close of the filing period but before the primary election or if after the primary convention and before the general election a candidate dies, resigns because of becoming physically or mentally disabled as certified by a physician or is disqualified, the proper state or county central committee, as the case may be, of that party shall certify the name of another candidate or candidates to the proper filing election officers.

History: L. 1947, ch. 35, § 11; 1949, ch. 34, § 1; C. 1943, Supp., 25-3-66; L. 1957, ch. 43, § 1; 1981, ch. 109, § 13.

Compiler's Notes.

The 1981 amendment inserted "because of becoming physically or mentally disabled as certified by a physician" in two places; and made minor changes in phraseology and punctuation.

statutory requirements for candidacy and to obtain a statement from the candidate that he does in fact fulfill those requirements, this affirmation of qualification by the candidate is a requirement of filing, without which the filing is incomplete and cannot be accepted by the filing officer. *Utah State Democratic Committee v. Monson* (1982) 652 P 2d 890.

Disqualification existing at time of filing for office.

This section encompasses any and all disqualifications, irrespective of the time of their occurrence; a replacement candidate was properly certified under this section where the original candidate was disqualified because of lack of residency in the district at the time she filed her declaration of candidacy and such disqualification was not discovered until after the filing deadline had passed. *Peck v. Monson* (1982) 652 P 2d 1325.

20-4-11.5. Vacancy — Procedure for filling. (1) If any vacancy occurs in any office for which nominees for the direct primary elections are elected at county conventions and the vacancy has an unexpired term of two years following the first Monday of January next and the vacancy occurs after less than five days remain before the regular county convention, and if the vacancy occurs before there are less than 35 days remaining before the direct primary election, then the following procedures will apply:

(a) The county clerk or clerks, as the case may be, shall make a public notification that the vacancy exists.

(b) All persons intending to become candidates for the vacant offices shall then have five days, ending at 5 o'clock p.m. on the fifth day, to declare an intention in accordance with procedures of section 20-4-9.

(c) The proper county central committee or committees, as the case may be, of each party shall then certify the name of the candidate or candidates from among those qualified to the proper filing election officers no later than five days following the closing date of filing.

(2) If the vacancy as described in (1) occurs after there are less than 35 days remaining before the primary election and before there are less than 30 days remaining before a general election, the proper county central committee or committees, as the case may be, shall summarily certify the name of one candidate, if available, to the proper filing officer.

MUNICIPAL ELECTION CODE

Nothing in this act shall preclude the proper filing of independent candidate at the official canvass vacancy under this section shall take place at 12 o'clock noon the day following the election.

History: C. 1953, 20-4-11.5, enacted by L. 1979, ch. 27, § 6; L. 1981, ch. 109, § 14.

Compiler's Notes.

The 1981 amendment deleted a subsec. (3) reading "The person declared the winning

CHAPTER 5

MUNICIPAL ELECTION CODE

Part

1. Short title, construction, general provisions.
2. Qualifications.
3. Nominations.
4. Judges.
5. Notice and preparation for elections.
6. Conduct of elections.
7. Electronic system.
8. Paper ballots.
9. Absentee voting.
10. Challenge of voters.
11. Canvass of votes.
12. Other judicial proceedings.
13. Contests.
15. Election offenses.

PART 1

SHORT TITLE, CONSTRUCTION, GENERAL PROVISIONS

Section

- 20-5-1. Short title.
- 20-5-2. Liberal construction.
- 20-5-3. Special elections.
- 20-5-4. Clerk to render interpretations and make decisions.
- 20-5-5. Definitions.

20-5-1. Short title. This chapter shall be known and may be cited as the "Municipal Election Code."

History: C. 1953, 20-5-1, enacted by L. 1981, ch. 101, § 1.

Compiler's Notes.

Laws 1981, ch. 101, § 1 repealed old sections 20-5-1 to 20-5-11 (L. 1939, ch. 38, §§ 1 to 11; C. 1943, 25-4-15 to 25-4-25; L. 1976, ch. 58, §§ 19, 20), relating to nominations in cities of third class and towns, and enacted new sections 20-5-1 to 20-5-5.

Title of Act.

An act relating to elections; providing the enactment of a code governing the conduct of municipal elections; providing qualifications for voters and candidates; providing for nomination of candidates; providing for the appointment and duties of election officials; providing for notice of, and preparation for, elections; providing for the counting at canvassing of ballots.



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August 20, 1984

GC
4380
AUG 20 P 1:53

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: FEC MUR 1752

Dear Mr. Steele:

This letter constitutes the response of Thomas R. Donahue, the AFL-CIO Committee On Political Education Political Contributions Committee ("AFL-CIO/COPE-PCC"), Elmer Chatak, the Industrial Union Department AFL-CIO Voluntary Fund ("IUD Voluntary Fund"), Joseph P. Maloney, and the Political Education Fund of the Building and Construction Trades Department ("PEF-BCTD") (hereinafter "respondents") to your letter dated August 6, 1984, stating that the Commission has received a complaint alleging that respondents may have violated the Federal Election Campaign Act of 1971 ("FECA") as amended.

The complaint, which the Commission has numbered MUR 1752, alleges that the respondent political committees and their treasurers violated §441a(a)(2)(A) of the Act by making contributions to the Wilson for Utah Committee for the 1982 primary election which in the aggregate totalled \$5,250.00.

Respondents' 1982 contribution records reflect the following contributions to the Wilson For Utah Committee for the 1982 primary election: AFL-CIO/COPE-PCC contributed \$4000 for the primary election on March 25, 1982; and PEF-BCTD contributed \$1000 for the primary election on April 22, 1982. Respondents internal records thus reflect that AFL-CIO/COPE-PCC and its affiliated committees contributed a total of \$5000 to the Wilson for Utah Committee for the 1982 primary election.

The IUD Voluntary Fund's May 5, 1982 contribution in the amount of \$250.00 to the Wilson for Utah Committee was designated for the 1982 general election, not the primary election as alleged by complainant. This designation is reflected both in the cover letter that was sent with the contribution (see attachment A) and in the Voluntary Fund's May 1982 Monthly FEC Report (see attachment B).

28:20 06:00

ATTACHMENT

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Since as demonstrated above, respondent committees' contributions to the Wilson for Utah Committee for the 1982 primary election did not exceed \$5000, respondents have not violated 2 U.S.C. §441a(a)(2)(A). Accordingly, respondents respectfully request that the Commission take no further action in this matter and that the complaint in MUR 1752 be dismissed.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for Respondents
Thomas R. Donahue, AFL-CIO/COPE-PCC,
Elmer Chatak and IUD Voluntary Fund

Robert D. Kurnick

Robert D. Kurnick
Counsel for Respondents
Joseph F. Maloney and PEF-BCTD

35040531533

Industrial Union Department AFL-CIO

Howard D. Samuel, President
Elmer Chatak, Secretary-Treasurer

815 16th Street N.W.
Washington, D.C. 20006
202/842-7800

May 3, 1982

The Honorable Ted Wilson
Wilson for Utah
c/o Robyn Matheson
1120 20th Street, N.W., Suite S700
Washington, D. C. 20036

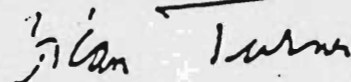
Dear Mayor Wilson:

Enclosed is a contribution in the amount of \$250.00 for your general campaign from the Industrial Union Department Voluntary Fund. The IUD Voluntary Fund was established and is maintained by the Industrial Union Department of the AFL-CIO.

Under the Federal Election Campaign Act, contributions of the AFL-CIO, the IUD and other subordinate bodies to a campaign must be combined for purposes of the \$5,000 contribution limit applicable to each election.

If you have received, or later receive, contributions to your campaign from a political fund or funds established and maintained by the AFL-CIO, any state or local central body of the AFL-CIO or any department of the AFL-CIO, and those contributions, together with the enclosed contribution, total more than \$5,000, we would appreciate it if you would return the amount over \$5,000 to the contributor(s).

Sincerely,



Brian Turner

Director of Legislation
Enclosure

16

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JULIA C. ATTWOOD

August 30, 1984

Paul Reyes, Esq.
Staff Counsel
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

RE: MUR 1752

Dear Mr. Reyes:

The undersigned, as an individual, represents Ted L. Wilson, the Wilson for Utah Committee, and its past treasurers, J. Alan Blodgett and Richard Van Klaveren (hereinafter "Committee Respondents") in the above-referenced matter under review. A designation of counsel for the Committee and Messrs. Wilson and Van Klaveren is enclosed. Mr. Blodgett, who was replaced by Mr. Van Klaveren as the Committee Treasurer early in 1982 is out of state for the next ten days and I will forward his designation of counsel statement upon his return.

This letter constitutes the Committee Respondents' preliminary response to the complaint notification letters sent by your office. I should note at the outset that the subject contributions were made over two years ago and that the Wilson Committee filed its termination report in August of 1983. Consequently, it has been difficult to ascertain the precise factual events surrounding the complaint allegations since the whereabouts of some of those individuals involved with the receipt of monies for the campaign is not now known. Nonetheless, I have gleaned sufficient information through review of the Committee records and through interviewing those persons

Attachment 4

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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still available to conclude that the allegations of the complaint are without merit.

The Complaint alleges that the Committee Respondents violated the provisions of 2 U.S.C. §441(a)(f) by accepting contributions in excess of the \$5,000 per election limitation. Specifically, the complaint alleges that the Committee Respondents accepted the total sum of \$5,250 for the 1982 primary election from the AFL-CIO COPE-PCC and its affiliated separate segregated funds and the sum of \$5,500 for the 1982 general election from the International Ladies Garment Workers Union Campaign Committee (ILGWUCC).

In both instances, as explained below, the total permissible contribution limits available to the Wilson Committee were not exceeded. The apparent problem results from the fact that the subject contributions, through clerical inadvertence, were not properly allocated between the convention and general election periods.

1. AFL-CIO Contribution. Under letter of May 3, 1982, a copy of which is enclosed, the Industrial Union Department of the AFL-CIO made a \$250 contribution to the Wilson Committee and specifically designated the contribution for the general election. The contribution was actually made and received, however, prior to the 1982 Democratic Convention which was held in July, 1982. (Mr. Wilson received 70% of the delegate votes at the convention, and thus became the nominee of the party without the necessity of a primary election. Mr. Wilson therefore had two elections--a convention and a general--for purposes of calculating his 1982 campaign contribution limits.)

Thus, the total amount of contributions received by the Wilson Committee from the AFL-CIO and its affiliated SSF's was \$5,000 for the convention and \$250 for the general election. Unfortunately, when the typist prepared the October 10, 1982 FEC report, she erroneously designated the \$250 contribution as "convention" rather than "general".

2. ILGWUCC Contributions. On June 18, 1984, Ted Wilson received a letter, a copy of which is enclosed, from Lawrence Dock, acting treasurer of the ILGWUCC.

As the Dock letter indicates, the \$2,500 contribution received by the Wilson Committee from the ILGWU in September, 1982 should be allocated \$500 for the primary (in this instance the convention) and \$2,000 for the general election. This would result in total receipts by the Committee from the

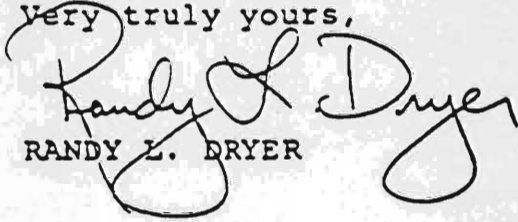
ILGWUCC of \$4,750 for the convention and \$5,000 for the general. Since the Wilson Committee had already filed its termination report prior to receiving the Dock letter, the treasurer did not believe it was necessary to file an amended report. As regards why the \$500 excess contribution was not noted upon receipt, I have spoken with as many of the individuals as possible who were involved with the receipt and handling of campaign contributions during the 1982 campaign. Apparently, there was a breakdown in the internal procedures of the Committee for keeping track of running contribution totals. There was certainly no intent to receive monies in excess of the contribution limits. The Wilson Committee received contributions from literally thousands of persons and hundreds of political action committees totalling in excess of \$1.25 million, a large figure by Utah campaign standards.

