



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

OCT 6 1 42 PM '00

SENSITIVE

October 6, 2000 OCT 11 2000

MEMORANDUM

EXECUTIVE SESSION

TO: The Commission

FROM: Scott E. Thomas
 Commissioner *[Signature]*

SUBMITTED LATE

SUBJECT: MUR 5100

I have asked that this matter be placed on the agenda so we can consider whether to take some prompt action clarifying the agency position on the matter. This stems from a New York House candidate's failure to file a pre-primary report. The Commission voted to publish the committee as a non-filer, and a mailgram warning was sent, but based on the committee's response RAD determined that no pre-primary filing was required.

The NRCC has filed a complaint, meanwhile, and the issue has gotten some press. The staff made a judgment call regarding the filing requirements, and had to do so given the short time frame applicable. Nonetheless, because an agency position has been publicized that may not reflect what the commissioners in fact believe the state of the law to be, I think we should try to clarify the situation, if possible.

The complaint and subsequent "Request for Press Office Corrective Action and Supplemental Complaint" were circulated earlier. I attach a copy of: (1) the committee's July Quarterly report showing all contributions (some going back to May) designated as "primary;" (2) the FEC list showing the filing deadline in New York as July 13; (3) a September 28 news story reflecting an FEC statement that no filing was necessary; (4) a piece from the candidate's web site indicating the candidate was advised that no filing was needed, and (5) the 1986 and 1978 advisory opinions that are relevant to this matter.

Attachments

21 04 403 4728

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

RECEIVED
FEC MAIL ROOM

2000 JUL 22 A 10:10

1. NAME OF COMMITTEE (in full)

McCallion for Congress

ADDRESS (number and street) ☐ Check if different than previously reported.

c/o Darrell L. Paster, Treasurer 305 Madison Avenue, Ste
CITY, STATE and ZIP CODE STATE/DISTRICT

New York, NY 10165

NY 22

2. FEC IDENTIFICATION NUMBER

Co assign

3. IS THIS REPORT AN AMENDMENT?

☐ YES ☒ NO

4. TYPE OF REPORT

☐ April 15 Quarterly Report

☐ Twelfth day report preceding

(Type of Election)

☒ July 15 Quarterly Report

election on

In the State of

☐ October 15 Quarterly Report

☐ Thirtieth day report following the General Election on

☐ January 31 Year End Report

In the State of

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

☐ Termination Report

This Report Contains
Activity For

☐ Primary Election

☒ General Election

☐ Special Election

☐ Runoff Election

SUMMARY

5. Covering Period 01/01/2000 through 06/30/2000

COLUMN A
This Period

COLUMN B
Calendar Year-to-Date

6. Net Contributions (other than loans)

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

\$12,804.00

\$12,804.00

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

\$0.00

\$0.00

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

\$12,804.00

\$12,804.00

7. Net Operating Expenditures

(a) Total Operating Expenditures (from Line 17)

\$3,051.31

\$3,051.31

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

\$0.00

\$0.00

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

\$3,051.31

\$3,051.31

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

\$24,752.69

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

\$0.00

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

\$35,900.00

For further information
contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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

Type or Print Name of Treasurer Darrell L. Paster

Signature of Treasurer

Darrell L. Paster

Date

07/17/2000

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

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FEC FORM 3
(revised 4/87)

21-04-103-4722

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full) McCallion for Congress		Report Covering the Period: From: 01/01/2000 To: 06/30/2000	
Co assign			
I. RECEIPTS		COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)		\$9,000.00	11(a)(i)
(ii) Unitemized		\$3,804.00	11(a)(ii)
(iii) Total of Contributions from individuals		\$12,804.00	11(a)(iii)
(b) Political Party Committees		\$0.00	11(b)
(c) Other Political Committees (such as PACs)		\$0.00	11(c)
(d) The Candidate		\$0.00	11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(i), 11(a)(ii), and 11(d))		\$12,804.00	11(e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEE		\$0.00	12
13. LOANS:			
(a) Made or Guaranteed by the Candidate		\$15,000.00	13(a)
(b) All Other Loans		\$0.00	13(b)
(c) TOTAL LOANS (add 13(a) and 13(b))		\$15,000.00	13(c)
14. OFFSETS TO OPERATING EXPENDITURES (refunds, rebates, etc.)		\$0.00	14
15. OTHER RECEIPTS (dividends, interest, etc.)		\$0.00	15
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14, and 15)		\$27,804.00	16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES		\$3,051.31	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES		\$0.00	18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate		\$0.00	19(a)
(b) Of All Other Loans		\$0.00	19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and 19(b))		\$0.00	19(c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees		\$0.00	20(a)
(b) Political Party Committees		\$0.00	20(b)
(c) Other Political Committees (such as PACs)		\$0.00	20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), 20(b), and 20(c))		\$0.00	20(d)
21. OTHER DISBURSEMENTS		\$0.00	21
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d), and 21)		\$3,051.31	22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$0.00	23
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$27,804.00	24
25. SUBTOTAL (add Line 23 and Line 24)	\$27,804.00	25
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$3,051.31	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$24,752.69	27