In any event, in both of the above instances, when the contributions are properly allocated to the intended election period, the Committee's total contribution receipts from the AFL-CIO and the ILGWUCC do not exceed the permissible limits.

In the interest of full compliance with the requirements of the Federal Election Act and in order to make an accurate and complete public record, the treasurer is willing to make this response a part of the public record or, if the Commission desires, he will file amendments to the appropriate FEC reports even though the Committee is no longer in existence.

Please advise if you require further information or elaboration. It is the Committee's intention to cooperate fully with your investigation.

Very truly yours,


RANDY L. DRYER

RLD/rla
Enclosures

cc: Mayor Ted L. Wilson
Mr. Richard Van Klaveren
J. Alan Blodgett

Industrial
Union
Department
AFL-CIO

815 16th Street N.W.
Washington, D.C. 20006
202/642-7800

Howard D. Samuel, President
Elmer Chatak, Secretary-Treasurer

May 3, 1982

3 5 0 4 0 5 3 1 5 3 3
The Honorable Ted Wilson
Wilson for Utah
c/o Robyn Matheson
1120 20th Street, N.W., Suite S700
Washington, D. C. 20036

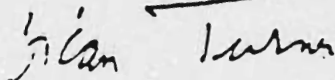
Dear Mayor Wilson:

Enclosed is a contribution in the amount of \$250.00 for your general campaign from the Industrial Union Department Voluntary Fund. The IUD Voluntary Fund was established and is maintained by the Industrial Union Department of the AFL-CIO.

Under the Federal Election Campaign Act, contributions of the AFL-CIO, the IUD and other subordinate bodies to a campaign must be combined for purposes of the \$5,000 contribution limit applicable to each election.

If you have received, or later receive, contributions to your campaign from a political fund or funds established and maintained by the AFL-CIO, any state or local central body of the AFL-CIO or any department of the AFL-CIO, and those contributions, together with the enclosed contribution, total more than \$5,000, we would appreciate it if you would return the amount over \$5,000 to the contributor(s).

Sincerely,



Brian Turner

Director of Legislation
Enclosure

ILGWU CAMPAIGN COMMITTEE

NATIONAL COMMITTEE OFFICE • 1710 BROADWAY • NEW YORK, N.Y. 10019

PHONE: COLUMBUS 5-7012

SO. C. CHAMIN
CHAIRMAN

JAY MAYER
TREASURER

W. B. DANIELS
IRVING SO. DUDMAN
VICE CHAIRMAN

GUS TYLER
DIRECTOR

EMILYN DUBROW
LIFE MEMBER

DAVID I. WELLS
ASSISTANT DIRECTOR

June 12, 1984

Wilson for Utah Committee
530 East 4th South
Salt Lake City, Utah

Dear Sirs:

A review of our records shows us that we sent you the following contributions in 1982:

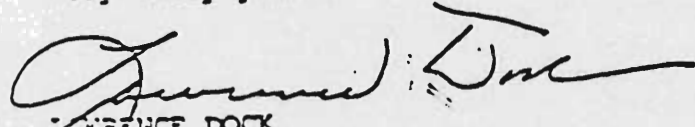
3/29/82	\$1,000.00	Primary
5/14/82	250.00	Primary
8/13/82	3,000.00	Primary
9/15/82	2,500.00	General
10/8/82	3,000.00	General

Our 9/15/82 contribution should be \$500.00 for Primary and \$2,000.00 for General. We are amending our October 1982 report for the month of September 1982 to indicate this.

Your F.E.C. reports should reflect the same information.

If there are any questions in connection with this matter, feel free to contact me at (212) 265-7000.

Very truly yours,


LAWRENCE DOCK
Acting Treasurer

LD/cf
cpeiu - 153



LEGAL DEPARTMENT

MAX ZIMNY
General Counsel

June 15, 1984

Mayor Ted Wilson
Room 300
City and County Building
Salt Lake City, Utah 84111

Attention: Ms. Dolly Plumb,
Administrative Assistant

Dear Mayor Wilson:

Enclosed for your information is a copy
of a letter which we sent to your 1982 campaign
committee several days ago. I discussed the
matter with Ms. Plumb on the phone this morning.

Should you have any question, feel free to
call me.

Sincerely,

Max Zimny
General Counsel

encl.

Attachment 5

85040531590

ILGWU CAMPAIGN COMMITTEE

NATIONAL COMMITTEE OFFICE • 1710 BROADWAY • NEW YORK, N.Y. 10019

PHONE: COLUMBUS 5-7012

SOLO C. CHAMKIN
CHAIRMAN

JAY HAZUR
TREASURER

W. BUR DANIELS
IRWIN SOLOMON
VICE CHAIRMAN

GUST TYLER
DIRECTOR

EVELYN DUBROW
EXECUTIVE SECRETARY

DAVID I. WELLS
ASSISTANT DIRECTOR

June 12, 1984

Wilson for Utah Committee
530 East 4th South
Salt Lake City, Utah

Dear Sirs:

A review of our records shows us that we sent you the following contributions in 1982:

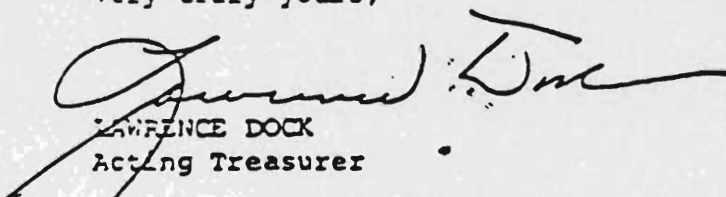
3/29/82	\$1,000.00	Primary
5/14/82	250.00	Primary
6/13/82	3,000.00	Primary
9/15/82	2,500.00	General
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If there are any questions in connection with this matter, feel free to contact me at (212) 265-7000.

Very truly yours,


LAWRENCE DOCK
Acting Treasurer

LD/cf
cpeiu - 153

INTERNATIONAL LADIES' GARMENT WORKERS' UNION P 1:2

AFL-CIO

1710 BROADWAY • NEW YORK, N.Y. 10019

CABLE ADDRESS: ILGWU—NEW YORK • PHONE: 212-265-7000

LEGAL DEPARTMENT

MAX ZIMNY
General Counsel

CERTIFIED RRR

August 30, 1984

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1752
Attention: Paul Reyes

Dear Sir:

Enclosed is the response to the complaint in the captioned case filed on behalf of the I.L.G.W.U. Campaign Committee and its treasurer.

Also enclosed is a designation of the undersigned as Counsel.

Sincerely yours,

Max Zimny
Max Zimny
General Counsel

MZ:cs
Enclosure

ATTACHMENT 6

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

Evelyn Dubrow, being duly sworn, deposes and says:

1. I am the Executive Secretary of the I.L.G.W.U. Campaign Committee ("Campaign Committee"). I also served in that capacity throughout 1982. I was personally involved in the political contributions made by the Campaign Committee to the Ted L. Wilson Senatorial Campaign, and I am fully familiar with the facts and circumstances relating thereto. This affidavit responds to the complaint filed against the I.L.G.W.U. Campaign Committee and its treasurer in MUR 1752.

2. Political contributions made by the Campaign Committee in 1982, as in other years, were made from the Campaign Committee's New York City Office. Almost all of my working time is spent in my office in Washington, D.C.. In 1982, the Campaign Committee's records in New York City were maintained by a new, inexperienced clerical employee who, as we recently learned, made many errors.

3. The Campaign Committee made contributions to the Wilson Campaign in 1982 from its New York City office upon my instructions on five separate occasions. The contributions made through August of 1982 were confined to the primary campaign, as follows:

<u>Date</u>	<u>Amount</u>	<u>Election</u>
3/29/82	\$1000	Primary
5/14/82	250	Primary
8/13/82	3000	Primary

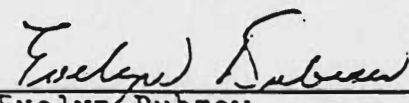
Thus, by the end of August 1982, the Campaign Committee's 1982 contributions - to Wilson's primary campaign were \$4250. No contributions had been authorized for the general election at that point in time.

4. In early September 1982, I received a request from the Wilson Campaign for additional contributions to the primary and general elections, up to the limits permitted by the Federal Election Campaign Act. The Campaign Committee thereupon decided to contribute an additional \$500 to Wilson's primary election for a total of \$4750, and to make a first contribution of \$2000 to Wilson's general election, and I instructed the New York City office to do so on September 15, 1982. On October 8, 1982, I instructed the Campaign Committee's New York office to make an additional contribution of \$2000 to Wilson's general election for a total of \$5000 in contributions to Wilson's general election, as permitted by law.

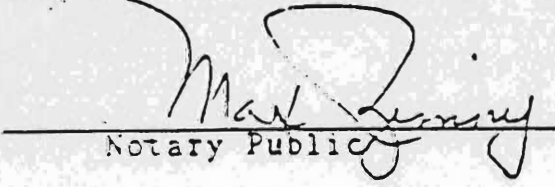
5. In June 1984, the Campaign Committee conducted an audit of its records of 1982 contributions to Senatorial candidates and discovered a number of inadvertent record-keeping errors, including those relating to the Wilson Campaign. Accordingly, on June 12, 1984, it filed with the FEC an amendment to its October 1982 report for the month of September 1982, a copy of which is attached hereto. With respect to the September 15, 1982 contributions of \$2500 to the Wilson Campaign, the Campaign Committee corrected the September 15, 1982 contribution to

correctly reflect its intention to contribute \$500 to the primary election for a total contribution of \$4750 to the primary election, and \$2000 to the general election. The \$3000 contribution to the general election made on October 8, 1982 brought the total contributions made to Wilson's general election to \$5000, as permitted by law.

6. It is therefore clear that the misstatement of contributions made by the Campaign Committee to Wilson's primary and general elections on September 15, 1982, set forth in the Campaign Committee's original FEC report, was inadvertent and resulted from clerical error; and that the corrected statement of contributions made on September 15, 1982, set forth in the amended FEC filing, accurately reflects the actual intention of the Campaign Committee. It is therefore respectfully requested that no action be taken by the Commission against the Campaign Committee or its treasurer in MUR 1752.


Evelyn Dubrow

Sworn to before me this,
30th day of August, 1984


Notary Public

MAX ZIMNY
Notary Public, State of New York
No. 30-4382705
Qualified in Nassau County
Certificate filed in New York County
Commission Expires March 26, 1985

GCC #4549 P1: 22

INTERNATIONAL LADIES' GARMENT WORKERS' UNION

AFL-CIO

1710 BROADWAY • NEW YORK, N.Y. 10019

CABLE ADDRESS: ILGWU—NEW YORK • PHONE: 212-265-7000

LEGAL DEPARTMENT

MAX ZIMNY

General Counsel

CERTIFIED RRR

August 30, 1984

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1752
Attention: Paul Reyes

Dear Sir:

Enclosed is the response to the complaint in the captioned case filed on behalf of the I.L.G.W.U. Campaign Committee and its treasurer.

Also enclosed is a designation of the undersigned as Counsel.