21.04.403.4730

SCHEDULE A

ITEMIZED RECEIPTS

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

PAGE 1 OF 3

FOR LINE NUMBER

11(a)(1)

Contributions from Individuals

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)

McCaillon for Congress

Co assign

A. Full Name, Mailing Address and ZIP Code

Desareano, Carole

78 Laight Street

New York NY 10013

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Date (month,
day, year)

06/25/2000

Amount of Each
Receipt this Period
\$250.00

Occupation

Aggregate Year-to-Date > \$250.00

B. Full Name, Mailing Address and ZIP Code

Dolan, John D.

123 Main Street

Long Island City NY 11101

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Date (month,
day, year)

05/31/2000

Amount of Each
Receipt this Period
\$500.00

Occupation

Aggregate Year-to-Date > \$500.00

C. Full Name, Mailing Address and ZIP Code

Ezell, Cambrea, Ms.

204 West Houston Street No. 2D

New York NY 10014

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Date (month,
day, year)

06/29/2000

Amount of Each
Receipt this Period
\$1,000.00

Occupation

Aggregate Year-to-Date > \$1,000.00

D. Full Name, Mailing Address and ZIP Code

Holman, Thomas A.

27 Knollwood Road

Short Hills NJ 07078

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Date (month,
day, year)

05/30/2000

Amount of Each
Receipt this Period
\$1,000.00

Occupation

Attorney

Aggregate Year-to-Date > \$1,000.00

E. Full Name, Mailing Address and ZIP Code

McCaillon, Edna

914 Wynnewood Road Apt. 1J

Pelham NY 10803

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Date (month,
day, year)

06/12/2000

Amount of Each
Receipt this Period
\$1,000.00

Occupation

Aggregate Year-to-Date > \$1,000.00

F. Full Name, Mailing Address and ZIP Code

Moore, Thomas A.

233 Broadway

New York NY 10279

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Date (month,
day, year)

06/22/2000

Amount of Each
Receipt this Period
\$1,000.00

Occupation

Partner

Aggregate Year-to-Date > \$1,000.00

G. Full Name, Mailing Address and ZIP Code

Palpers, David H.

146 West 57th Street

New York NY 10019

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Date (month,
day, year)

06/29/2000

Amount of Each
Receipt this Period
\$1,000.00

Occupation

Finance

Aggregate Year-to-Date > \$1,000.00

SUBTOTAL of Receipts This Page (optional)

\$5,750.00

TOTAL This Period (last page this line number only)

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Disabled Summary Page

PAGE 2 OF 3

FOR LINE NUMBER 11(a)(i)

Contributions from Individuals

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NAME OF COMMITTEE (in Full)

McCallion for Congress

Co assign

A. Full Name, Mailing Address and ZIP Code

Quill, Kevin

1 Hunter Street

Long Island City NY 11101

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Self

Date (month, day, year)

06/27/2000

Amount of Each Receipt this Period
\$500.00

Occupation

Attorney

Aggregate Year-to-Date > \$500.00

B. Full Name, Mailing Address and ZIP Code

Stain, Robert F.

235 East 83rd Street

New York NY 10123

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Janney, Montgomery, Scott

Date (month, day, year)

06/22/2000

Amount of Each Receipt this Period
\$500.00

Occupation

Stockbroker

Aggregate Year-to-Date > \$500.00

C. Full Name, Mailing Address and ZIP Code

Strauss, Simon S.

255 East 23rd Street

New York NY 10010

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

General Khan
Mattison

Date (month, day, year)

06/29/2000

Amount of Each Receipt this Period
\$500.00

Occupation

Managing Director

Aggregate Year-to-Date > \$500.00

D. Full Name, Mailing Address and ZIP Code

Trinko, Curtis

31 Reid Avenue

Port Washington NY 11050

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Law Office of Curtis Trinko

Date (month, day, year)

06/29/2000

Amount of Each Receipt this Period
\$500.00

Occupation

Attorney

Aggregate Year-to-Date > \$500.00

E. Full Name, Mailing Address and ZIP Code

Tsamutalis, George N.