Sincerely yours,

Max Zimny
Max Zimny
General Counsel

MZ:cs
Enclosure

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 :ss.:
COUNTY OF NEW YORK)

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2. Political contributions made by the Campaign Committee in 1982, as in other years, were made from the Campaign Committee's New York City Office. Almost all of my working time is spent in my office in Washington, D.C.. In 1982, the Campaign Committee's records in New York City were maintained by a new, inexperienced clerical employee who, as we recently learned, made many errors.

3. The Campaign Committee made contributions to the Wilson Campaign in 1982 from its New York City office upon my instructions on five separate occasions. The contributions made through August of 1982 were confined to the primary campaign, as follows:

<u>Date</u>	<u>Amount</u>	<u>Election</u>
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8/13/82	3000	Primary

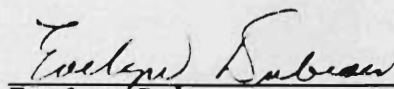
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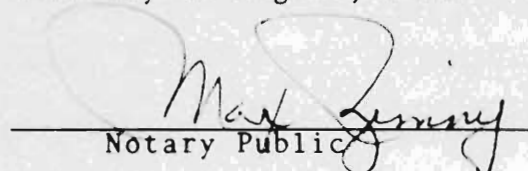
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Evelyn Dubrow

Sworn to before me this
30th day of August, 1984


Notary Public

MAX ZIMNY
Notary Public, State of New York
No. 30-432200
Qualified in Nassau County
Certificate filed in New York County
Commission Expires March 30, 1985

ILGWU CAMPAIGN COMMITTEE

NATIONAL COMMITTEE OFFICE • 1710 BROADWAY • NEW YORK, N.Y. 10019

PHONE: COLUMBUS 5-7012

SOL C. CHARKIN
CHAIRMAN

JAY MAZUR
TREASURER

WILBUR DANIELS
IRWIN SOLOMON
VICE CHAIRMAN

GUS TYLER
DIRECTOR

EVELYN DUBROW
EXECUTIVE SECRETARY

DAVID I. WELLS
ASSISTANT DIRECTOR

June 12, 1984

EXECUTIVE COMMITTEE
RONALD ALMAN
NICHOLAS S. BONANNINO
GLENWOOD CLAY
CLIFFORD DEPIN
JOSEPH FISHER
SALVATORE GIARDINA
SOL GOLDBERG
MANUEL GONZALEZ
GERALD GROSSMAN
SOL HOFFMAN
MATTIE JACKSON
DOUGLAS LEVIN
FRANK LONGO
LOU MONTENEGRO
PETER NADASH
SAMUEL NEMAZER
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
CORNELIUS WALL

Ms. Pamela Brown
Senior Reports Analyst
Federal Election Commission
Washington, D.C. 20463

Identification # C 0000 4861

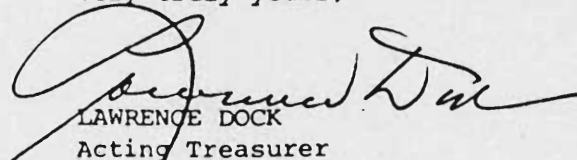
Dear Ms. Brown:

Enclosed is an Amendment to our October 1982 report for the month of September 1982.

Page 3, line 21 D, Senator Wilson for Utah, \$2,500.00, 9/15/82, was \$500.00 for Primary and \$2,000.00 for General and not \$2,500.00 General as previously shown.

If there are any questions in connection with this matter, please feel free to contact me at (212) 265-7000.

Very truly yours,


LAWRENCE DOCK
Acting Treasurer

LD/of
opeiu - 153
Encl.

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

1. Name of Committee (in Full) INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE Address (Number and Street) 1710 BROADWAY City, State and ZIP Code NEW YORK, NEW YORK 10019 ☐ Check if address is different than previously reported.	4. TYPE OF REPORT (check appropriate boxes) (a) ☐ April 15 Quarterly Report ☐ July 15 Quarterly Report ☐ October 15 Quarterly Report ☐ January 31 Year End Report ☐ July 31 Mid Year Report (Non-election Year Only) ☒ Monthly Report for <u>October, 1982</u> ☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____ ☐ Thirtieth day report following the General Election on _____ in the State of _____ ☐ Termination Report (b) Is this Report an Amendment? ☒ YES ☐ NO
2. FEC Identification Number C 0000 4861 3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)	

SUMMARY		Column A This Period	Column B Calendar Year-to-Date
5. Covering Period <u>September 1, 1982</u> Through <u>September 30, 1982</u>			
6. (a) Cash on Hand January 1, 1982			\$ 1,021,041.41
(b) Cash on Hand at Beginning of Reporting Period	\$ 906,215.20		
(c) Total Receipts (from Line 18)	\$ 62,126.14	\$ 449,105.23	
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	\$ 968,341.34	\$ 1,470,146.64	
7. Total Disbursements (from Line 28)	\$ 31,082.70	\$ 532,888.00	
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d)) ..	\$ 937,258.64	\$ 937,258.64	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	\$ -0-		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ -0-		

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

For further information, contact:

Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

LAWRENCE DOCK, ACTING TREASURER

Type or Print Name of Treasurer

Lawrence Dock

SIGNATURE OF TREASURER

6/14/84
Date

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

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

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FEC FORM 3X (3/80)

1691504058

**DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)**

Name of Committee (in Full) **INTERNATIONAL LADIES GARMENT WORKERS
UNION CAMPAIGN COMMITTEE**

Report Covering the Period

From 9/1/82 To 9/30/82

**COLUMN A
Total This Period**

**COLUMN B
Calendar Year-To-Date**

I. RECEIPTS

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(Memo Entry Unitemized \$ 53,962.39)

(b) Political Party Committees

(c) Other Political Committees

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

12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES

13. ALL LOANS RECEIVED

14. LOAN REPAYMENTS RECEIVED

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

**16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES
AND OTHER POLITICAL COMMITTEES**

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

18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)

II. DISBURSEMENTS

19. OPERATING EXPENDITURES

20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES

**21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND
OTHER POLITICAL COMMITTEES**

22. INDEPENDENT EXPENDITURES (use Schedule E)

23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES
(2 U.S.C. § 441 a(d)) (Use Schedule F)

24. LOAN REPAYMENTS MADE

25. LOANS MADE

26. REFUNDS OF CONTRIBUTIONS TO

(a) Individuals/Persons Other Than Political Committees

(b) Political Party Committees

(c) Other Political Committees

(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))

27. OTHER DISBURSEMENTS

28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)

III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES

29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)

30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)

31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)

32. TOTAL OPERATING EXPENDITURES from Line 19

33. OFFSETS TO OPERATING EXPENDITURES from Line 15

34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)

11(a)

11(b)

11(c)

11(d)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26(a)

26(b)

26(c)

26(d)

27

28

29

30

31

32

33

34

SCHEDULE B

ITEMIZED DISBURSEMENTS

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

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

Name of Committee (in Full)

INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE

A. Full Name, Mailing Address and ZIP Code Tim Penny for Congress 1150 Hoffman Drive Owatonna, Minn. 55060	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 9/14/82	Amount of Each Disbursement This Period 500.00
B. Full Name, Mailing Address and ZIP Code Friends of Sikorski 7500 University Avenue, N.E. Fridley, Minn. 55432	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 9/14/82	Amount of Each Disbursement This Period 500.00
C. Full Name, Mailing Address and ZIP Code Wenstrom Campaign Committee P.O. Box 1077 Elbow Lane, Minn. 56531	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 9/14/82	Amount of Each Disbursement This Period 500.00
D. Full Name, Mailing Address and ZIP Code Senator Wilson for Utah 530 East 4th South Salt Lake City, Utah	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 9/15/82	Amount of Each Disbursement This Period \$2,000.00-General 500.00-Primary
E. Full Name, Mailing Address and ZIP Code McDaniel Senate Campaign 2003 Central Avenue-P.O. Box 757 Cheyenne, Wyoming 82001	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 9/14/82	Amount of Each Disbursement This Period 1,500.00
F. Full Name, Mailing Address and ZIP Code Howard for Congress Committee 902 Main Street Belmar, N.J. 07719	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 9/16/82	Amount of Each Disbursement This Period 500.00
G. Full Name, Mailing Address and ZIP Code Texas Democratic Party (North Texas Fund) 500 Baker Building Fort Worth, Texas	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify):	Date (month, day, year) 9/20/82	Amount of Each Disbursement This Period 2,500.00
H. Full Name, Mailing Address and ZIP Code Yates for Congress P.O. Box 906 Chicago, Illinois 60690	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 9/22/82	Amount of Each Disbursement This Period 400.00
I. Full Name, Mailing Address and ZIP Code Committee to Elect Thomas P. O'Neill Congressman - Suite 1110 1333 New Hampshire Avenue, N.W. Washington, D.C. 20036	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 9/23/82	Amount of Each Disbursement This Period 500.00
SUBTOTAL of Disbursements This Page (optional)			9,400.00
TOTAL This Period (last page this line number only)			

8 5 0 4 0 5 3 1 6 0 5

~~XXXXXX~~

MUR 1752

~~XXXXXX~~

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

JAMES EDWARD ANTOSH,

Complainant

v.

TED L. WILSON, et al

RESPONSE OF
ILGWU CAMPAIGN COMMITTEE

MAX ZIMNY

Attorney for ILGWU Campaign Committee

Office and Post Office Address, Telephone

1710 Broadway
NEW YORK, N.Y. 10019
(212) 265-7000

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

NOTICE OF ENTRY

ir:-Please take notice that the within is a (certified)
true copy of a
uly entered in the office of the clerk of the within
named court on 19

Yours, etc.,

MAX ZIMNY

Attorney for

Office and Post Office Address

1710 Broadway
NEW YORK, N.Y. 10019

Attorney(s) for

NOTICE OF SETTLEMENT

Please take notice that an order

which the within is a true copy will be presented
for settlement to the Hon.

me of the judges of the within named Court, at

19

M.

Yours, etc.,

MAX ZIMNY

Attorney for

Office and Post Office Address

1710 Broadway
NEW YORK, N.Y. 10019

Attorney(s) for

8 5 0 4 0 5 3 1 6 0 6

RECEIVED

84 SEP 4

21



MZ -Legla Dept.

From

ILGWU

INTERNATIONAL LADIES GARMENT WORKERS
UNION, 1710 BROADWAY NEW YORK, N.Y. 10019

To

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Attention: Paul Reyes

426

CERTIFIED-RRR

IFIED-RRR

CERTIFIED-RRR

CERTIFIED

No 371070

CCC 4632
RECEIVED AT THE FEC

84 SEP 10 9:13

LAW OFFICES OF
PARSONS, BEHLE & LATIMER

A PROFESSIONAL CORPORATION

185 SOUTH STATE STREET, SUITE 700
POST OFFICE BOX 11898
SALT LAKE CITY, UTAH 84147-0898
TELEPHONE (801) 532-1234
TELECOPIER (801) 521-9868

1101 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20036-4803
TELEPHONE (202) 659-0862

FORMERLY
DICKSON, ELLIS, PARSONS & McCREA
1862-1959

C.C. PARSONS
1907-1968

CALVIN A. BEHLE
1947-

OF COUNSEL
GEORGE W. LATIMER
CONSTANCE K. LUNDBERG

SPENCER E. AUSTIN
JOHN B. WILSON
ROBERT C. HYDE
CRAIG S. TERRY
DAVID A. ANDERSON
KENT O. ROCHE
PATRICIA J. WINMILL
JAN R. BENSON
RANDY M. GRIMSHAW
J. STEPHEN RUSSELL
T. PATRICK CASEY
ALICE L. HEARST
HENRY D. MARSH
D. R. CHAMBERS
BYRON W. MILSTEAD
LOIS A. BAAR
JAMES E. MORTON
MICHAEL L. LARSEN
JONATHAN K. BUTLER
SUSAN R. POULTER
JULIA C. ATTWOOD

KEITH E. TAYLOR
JAMES B. LEE
JOHN A. DAHLSTROM
GORDON L. ROBERTS
F. ROBERT REEDER
WILLIAM L. CRAWFORD
LAWRENCE E. STEVENS
DANIEL M. ALLRED
HOWARD J. MARSH
YAN M. ROSS
ERIE V. BOORMAN
DAVID S. DOLOWITZ
KENT W. WINTERHOLLER
BARBARA K. POLICH
RANDY L. DRYER
CHARLES H. THRONSON
DAVID R. BIRD
RAYMOND J. ETCHEVERRY
FRANCIS M. WIKSTROM
DAVID W. TUNDERMANN
KREGG B. CHRISTENSEN
JAMES M. ELEGANTE
DAVID R. HIRSCHI
VAL R. ANTCHAK
PATRICK J. GARVER

August 30, 1984

Paul Reyes, Esq.
Staff Counsel
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

RE: MUR 1752

Dear Mr. Reyes:

The undersigned, as an individual, represents Ted L. Wilson, the Wilson for Utah Committee, and its past treasurers, J. Alan Blodgett and Richard Van Klaveren (hereinafter "Committee Respondents") in the above-referenced matter under review. A designation of counsel for the Committee and Messrs. Wilson and Van Klaveren is enclosed. Mr. Blodgett, who was replaced by Mr. Van Klaveren as the Committee Treasurer early in 1982 is out of state for the next ten days and I will forward his designation of counsel statement upon his return.

This letter constitutes the Committee Respondents' preliminary response to the complaint notification letters sent by your office. I should note at the outset that the subject contributions were made over two years ago and that the Wilson Committee filed its termination report in August of 1983. Consequently, it has been difficult to ascertain the precise factual events surrounding the complaint allegations since the whereabouts of some of those individuals involved with the receipt of monies for the campaign is not now known. Nonetheless, I have gleaned sufficient information through review of the Committee records and through interviewing those persons

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GENERAL COUNSEL

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still available to conclude that the allegations of the complaint are without merit.

The Complaint alleges that the Committee Respondents violated the provisions of 2 U.S.C. §441(a)(f) by accepting contributions in excess of the \$5,000 per election limitation. Specifically, the complaint alleges that the Committee Respondents accepted the total sum of \$5,250 for the 1982 primary election from the AFL-CIO COPE-PCC and its affiliated separate segregated funds and the sum of \$5,500 for the 1982 general election from the International Ladies Garment Workers Union Campaign Committee (ILGWUCC).

In both instances, as explained below, the total permissible contribution limits available to the Wilson Committee were not exceeded. The apparent problem results from the fact that the subject contributions, through clerical inadvertence, were not properly allocated between the convention and general election periods.

1. AFL-CIO Contribution. Under letter of May 3, 1982, a copy of which is enclosed, the Industrial Union Department of the AFL-CIO made a \$250 contribution to the Wilson Committee and specifically designated the contribution for the general election. The contribution was actually made and received, however, prior to the 1982 Democratic Convention which was held in July, 1982. (Mr. Wilson received 70% of the delegate votes at the convention, and thus became the nominee of the party without the necessity of a primary election. Mr. Wilson therefore had two elections--a convention and a general--for purposes of calculating his 1982 campaign contribution limits.)

Thus, the total amount of contributions received by the Wilson Committee from the AFL-CIO and its affiliated SSF's was \$5,000 for the convention and \$250 for the general election. Unfortunately, when the typist prepared the October 10, 1982 FEC report, she erroneously designated the \$250 contribution as "convention" rather than "general".

2. ILGWUCC Contributions. On June 18, 1984, Ted Wilson received a letter, a copy of which is enclosed, from Lawrence Dock, acting treasurer of the ILGWUCC.

As the Dock letter indicates, the \$2,500 contribution received by the Wilson Committee from the ILGWU in September, 1982 should be allocated \$500 for the primary (in this instance the convention) and \$2,000 for the general election. This would result in total receipts by the Committee from the

Paul Reyes, Esq.
August 30, 1984
Page 3

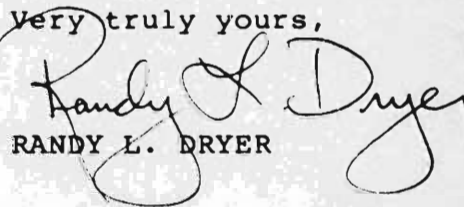
ILGWUCC of \$4,750 for the convention and \$5,000 for the general. Since the Wilson Committee had already filed its termination report prior to receiving the Dock letter, the treasurer did not believe it was necessary to file an amended report. As regards why the \$500 excess contribution was not noted upon receipt, I have spoken with as many of the individuals as possible who were involved with the receipt and handling of campaign contributions during the 1982 campaign. Apparently, there was a breakdown in the internal procedures of the Committee for keeping track of running contribution totals. There was certainly no intent to receive monies in excess of the contribution limits. The Wilson Committee received contributions from literally thousands of persons and hundreds of political action committees totalling in excess of \$1.25 million, a large figure by Utah campaign standards.

In any event, in both of the above instances, when the contributions are properly allocated to the intended election period, the Committee's total contribution receipts from the AFL-CIO and the ILGWUCC do not exceed the permissible limits.

In the interest of full compliance with the requirements of the Federal Election Act and in order to make an accurate and complete public record, the treasurer is willing to make this response a part of the public record or, if the Commission desires, he will file amendments to the appropriate FEC reports even though the Committee is no longer in existence.

Please advise if you require further information or elaboration. It is the Committee's intention to cooperate fully with your investigation.

Very truly yours,


RANDY L. DRYER

RLD/rla
Enclosures

cc: Mayor Ted L. Wilson
Mr. Richard Van Klaveren
J. Alan Blodgett

850405316009

Industrial
Union
Department
AFL-CIO

Howard D. Samuel, President
Elmer Chatak, Secretary-Treasurer

815 16th Street N.W.
Washington, D.C. 20006
202/842-7800

May 3, 1982

The Honorable Ted Wilson
Wilson for Utah
c/o Robyn Matheson
1120 20th Street, N.W., Suite S700
Washington, D. C. 20036

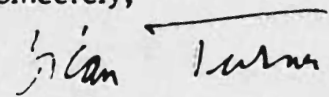
Dear Mayor Wilson:

Enclosed is a contribution in the amount of \$250.00 for your general campaign from the Industrial Union Department Voluntary Fund. The IUD Voluntary Fund was established and is maintained by the Industrial Union Department of the AFL-CIO.

Under the Federal Election Campaign Act, contributions of the AFL-CIO, the IUD and other subordinate bodies to a campaign must be combined for purposes of the \$5,000 contribution limit applicable to each election.

If you have received, or later receive, contributions to your campaign from a political fund or funds established and maintained by the AFL-CIO, any state or local central body of the AFL-CIO or any department of the AFL-CIO, and those contributions, together with the enclosed contribution, total more than \$5,000, we would appreciate it if you would return the amount over \$5,000 to the contributor(s).

Sincerely,



Brian Turner

Director of Legislation
Enclosure

Vice Presidents

Chelley Appleton • Kenneth Blaylock • Dominick D'Ambrosio • David J. Fitzmaurice • Douglas A. Fraser • Wayne E. Glenn • Robert F. G.
• V. Maroney, Jr. • Frank Martino • Lloyd McBride • Lenore Miller • Charles H. Pillard • Albert Shanker • Jacob Sher
• I. C. Turner • Shannon Wall • Martin J. Ward • Glenn E. Watts • William H. Wynn

35040531610



LEGAL DEPARTMENT

MAX ZIMNY
General Counsel

June 15, 1984

Mayor Ted Wilson
Room 300
City and County Building
Salt Lake City, Utah 84111

Attention: Ms. Dolly Plumb,
Administrative Assistant

Dear Mayor Wilson:

Enclosed for your information is a copy of a letter which we sent to your 1982 campaign committee several days ago. I discussed the matter with Ms. Plumb on the phone this morning.

Should you have any question, feel free to call me.

Sincerely,

Max Zimny
General Counsel

encl.



ILGWU CAMPAIGN COMMITTEE

NATIONAL COMMITTEE OFFICE • 1710 BROADWAY • NEW YORK, N.Y. 10019

PHONE: COLUMBUS 5-7012

SOL C. CHAIKIN
CHAIRMAN

JAY MAZUR
TREASURER

WILBUR DANIELS
IRWIN SOLOMON
VICE CHAIRMAN

GUS TYLER
DIRECTOR

EVELYN DUBROW
EXECUTIVE SECRETARY

DAVID I. WELLS
ASSISTANT DIRECTOR

June 12, 1984

Wilson for Utah Committee
530 East 4th South
Salt Lake City, Utah

Dear Sirs:

A review of our records shows us that we sent you the following contributions in 1982:

EXECUTIVE COMMITTEE
RONALD ALMAN
NICHOLAS S. BONANNO
GLENWOOD CLAY
CLIFFORD DEPIN
JOSEPH FISHER
SALVATORE GIARDINA
SOL GOLDBERG
MANUEL GONZALEZ
GERALD GROSSMAN
SOL HOFFMAN
MATTIE JACKSON
DOUGLAS LEVIN
FRANK LONGO
LOU MONTENEGRO
PETER NADASH
SAMUEL NEMAZER
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
CORNELIUS WALL

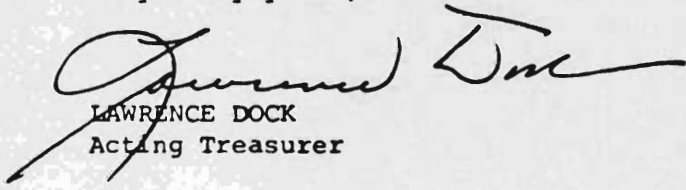
3/29/82	\$1,000.00	Primary
5/14/82	250.00	Primary
8/13/82	3,000.00	Primary
9/15/82	2,500.00	General
10/8/82	3,000.00	General

Our 9/15/82 contribution should be \$500.00 for Primary and \$2,000.00 for General. We are amending our October 1982 report for the month of September 1982 to indicate this.

Your F.E.C. reports should reflect the same information.

If there are any questions in connection with this matter, feel free to contact me at (212) 265-7000.

Very truly yours,


LAWRENCE DOCK
Acting Treasurer

LD/cf
opeiu - 153

LAW OFFICES OF
PERSONS, BEHLE & LATIMER

ENCLOSURE

WE ACCEPT SECOND CLASS PERMIT
POST OFFICE BOX 1111
SALT LAKE CITY, UTAH 84111

Paul Reyes, Esq.
Staff Counsel
FEDERAL ELECTION COMMISSION
Washington, D.C. 20463



American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

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John H. Lyons
S. Frank Haffery
Glenn E. Watts
Angelo Fosco
Lloyd McBride
Wm. W. Winpisinger
Wayne E. Glenn
John J. Sweeney
Barbara Hutchinson
Gerald W. McEntee
Patrick J. Campbell

THOMAS R. DONAHUE

Thomas W. Gleason
Murray H. Finley
Sol C. Chaikin
Charles H. Pillard
Kenneth T. Blaylock
William H. Wynn
Robert F. Goss
Frank Drozak
Richard I. Kilroy
William H. Bywater
Kenneth J. Brown

SECRETARY-TREASURER

Frederick O'Neal
Albert Shanker
Edward T. Hanley
J. C. Turner
Alvin E. Heaps
John DeConcini
Joyce D. Miller
James E. Hatfield
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

August 20, 1984

GCC
4380

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: FEC MUR 1752

Dear Mr. Steele:

This letter constitutes the response of Thomas R. Donahue, the AFL-CIO Committee On Political Education Political Contributions Committee ("AFL-CIO/COPE-PCC"), Elmer Chatak, the Industrial Union Department AFL-CIO Voluntary Fund ("IUD Voluntary Fund"), Joseph P. Maloney, and the Political Education Fund of the Building and Construction Trades Department ("PEF-BCTD") (hereinafter "respondents") to your letter dated August 6, 1984, stating that the Commission has received a complaint alleging that respondents may have violated the Federal Election Campaign Act of 1971 ("FECA") as amended.

The complaint, which the Commission has numbered MUR 1752, alleges that the respondent political committees and their treasurers violated §441a(a)(2)(A) of the Act by making contributions to the Wilson for Utah Committee for the 1982 primary election which in the aggregate totalled \$5,250.00.

Respondents' 1982 contribution records reflect the following contributions to the Wilson For Utah Committee for the 1982 primary election: AFL-CIO/COPE-PCC contributed \$4000 for the primary election on March 25, 1982; and PEF-BCTD contributed \$1000 for the primary election on April 22, 1982. Respondents internal records thus reflect that AFL-CIO/COPE-PCC and its affiliated committees contributed a total of \$5000 to the Wilson for Utah Committee for the 1982 primary election.

The IUD Voluntary Fund's May 5, 1982 contribution in the amount of \$250.00 to the Wilson for Utah Committee was designated for the 1982 general election, not the primary election as alleged by complainant. This designation is reflected both in the cover letter that was sent with the contribution (see attachment A) and in the Voluntary Fund's May 1982 Monthly FEC Report (see attachment B).

Since as demonstrated above, respondent committees' contributions to the Wilson for Utah Committee for the 1982 primary election did not exceed \$5000, respondents have not violated 2 U.S.C. §441a(a)(2)(A). Accordingly, respondents respectfully request that the Commission take no further action in this matter and that the complaint in MUR 1752 be dismissed.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for Respondents
Thomas R. Donahue, AFL-CIO/COPE-PCC,
Elmer Chatak and IUD Voluntary Fund

Robert D. Kurnick

Robert D. Kurnick
Counsel for Respondents
Joseph F. Maloney and PEF-BCTD

85040531615



Industrial Union Department AFL-CIO

Howard D. Samuel, President
Elmer Chatak, Secretary-Treasurer

815 16th Street N.W.
Washington, D.C. 20006
202/842-7800

May 3, 1982

The Honorable Ted Wilson
Wilson for Utah
c/o Robyn Matheson
1120 20th Street, N.W., Suite S700
Washington, D. C. 20036

Dear Mayor Wilson:

Enclosed is a contribution in the amount of \$250.00 for your general campaign from the Industrial Union Department Voluntary Fund. The IUD Voluntary Fund was established and is maintained by the Industrial Union Department of the AFL-CIO.

Under the Federal Election Campaign Act, contributions of the AFL-CIO, the IUD and other subordinate bodies to a campaign must be combined for purposes of the \$5,000 contribution limit applicable to each election.

If you have received, or later receive, contributions to your campaign from a political fund or funds established and maintained by the AFL-CIO, any state or local central body of the AFL-CIO or any department of the AFL-CIO, and those contributions, together with the enclosed contribution, total more than \$5,000, we would appreciate it if you would return the amount over \$5,000 to the contributor(s).

Sincerely,

Brian Turner

Director of Legislation
Enclosure

Vice Presidents

Shelley Appleton • Kenneth Blaylock • Dominick D'Ambrosio • David J. Fitzmaurice • Douglas A. Fraser • Wayne E. Glenn • Robert F. Goss • Keith Johnson • William Lucy • Dan V. Maroney, Jr. • Frank Martino • Lloyd McBride • Lenore Miller • Charles H. Pillard • Albert Shanker • Jacob Sheinkman • Milan Stone • Carl W. Studenroth • John J. Sweeney • J. C. Turner • Shannon Wall • Martin J. Ward • Glenn E. Watts • William H. Wynn

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

ALIGN AREA

ALIGN AREA

1. Name of Committee (In Full)

*INDUSTRIAL UNION DEPARTMENT AFL-CIO
VOLUNTARY FUND*

Address (Number and Street)

815 16TH ST. NW Rm. 301

City, State and ZIP Code

WASHINGTON D.C. 20006

☐ Check here if address is different than previously reported

2. FEC Identification Number

C- 00117937

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-Election Year Only)

☐ Monthly Report for *MAY 1982*

☐ Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

☐ Termination Report

(b) Is this Report an Amendment?

☒ YES

☐ NO

SUMMARY

5. Covering Period *MAY 1* through *MAY 31, 1982*

6. (a) Cash on hand January 1, 19 _____

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

9. Debts and Obligations Owed TO The Committee

(Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee

(Itemize all on Schedule C or Schedule D)

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

ELMER CHATAK SECRETARY-TREASURER

Type or Print Name of Treasurer

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202 523-4068

SIGNATURE OF TREASURER

Date

4-6-84

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

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/80)

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 21 of 21 for
 LINE NUMBER 21
 (Use separate schedules for each
 category of the Detailed
 Summary Page)

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

Name of Committee (in Full)

Industrial Union Department, AFL-CIO Voluntary Fund

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution	Date (month, day, year)	Amount of Each Disbursement This Period
Wilson For Utah Robert Matheson 1120 20th St., NW, Suite S-700 Washington, D.C. 20036	Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	5/5/82	250.00
B. Full Name, Mailing Address and ZIP Code Congressman St. Germain Re-Election Committee PO Box 37213 Washington, D.C. 20013	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 5/13/82	Amount of Each Disbursement This Period 500.00
C. Full Name, Mailing Address and ZIP Code Lechner for Congress PO Box 14262 Ben Franklin Station Washington, D.C. 20044	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 5/19/82	Amount of Each Disbursement This Period 500.00
D. Full Name, Mailing Address and ZIP Code Wolpe For Congress PO Box 2884 Washington, D.C. 20013	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 5/21/82	Amount of Each Disbursement This Period 150.00
E. Full Name, Mailing Address and ZIP Code Citizens For D'Amours c/o S. Beauchesne 2950 Van Ness St., NW Apt. 222 Washington, D.C. 20008	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 5/21/82	Amount of Each Disbursement This Period 250.00
F. Full Name, Mailing Address and ZIP Code Nick J. Rahall For Congress Committee PO Box 1122 Washington, D.C. 20013	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify): 1976 Prim. Deficit	Date (month, day, year) 5/21/82	Amount of Each Disbursement This Period 250.00
G. Full Name, Mailing Address and ZIP Code Roe Congressional Campaign Fund PO Box 407 Wayne, NJ 07470	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 5/21/82	Amount of Each Disbursement This Period 200.00
H. Full Name, Mailing Address and ZIP Code Mitchell For Senate Committee PO Box 2884 Washington, D.C. 20013	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 5/21/82	Amount of Each Disbursement This Period 500.00
I. Full Name, Mailing Address and ZIP Code Udall For Congress Committee '82 PO Box 1908 Tucson, Arizona 85702	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 5/21/82	Amount of Each Disbursement This Period 200.00
SUBTOTAL of Disbursements This Page (optional)			\$2,800.00
TOTAL This Period (last page this line number only)			5,250.00

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

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Lloyd McBride
Wm. W. Winpisinger
Wayne E. Glenn
John J. Sweeney
Barbara Hutchinson
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Patrick J. Campbell

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William H. Bywater
Kenneth J. Brown

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J. C. Turner
Alvin E. Heaps
John DeConcini
Joyce D. Miller
James E. Hatfield
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

August 16, 1984

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington D.C. 20463

RE: FEC MUR 1752

Dear Mr. Steele:

Pursuant to 11 C.F.R. 111.23, the AFL-CIO Committee On Political Education Political Contributions Committee, the Industrial Union Department AFL-CIO Voluntary Fund, Elmer Chatak, and I hereby designate Margaret E. McCormick as our counsel in the above-referenced matter.

Ms. McCormick is authorized to receive any notifications and other communications from the Commission in connection with this matter and to act on our behalf before the Federal Election Commission.

Ms. McCormick's address is: AFL-CIO Legal Department, 815 16th Street, N.W., Room 804, Washington D.C. 20006. Her telephone numbers are: (office) 202/637-5397; (home) 301/656-9612.

Sincerely,

Thomas R. Donahue
Secretary-Treasurer

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1752

NAME OF COUNSEL: Robert D. Kurnick

ADDRESS: Sherman, Dunn, Cohen, Leifer & Counts

1125 - 15th Street, N.W.

Washington, D.C. 20005

TELEPHONE:

202-785-9300

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

Aug 8, 1984
Date

Joseph F. Maloney
Signature

RESPONDENT'S NAME: Joseph F. Maloney, Secretary-Treasurer

ADDRESS: Building & Construction Trades Dept., AFL-CIO

815 - 16th Street, N.W. #603

Washington, D.C. 20006

HOME PHONE:

BUSINESS PHONE:

202-347-1461

an Federation of Labor and Congress of Industrial Organizations

th Street, N.W.
n, D.C. 20006



Mr. Charles W. Steele, General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1752

NAME OF COUNSEL: MAX ZIMNY

ADDRESS: 1710 Broadway
New York, New York

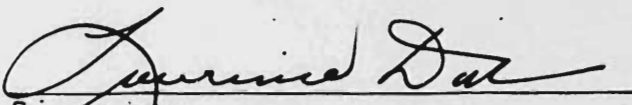
10019

TELEPHONE: (212) 265-7000

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

August 30, 1984

Date


Signature
Lawrence Dock
Acting Treasurer,
I.L.G.W.U. Campaign Committee

RESPONDENT'S NAME: I.L.G.W.U. Campaign Committee

ADDRESS: 1710 Broadway
New York, New York

10019

HOME PHONE: N.A.

BUSINESS PHONE: (212) 265-7000

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1752

NAME OF COUNSEL: Randy Dryer

ADDRESS: Parsons Behle & Latimer

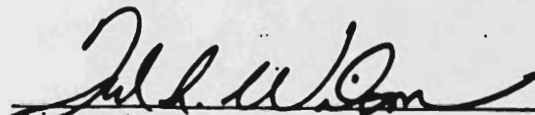
P. O. Box 11898

Salt Lake City, Utah 84147

TELEPHONE: 801-532-1234

The above-named individual is hereby designated as my
and my committee's counsel
counsel/and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

August 30, 1984
Date


Signature

RESPONDENT'S NAME: Mayor Ted Wilson

ADDRESS: Room 300 City & County Bldg.

Salt Lake City, Utah 84111

HOME PHONE: 801-521-9667

BUSINESS PHONE: 801-535-7704

35040531623

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1752

NAME OF COUNSEL: Randy Dryer

ADDRESS: Parsons Behle & Latimer

P. O. Box 11898

Salt Lake City, Utah 84147

TELEPHONE: 801-532-1234

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

August 30, 1984

Date



Signature

RESPONDENT'S NAME: Dick Van Klavoren

ADDRESS: 2583 Cyprus Way

Salt Lake City, Utah 84121

HOME PHONE: 942-2384

BUSINESS PHONE: 350-5389

85040531624

FEDERAL ELECTION COMMISSION RECEIVED
1325 K Street, N.W. OFFICE OF THE FEC
Washington, D.C. 20463 COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY
OGC TO THE COMMISSION 8/29/84-4:25

MUR NO. 1752 31 AUG 29 P 4:27
DATE COMPLAINT RECEIVED
BY OGC July 30, 1984
DATE NOTIFICATION SENT TO
RESPONDENT August 6, 1984
STAFF MEMBER
Paul Reyes

SENSITIVE

SOURCE OF MUR: Mr. James Edward Antosh, by counsel:
Michael Avakian and Martha Poindexter

RESPONDENTS' NAMES: Ted L. Wilson
Wilson for Utah Committee,
Mayor Ted Wilson, Treasurer
AFL-CIO COPE-PCC,
Thomas R. Donahue, Treasurer
Building and Construction Trades
Department, PEF, (PEF-BCTD)
Joseph F. Maloney, Treasurer
Industrial Union Department AFL-CIO
Voluntary Fund, (IU Voluntary Fund)
Elmer Chatak, Treasurer
International Ladies Garment Workers
Union Campaign Committee, (ILGWUCC)
Lawrence Dock, Treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(2)(A)
§ 441a(f)
11 C.F.R. § 110.1
§ 110.2
§ 104.14(d)
§ 103.3

RELEVANT AOs: 1978-30

INTERNAL REPORTS
CHECKED: Committee Reports

FEDERAL AGENCIES
CHECKED: None

SUMMARY OF ALLEGATIONS

Complainant states that respondents have contributed or
received an aggregate in excess of \$5,000 "for the 1982 federal

primary election or an excess of \$5,000 for the 1982 federal general election" in Utah (emphasis in original).

FACTUAL AND LEGAL ANALYSIS

Section 441a(a)(2)(A) of Title 2, United States Code, provides that multicandidate political committees may contribute no more than \$5,000 per election to a candidate for federal office. Section 431(1)(B) of Title 2, United States Code, defines "election" to include a convention or caucus of a political party which has authority to nominate a candidate. Section 441a(f) of Title 2, United States Code, provides that candidates may not accept contributions made in violation of the limits of 2 U.S.C. § 441a.

Complainant contends that the AFL-CIO COPE-PCC and its affiliates, PEF-BCTD and the IU Voluntary Fund contributed over \$5,000 to the Wilson for Utah Committee in connection with the 1982 primary election. Complainant contends that the ILGWUCC contributed over \$5,000 for the 1982 general election. Complainant's third contention is that the Wilson for Utah Committee (the "Wilson Committee") violated 2 U.S.C. § 441a(f) by accepting the asserted excessive contributions.

Based on the complaint and records on file with the Commission, the following chart demonstrates these transactions.

<u>C/or</u>	<u>Amount</u>	<u>C/or-Date and Desig.</u>	<u>Recip. Date and Desig.</u>
AFL-CIO			
COPE-PCC	\$ 4,000	3/25 P	3/29 Convention
PEF-BCTD	1,000	4/22 P	5/5 Convention
IU Voluntary Fund	250	5/5 P	5/17 Convention
	<u>\$ 5,250</u>		
ILGWUCC	2,500	9/15 G	10/8 G
	3,000	10/8 G	10/19 G
	<u>\$ 5,500</u>		

On August 20, 1984, the Commission received a response to its August 6, 1984 notification of this complaint from Thomas R. Donahue, treasurer of the AFL-CIO COPE-PCC, the AFL-CIO COPE-PCC; Elmer Chatak, treasurer of the IU Voluntary, the IU Voluntary Fund; Joseph P. Maloney, treasurer of the PEF-BCTD, and the PEF-BCTD. The Wilson Committee counsel telephoned this office on August 23, 1984 to say that a response can be expected soon.

By letter dated August 22, 1984, and received at the Commission on August 27, 1984, counsel for the ILGWUCC requested and was granted a fifteen day extension of time in which to file its answer to the complaint filed in this matter. The ILGWUCC response is due September 7, 1984. Accordingly, this office makes no recommendations to the Commission at this time. A further report will be forthcoming after the ILGWUCC and Wilson Committee responses are received.

Charles N. Steele
General Counsel

85040531627
Date August 29, 1984

BY:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 29, 1984

Max Zimny, Esquire
General Counsel
International Ladies Garment
Workers Union
1710 Broadway
New York, New York

RE: MUR 1752

Dear Mr. Zimny:

This is in reference to your letter dated August 22, 1984, requesting an extension of 15 days until September 7, 1984, to respond to the Commission's notice of the complaint filed in this matter. After considering the circumstances presented in your letter, the Commission has determined to grant you your requested extension. Accordingly, your response will be due on September 7, 1984.

If you have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross *Kenneth A. Gross*
Associate General Counsel

GC #4459

RECEIVED AT THE FEC

INTERNATIONAL LADIES' GARMENT WORKERS' UNION

AFL-CIO

1710 BROADWAY • NEW YORK, N.Y. 10019

CABLE ADDRESS: ILGWU—NEW YORK • PHONE: 212-265-7000

LEGAL DEPARTMENT

MAX ZIMNY

General Counsel

August 22, 1984

Paul Reyes, Esq.
Federal Elections Commission
1325 K Street, NW
Washington, DC 20463

Re: MUR 1752
Antosh v. Ted L. Wilson

Dear Mr. Reyes:

I am Counsel for the International Ladies' Garment Workers' Union Campaign Committee. The complaint and your letter of August 5, 1984 in the above captioned case were received by the Campaign Committee on August 13, 1984. On August 15th Jean Grumet, an attorney in my office spoke to Deborah Curry regarding MUR's 1752 and 1753. She explained that I was on vacation and would return on August 20, 1984. She stated that I would need an extension of time to respond to the complaint. Ms. Curry stated that when I return from vacation, I should make a written request for an extension.

I hereby request a 15-day extension until September 7, 1984 in order to fully respond to the allegations of the complaint.

Thank you very much for your assistance in this matter.

Very truly yours,

Max Zimny

MZ:dp

14 AUG 27 11:22

GENERAL COUNSEL

62915504038

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

James Edward Antosh)
13 Gilpin)
Shawnee, Oklahoma 74801,)
Complainant,)
v.)
Ted L. Wilson, Wilson for Utah)
Committee; American Federation of)
Labor-Congress of Industrial)
Organizations Committee on)
Political Education and Political)
Contributions Committee and its)
affiliated separate segregated)
funds, Political Education Fund)
of the Building and Construction)
Trades Department and Industrial)
Union Department AFL-CIO)
Voluntary Fund; International)
Ladies Garment Workers Union)
Campaign Committee, and all the)
Committees' treasurers,)
Respondents.)

Complaint
MUR No. 1752

83740541637

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against former candidate for federal public office, Ted L. Wilson, Wilson for Utah Committee, American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee ("AFL-CIO COPE-PCC") and its affiliated separate segregated funds ("SSFs"), Political Education Fund of the Building and Construction Trades Department (P.E.F. - B.C.T.D.) and Industrial Union Department AFL-CIO Voluntary Fund; International Ladies Garment Workers Union Campaign Committee ("ILGWUCC"), and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A) during either the general or the primary election cycles.

II. PARTIES

2. Complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

Respondents are:

a. Ted L. Wilson,

530 East 400 South
Salt Lake City, Utah 84012;

85040531631

530 East 4th South
Salt Lake City, Utah 84102 and

1120 20th Street, N.W., Suite S700
Washington, D. C. 20036.

- b. J. Alan Blodgett, individually and in his capacity
as treasurer of Wilson for Utah Committee

530 East 400 South
Salt Lake City, Utah 84102;

530 East 4th South
Salt Lake City, Utah 84102 and

1120 20th Street, N.W., Suite S700
Washington, D. C. 20036.

- c. Dick Van Klaveren, individually and in his capacity
as treasurer of Wilson for Utah Committee

530 East 400 South
Salt Lake City, Utah 84102;

530 East 4th South
Salt Lake City, Utah 84102 and

1120 20th Street, N.W., Suite S700
Washington, D. C. 20036.

- d. Wilson for Utah Committee

530 East 400 South
Salt Lake City, Utah 84102;

530 East 4th South
Salt Lake City, Utah 84102 and

1120 20th Street, N.W., Suite S700
Washington, D. C. 20036.

- e. Thomas R. Donahue, individually and in his capacity
as treasurer of American Federation of Labor-Congress
of Industrial Organizations Committee on Political
Education and Political Contributions Committee
815 16th Street, N.W.
Washington, D. C. 20006.

- 8 5 0 4 0 5 3 1 6 3 3
- f. American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee
815 16th Street, N.W.
Washington, D. C. 20006.
 - g. Joseph F. Maloney, individually and in his capacity as treasurer of Political Education Fund of the Building and Construction Trades Department
815 16th Street, N.W., Suite 603
Washington, D.C. 20006-4189
 - h. Political Education Fund of the Building and Construction Trades Department
815 16th Street, N.W., Suite 603
Washington, D. C. 20006-4189.
 - i. Elmer Chatak, individually and in his capacity as treasurer of Industrial Union Department AFL-CIO Voluntary Fund
815 16th Street, N.W., Room 301
Washington, D. C. 20006.
 - j. Industrial Union Department AFL-CIO Voluntary Fund
815 16th Street, N.W., Room 301
Washington, D. C. 20006.
 - k. Lawrence Dock, individually and in his capacity as treasurer of International Ladies Garment Workers Union Campaign Committee
1710 Broadway
New York, New York 10019.
 - l. International Ladies Garment Workers Union Campaign Committee
1710 Broadway
New York, New York 10019.

III. LIABILITY

3. Liability may be imposed upon the candidate, Ted L. Wilson, Wilson for Utah Committee, AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund; and ILGWUCC pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLAR) maximum contri-

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bution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers pursuant to 11 C.F.R. §104.14(d).

5. For purposes of this complaint, contributions made by AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, are treated as contributions made from a single committee in accordance with 2 U.S.C. §441a(a)(5) as implemented through 11 C.F.R. §100.5(g)(i)(B).

IV. OVERVIEW

6. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal primary election or an excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal general election in which Ted L. Wilson was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Ted L. Wilson, Wilson for Utah Committee and its treasurer, AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, filed for the 1982 federal primary election, and which Ted L. Wilson,

Wilson for Utah Committee and its treasurer, and ILGWUCC filed for the 1982 federal general election.

7. For the 1982 federal primary election, excessive funds were contributed to Ted L. Wilson, Wilson for Utah Committee and its treasurer by AFL-CIO COPE-PCC and its treasurer; P.E.F. - B.C.T.D. and its treasurer; and Industrial Union Department AFL-CIO Voluntary Fund and its treasurer. For the 1982 federal general election excessive funds were contributed to Ted L. Wilson, Wilson for Utah Committee and its treasurer by ILGWUCC and its treasurer.

8. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A), which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

V. VIOLATIONS OF THE F.E.C.A.
BY
WILSON FOR UTAH COMMITTEE
IN THE
1982 FEDERAL PRIMARY AND GENERAL ELECTIONS

10. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election

Commission, Complainant believes that candidate for public office, Ted L. Wilson, Wilson for Utah Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, in the amount of \$5,250.00 (FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS).

11. Candidate Ted L. Wilson, Wilson for Utah Committee and its treasurer, for the 1982 federal primary election, accepted contributions from AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location</u>
3/29/82	\$4,000.00	AFL-CIO COPE-PCC	82020061595
5/5/82	\$1,000.00	P.E.F. - B.C.T.D.	82020102426
5/17/82	\$ 250.00	Industrial Union Department AFL-CIO Voluntary Fund	82020102427
Total = \$5,250.00			

12. A running total of contributions from AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO voluntary Fund, would have put on notice Ted L. Wilson, Wilson for Utah Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) by May 5, 1982. On that date, Ted L. Wilson, Wilson for Utah Committee

and its treasurer could no longer lawfully accept any contributions from AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund. In violation of 2 U.S.C. §441a(f), Ted L. Wilson, Wilson for Utah Committee and its treasurer accepted a contribution from Industrial Union Department AFL-CIO Voluntary Fund in the amount of \$250.00 (TWO HUNDRED FIFTY DOLLARS). This amount exceeded the statutory monetary ceiling by \$250.00 (TWO HUNDRED FIFTY DOLLARS).

13. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Ted L. Wilson, Wilson for Utah Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal general election from ILGWUCC in the amount of \$5,500.00 (FIVE THOUSAND FIVE HUNDRED DOLLARS).

14. Candidate Ted L. Wilson, Wilson for Utah Committee and its treasurer, for the 1982 federal general election, accepted contributions from ILGWUCC in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
10/8/82	\$2,500.00	82020163232
10/19/82	<u>\$3,000.00</u>	82020172879
Total =	\$5,500.00	

15. A running total of the amount of contributions received from ILGWUCC would have put on notice Ted L. Wilson, Wilson for Utah Committee and its treasurer that they had received \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) on October 8, 1982. On that date, Ted L. Wilson, Wilson for Utah Committee and its treasurer were only permitted to accept an additional contribution of \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). In violation of 2 U.S.C. §441a(f), they accepted additional contributions and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

VI. VIOLATIONS OF THE F.E.C.A. BY
AFL-CIO COPE-PCC, B.E.F. - B.C.T.D. AND
INDUSTRIAL UNION DEPARTMENT AFL-CIO VOLUNTARY FUND
IN THE
1982 FEDERAL PRIMARY ELECTION

16. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, for the 1982 federal primary election contributed to candidate Ted L. Wilson, Wilson for Utah Committee and its treasurer a total of \$5,250.00 (FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS).

17. AFL-CIO COPE-PCC, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund contributed the following amounts:

- a. On March 25, 1982, AFL-CIO COPE-PCC contributed \$4,000.00 (FOUR THOUSAND DOLLARS). (See F.E.C. Microfilm #82032292036.)
- b. On April 22, 1982, P.E.F. - B.C.T.D. contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032312093.)
- c. On May 5, 1982, Industrial Union Department AFL-CIO Voluntary Fund contributed \$250.00 (TWO HUNDRED FIFTY DOLLARS). (See F.E.C. Microfilm #82032323829.)

18. A running total of the amount contributed to Ted L. Wilson, Wilson for Utah Committee and its treasurer by AFL-CIO COPE-PCC and its affiliated SSFs, would have put them on notice that as of April 22, 1982, they had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), Industrial Union Department AFL-CIO Voluntary Fund made a \$250.00 (TWO HUNDRED FIFTY DOLLARS) contribution on May 5, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLARS) ceiling by \$250.00 (TWO HUNDRED FIFTY DOLLARS).

VII. VIOLATIONS OF THE F.E.C.A.
BY
ILGWUCC
IN THE
1982 FEDERAL GENERAL ELECTION

19. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which respondents filed with the Federal Election Commission, the Complainant believes that ILGWUCC, for the 1982 federal general election contributed to candidate Ted L. Wilson, Wilson for Utah Committee and its treasurer a total of \$5,500.00 (FIVE THOUSAND FIVE HUNDRED DOLLARS).

20. ILGWUCC contributed the following amounts:

- a. On September 15, 1982, ILGWUCC contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm #82032500099.)
- b. On October 8, 1982, ILGWUCC contributed \$3,000.00 (THREE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032500157.)

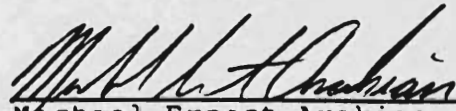
21. A running total of the amount contributed to Ted L. Wilson, Wilson for Utah Committee and its treasurer would have put on notice ILGWUCC that as of September 15, 1982, it had contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) and that it could only contribute an additional \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$3,000.00 (THREE THOUSAND DOLLAR)

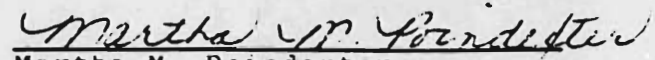
contribution was made to Ted L. Wilson, Wilson for Utah Committee and its treasurer. This amount exceeded the statutory monetary ceiling by \$500.00 (FIVE HUNDRED DOLLARS).

VIII. CONCLUSION

22. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

23. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted excess contributions and that civil sanctions be imposed on the Respondents.


Michael Ernest Avakian
Center on National Labor Policy


Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorneys for Complainant

July 30, 1984

VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)

State of Oklahoma)

ss.

Pursuant to 2 U.S.C. §437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James Edward Antosh

Subscribed and sworn to before me this 9th day of July 1984.

James H. (Alvord)
Notary Public

My Commission expires:

Sept. 17, 1986

95340531642

DESIGNATION OF COUNSEL

I, James Edward Antosh, a complainant to the attached complaint designate the attorney(s) identified below as complainant's attorney(s) of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

July 9, 1984
Date

James Edward Antosh
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

85040531643



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 6, 1984

Michael Ernest Avakian, Esquire
Martha M. Poindexter, Esquire
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

Dear Mr. Avakian and Ms. Poindexter:

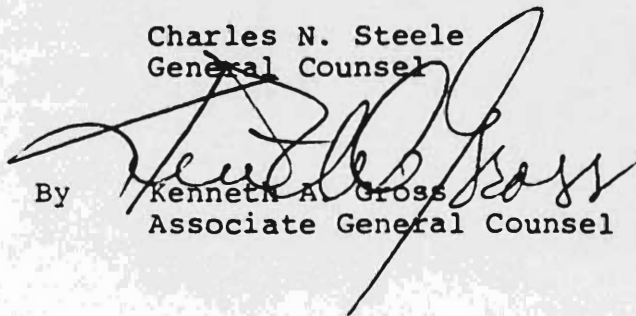
This letter is to acknowledge receipt of the complaint of your client, James Edward Antosh, which we received on July 30, 1984, against Ted L. Wilson, J. Alan Blodgett, Wilson for Utah Committee, Thomas R. Donahue, American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee, Joseph F. Maloney, Political Education Fund of the Building and Construction Trades Department, Elmer Chatak, Industrial Union Department AFL-CIO Voluntary Fund, Lawrence Dock, and International Ladies Garment Workers Union Campaign Committee, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By


Kenneth A. Gross
Associate General Counsel

Enclosure

85040531641



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Alan Blodgett, Treasurer
Wilson for Utah Committee
530 East 400 South
Salt Lake City, Utah 84102

Re: MUR 1752

Dear Mr. Blodgett:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1752. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

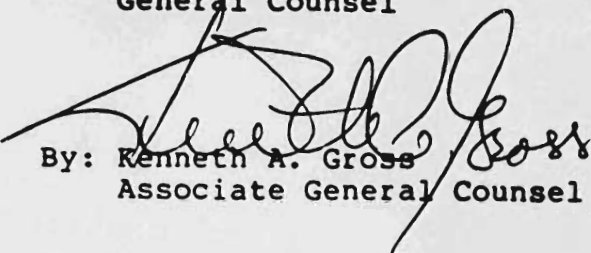
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040531645

If you have any questions, please contact Paul Reyes, the staff person assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Ted L. Wilson

85040531646



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas R. Donahue, Treasurer
American Federation of Labor-
Congress of Industrial Organizations
Committee on Political Education and
Political Contributions Committee
815 16th Street, N.W.
Washington, D. C. 20006

Re: MUR 1752

Dear Mr. Donahue:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1752. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

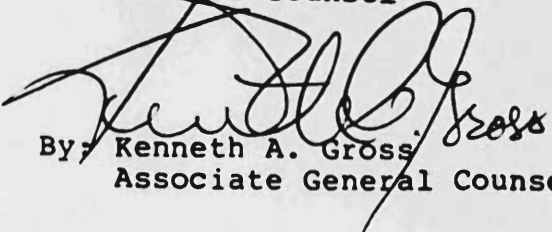
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

05040531647

If you have any questions, please contact Paul Reyes, the staff person assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

15 Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery ..
2. ☒ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the return receipt fee.)

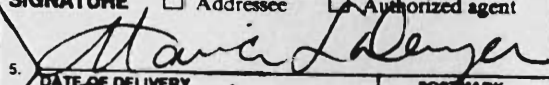
TOTAL \$

3. **ARTICLE ADDRESSED TO:**
Thomas R. Donahue, Pres.
AFL-CIO COPE FCC
815 16th St NW
WASH DC 20006

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943328

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent


5. **DATE OF DELIVERY**
8-8-84

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

7a. **REASON:**


mar 1752 Reyes

8-6-84



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph F. Maloney, Treasurer
Political Education Fund of
the Building & Construction
Trades Department
815 16th Street, N.W.
Suite 603
Washington, D. C. 20006-4189

Re: MUR 1752

Dear Mr. Maloney:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1752. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

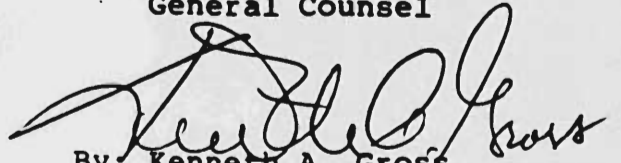
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

95040531649

If you have any questions, please contact Paul Reyes, the staff person assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

PS Form 3811, Oct. 1980

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery..
2. ☐ RESTRICTED DELIVERY
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:
Joseph F. Maloney, Presr.
Pol. Educ. Fund of Bldg & Construc.
Trade Dept
815 16th St NW Suite 603
Wash DC 20006-4189

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943329

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Michael J. Mooney

5. DATE OF DELIVERY
8-8-84

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S SIGNATURE

mar 1752 Reyes 8-6-84

85040531650



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Elmer Chatak, Treasurer
Industrial Union Department
AFL-CIO Voluntary Fund
- 815 16th Street, N.W., Room 301
Washington, D. C. 20006

Re: MUR 1752

Dear Mr. Chatak:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1752. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

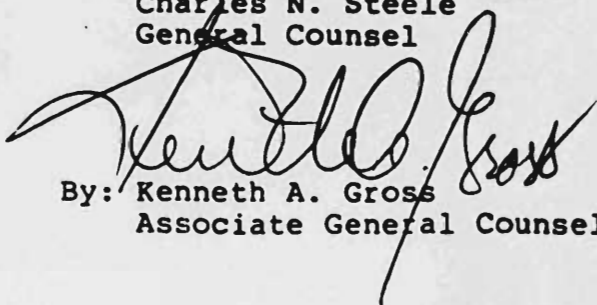
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Paul Reyes, the staff person assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

PS Form 3811, Dec. 1980

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery ..
2. ☐ RESTRICTED DELIVERY
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:
Elmer Chatah, Trsr.
Industrial Union Dept
AFL-CIO Vol. Fund
815-16th St NW Rm 301
Wash DC 20006

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
942330

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Dino M. Lichten

5. DATE OF DELIVERY
8-6-84

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7. EMPLOYEE'S
Signature

mul 1752 Reyes 8-6-84

85040531652



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lawrence Dock, Treasurer
International Ladies Garment
Workers Union Campaign
Committee
1710 Broadway
New York, New York 10019

Re: MUR 1752

Dear Mr. Dock:

This letter is to notify you that on July 30, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1752. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

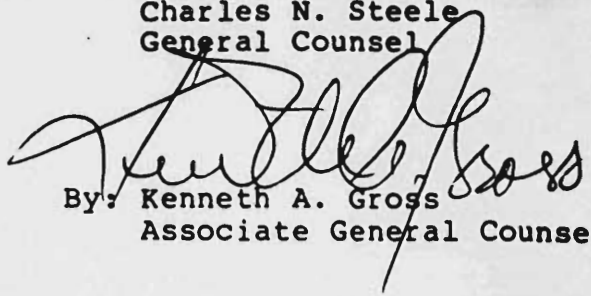
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040531653

If you have any questions, please contact Paul Reyes, the staff person assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

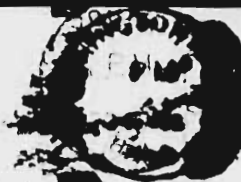
1. Complaint
2. Procedures
3. Designation of Counsel Statement

85040531654

112
LEGAL DEPARTMENT

LCWU

NATIONAL LADIES GARMENT WORKERS
1710 BROADWAY NEW YORK N.Y. 10019



Paul Reyes, Esq.
Federal Elections Commission
1325 K Street, NW
Washington, DC 20463



UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

James Edward Antosh)
13 Gilpin)
Shawnee, Oklahoma 74801,)
Complainant,)

v.)

Complaint
MUR No.

1752

Ted L. Wilson, Wilson for Utah)
Committee; American Federation of)
Labor-Congress of Industrial)
Organizations Committee on)
Political Education and Political)
Contributions Committee and its)
affiliated separate segregated)
funds, Political Education Fund)
of the Building and Construction)
Trades Department and Industrial)
Union Department AFL-CIO)
Voluntary Fund; International)
Ladies Garment Workers Union)
Campaign Committee, and all the)
Committees' treasurers,)
Respondents.)

35040531656

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against former candidate for federal public office, Ted L. Wilson, Wilson for Utah Committee, American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee ("AFL-CIO COPE-PCC") and its affiliated separate segregated funds ("SSFs"), Political Education Fund of the Building and Construction Trades Department (P.E.F. - B.C.T.D.) and Industrial Union Department AFL-CIO Voluntary Fund; International Ladies Garment Workers Union Campaign Committee ("ILGWUCC"), and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A) during either the general or the primary election cycles.

II. PARTIES

2. Complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

Respondents are:

a. Ted L. Wilson,

530 East 400 South
Salt Lake City, Utah 84012;

530 East 4th South
Salt Lake City, Utah 84102 and

1120 20th Street, N.W., Suite S700
Washington, D. C. 20036.

- b. J. Alan Blodgett, individually and in his capacity
as treasurer of Wilson for Utah Committee

530 East 400 South
Salt Lake City, Utah 84102;

530 East 4th South
Salt Lake City, Utah 84102 and

1120 20th Street, N.W., Suite S700
Washington, D. C. 20036.

- c. Dick Van Klaveren, individually and in his capacity
as treasurer of Wilson for Utah Committee

530 East 400 South
Salt Lake City, Utah 84102;

530 East 4th South
Salt Lake City, Utah 84102 and

1120 20th Street, N.W., Suite S700
Washington, D. C. 20036.

- d. Wilson for Utah Committee

530 East 400 South
Salt Lake City, Utah 84102;

530 East 4th South
Salt Lake City, Utah 84102 and

1120 20th Street, N.W., Suite S700
Washington, D. C. 20036.

- e. Thomas R. Donahue, individually and in his capacity
as treasurer of American Federation of Labor-Congress
of Industrial Organizations Committee on Political
Education and Political Contributions Committee
815 16th Street, N.W.
Washington, D. C. 20006.

- 85040531652
- f. American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee
815 16th Street, N.W.
Washington, D. C. 20006.
 - g. Joseph F. Maloney, individually and in his capacity as treasurer of Political Education Fund of the Building and Construction Trades Department
815 16th Street, N.W., Suite 603
Washington, D.C. 20006-4189
 - h. Political Education Fund of the Building and Construction Trades Department
815 16th Street, N.W., Suite 603
Washington, D. C. 20006-4189.
 - i. Elmer Chatak, individually and in his capacity as treasurer of Industrial Union Department AFL-CIO Voluntary Fund
815 16th Street, N.W., Room 301
Washington, D. C. 20006.
 - j. Industrial Union Department AFL-CIO Voluntary Fund
815 16th Street, N.W., Room 301
Washington, D. C. 20006.
 - k. Lawrence Dock, individually and in his capacity as treasurer of International Ladies Garment Workers Union Campaign Committee
1710 Broadway
New York, New York 10019.
 - l. International Ladies Garment Workers Union Campaign Committee
1710 Broadway
New York, New York 10019.

III. LIABILITY

3. Liability may be imposed upon the candidate, Ted L. Wilson, Wilson for Utah Committee, AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund; and ILGWUCC pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLAR) maximum contri-

tribution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers pursuant to 11 C.F.R. §104.14(d).

5. For purposes of this complaint, contributions made by AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, are treated as contributions made from a single committee in accordance with 2 U.S.C. §441a(a)(5) as implemented through 11 C.F.R. §100.5(g)(i)(B).

IV. OVERVIEW

6. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal primary election or an excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal general election in which Ted L. Wilson was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Ted L. Wilson, Wilson for Utah Committee and its treasurer, AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, filed for the 1982 federal primary election, and which Ted L. Wilson,

Wilson for Utah Committee and its treasurer, and ILGWUCC filed for the 1982 federal general election.

7. For the 1982 federal primary election, excessive funds were contributed to Ted L. Wilson, Wilson for Utah Committee and its treasurer by AFL-CIO COPE-PCC and its treasurer; P.E.F. - B.C.T.D. and its treasurer; and Industrial Union Department AFL-CIO Voluntary Fund and its treasurer. For the 1982 federal general election excessive funds were contributed to Ted L. Wilson, Wilson for Utah Committee and its treasurer by ILGWUCC and its treasurer.

8. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A), which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

**V. VIOLATIONS OF THE F.E.C.A.
BY
WILSON FOR UTAH COMMITTEE
IN THE
1982 FEDERAL PRIMARY AND GENERAL ELECTIONS**

10. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election

Commission, Complainant believes that candidate for public office, Ted L. Wilson, Wilson for Utah Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, in the amount of \$5,250.00 (FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS).

11. Candidate Ted L. Wilson, Wilson for Utah Committee and its treasurer, for the 1982 federal primary election, accepted contributions from AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location</u>
3/29/82	\$4,000.00	AFL-CIO COPE-PCC	82020061595
5/5/82	\$1,000.00	P.E.F. - B.C.T.D.	82020102426
5/17/82	\$ 250.00	Industrial Union Department AFL-CIO Voluntary Fund	82020102427
Total = \$5,250.00			

12. A running total of contributions from AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO voluntary Fund, would have put on notice Ted L. Wilson, Wilson for Utah Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) by May 5, 1982. On that date, Ted L. Wilson, Wilson for Utah Committee

and its treasurer could no longer lawfully accept any contributions from AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund. In violation of 2 U.S.C. §441a(f), Ted L. Wilson, Wilson for Utah Committee and its treasurer accepted a contribution from Industrial Union Department AFL-CIO Voluntary Fund in the amount of \$250.00 (TWO HUNDRED FIFTY DOLLARS). This amount exceeded the statutory monetary ceiling by \$250.00 (TWO HUNDRED FIFTY DOLLARS).

13. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Ted L. Wilson, Wilson for Utah Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal general election from ILGWUCC in the amount of \$5,500.00 (FIVE THOUSAND FIVE HUNDRED DOLLARS).

14. Candidate Ted L. Wilson, Wilson for Utah Committee and its treasurer, for the 1982 federal general election, accepted contributions from ILGWUCC in the following amounts:

<u>Date</u> <u>Received</u>	<u>Amount</u>	F.E.C. Microfilm <u>Location</u>
10/8/82	\$2,500.00	82020163232
10/19/82	<u>\$3,000.00</u>	82020172879
Total =	\$5,500.00	

15. A running total of the amount of contributions received from ILGWUCC would have put on notice Ted L. Wilson, Wilson for Utah Committee and its treasurer that they had received \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) on October 8, 1982. On that date, Ted L. Wilson, Wilson for Utah Committee and its treasurer were only permitted to accept an additional contribution of \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). In violation of 2 U.S.C. §441a(f), they accepted additional contributions and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

**VI. VIOLATIONS OF THE F.E.C.A. BY
AFL-CIO COPE-PCC, B.E.F. - B.C.T.D. AND
INDUSTRIAL UNION DEPARTMENT AFL-CIO VOLUNTARY FUND
IN THE
1982 FEDERAL PRIMARY ELECTION**

16. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that AFL-CIO COPE-PCC and its affiliated SSFs, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund, for the 1982 federal primary election contributed to candidate Ted L. Wilson, Wilson for Utah Committee and its treasurer a total of \$5,250.00 (FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS).

17. AFL-CIO COPE-PCC, P.E.F. - B.C.T.D. and Industrial Union Department AFL-CIO Voluntary Fund contributed the following amounts:

- a. On March 25, 1982, AFL-CIO COPE-PCC contributed \$4,000.00 (FOUR THOUSAND DOLLARS). (See F.E.C. Microfilm #82032292036.)
- b. On April 22, 1982, P.E.F. - B.C.T.D. contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032312093.)
- c. On May 5, 1982, Industrial Union Department AFL-CIO Voluntary Fund contributed \$250.00 (TWO HUNDRED FIFTY DOLLARS). (See F.E.C. Microfilm #82032323829.)

18. A running total of the amount contributed to Ted L. Wilson, Wilson for Utah Committee and its treasurer by AFL-CIO COPE-PCC and its affiliated SSFs, would have put them on notice that as of April 22, 1982, they had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), Industrial Union Department AFL-CIO Voluntary Fund made a \$250.00 (TWO HUNDRED FIFTY DOLLARS) contribution on May 5, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLARS) ceiling by \$250.00 (TWO HUNDRED FIFTY DOLLARS).

**VII. VIOLATIONS OF THE F.E.C.A.
BY
ILGWUCC
IN THE
1982 FEDERAL GENERAL ELECTION**

19. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that ILGWUCC, for the 1982 federal general election contributed to candidate Ted L. Wilson, Wilson for Utah Committee and its treasurer a total of \$5,500.00 (FIVE THOUSAND FIVE HUNDRED DOLLARS).

20. ILGWUCC contributed the following amounts:

- a. On September 15, 1982, ILGWUCC contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm #82032500099.)
- b. On October 8, 1982, ILGWUCC contributed \$3,000.00 (THREE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032500157.)

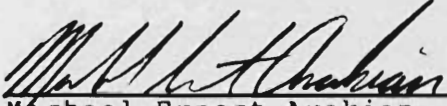
21. A running total of the amount contributed to Ted L. Wilson, Wilson for Utah Committee and its treasurer would have put on notice ILGWUCC that as of September 15, 1982, it had contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) and that it could only contribute an additional \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$3,000.00 (THREE THOUSAND DOLLAR)

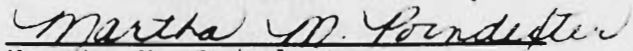
contribution was made to Ted L. Wilson, Wilson for Utah Committee and its treasurer. This amount exceeded the statutory monetary ceiling by \$500.00 (FIVE HUNDRED DOLLARS).

VIII. CONCLUSION

22. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

23. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted excess contributions and that civil sanctions be imposed on the Respondents.


Michael Ernest Avakian
Center on National Labor Policy


Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorneys for Complainant

July 30, 1984

VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)

State of Oklahoma)

ss.

Pursuant to 2 U.S.C. §437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James Edward Antosh

Subscribed and sworn to before me this 14 day of July 1984.

James H. (Antosh)
Notary Public

My Commission expires:

Sept. 17, 1986

DESIGNATION OF COUNSEL

I, James Edward Antosh, a complainant to the attached complaint designate the attorney(s) identified below as complainant's attorney(s) of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

Date

July 9, 1984

Complainant

James Edward Antosh

DESIGNATED COUNSEL

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

35040531662



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1752

Date Filmed 7/16/85 Camera No. --- 2

Cameraman AS

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