25-40 Shore Boulevard Apt. 8B

Long Island City NY 11102

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Date (month, day, year)

06/29/2000

Amount of Each Receipt this Period
\$250.00

Occupation

Aggregate Year-to-Date > \$250.00

F. Full Name, Mailing Address and ZIP Code

Weisberg, Richard

4 West 90th Street

New York NY 10024

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Date (month, day, year)

06/29/2000

Amount of Each Receipt this Period
\$250.00

Occupation

Aggregate Year-to-Date > \$250.00

G. Full Name, Mailing Address and ZIP Code

Weld, David, III

484 Swanoy Place

Felham NY 10803

Receipt For:

☒ Primary

☐ General

☐ Other (Specify):

Name of Employer

Pennie and Edwards

Date (month, day, year)

06/29/2000

Amount of Each Receipt this Period
\$500.00

Occupation

Attorney

Aggregate Year-to-Date > \$500.00

SUBTOTAL of Receipts This Page (optional)

\$3,000.00

TOTAL This Period (last page this line number only)

SCHEDULE A

ITEMIZED RECEIPTS

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

PAGE 3 OF 3

FOR LINE NUMBER

11(a)(b)

Contributions from Individuals

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NAME OF COMMITTEE (in Full)

McCallion for Congress

Co assign

A. Full Name, Mailing Address and ZIP Code Welts, Harry L. 255 Eastam Parkway, Apt. E6 Brooklyn NY 11238 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employer Occupation Aggregate Year-to-Date > \$250.00	Date (month, day, year) 06/29/2000	Amount of Each Receipt this Period \$250.00
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employee Occupation Aggregate Year-to-Date >	Date (month, day, year)	Amount of Each Receipt this Period
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employee Occupation Aggregate Year-to-Date >	Date (month, day, year)	Amount of Each Receipt this Period
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employee Occupation Aggregate Year-to-Date >	Date (month, day, year)	Amount of Each Receipt this Period
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employee Occupation Aggregate Year-to-Date >	Date (month, day, year)	Amount of Each Receipt this Period
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employee Occupation Aggregate Year-to-Date >	Date (month, day, year)	Amount of Each Receipt this Period
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Name of Employee Occupation Aggregate Year-to-Date >	Date (month, day, year)	Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional)

\$250.00

TOTAL This Period (last page this line number only)

\$9,000.00

21-04-403-4733

ITEMIZED RECEIPTS

PAGE 1 OF 1

FOR LINE NUMBER
13(a)

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)

McCallion for Congress

Co assign

A. Full Name, Mailing Address and ZIP Code Kenneth F. McCallion McCallion, Kennet 169 Hall Hill Road Ancram NY 12502 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):		Name of Employer Date (month, day, year) 06/12/2000 Amount of Each Receipt this Period \$15,000.00 Made by Cand	
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):		Name of Employee Date (month, day, year) Amount of Each Receipt this Period Occupation Aggregate Year-to-Date > \$15,000.00	
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):		Name of Employee Date (month, day, year) Amount of Each Receipt this Period Occupation Aggregate Year-to-Date >	
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):		Name of Employee Date (month, day, year) Amount of Each Receipt this Period Occupation Aggregate Year-to-Date >	
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):		Name of Employee Date (month, day, year) Amount of Each Receipt this Period Occupation Aggregate Year-to-Date >	
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):		Name of Employee Date (month, day, year) Amount of Each Receipt this Period Occupation Aggregate Year-to-Date >	
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):		Name of Employee Date (month, day, year) Amount of Each Receipt this Period Occupation Aggregate Year-to-Date >	
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):		Name of Employee Date (month, day, year) Amount of Each Receipt this Period Occupation Aggregate Year-to-Date >	
Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):		Name of Employee Date (month, day, year) Amount of Each Receipt this Period Occupation Aggregate Year-to-Date >	

SUBTOTAL of Receipts This Page (optional)		\$15,000.00
TOTAL This Period (last page this line number only)		\$15,000.00

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER

17

Operating Expenditures

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)

McCaillon for Congress

Co assign

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement this Period
NYS Democratic Committee 60 Madison Avenue New York NY 10010	Political Contributions Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	06/22/2000	\$500.00
B. Full Name, Mailing Address and ZIP Code West Side Palm Restaurant 250 West 50th Street New York NY 10019	Fundraising Fundraising Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	06/27/2000	\$2,551.31
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Date (month, day, year)	Amount of Each Disbursement this Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Date (month, day, year)	Amount of Each Disbursement this Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Date (month, day, year)	Amount of Each Disbursement this Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Date (month, day, year)	Amount of Each Disbursement this Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Date (month, day, year)	Amount of Each Disbursement this Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Date (month, day, year)	Amount of Each Disbursement this Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Date (month, day, year)	Amount of Each Disbursement this Period
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify):	Date (month, day, year)	Amount of Each Disbursement this Period

SUBTOTAL of Disbursements This Page (optional) \$3,051.31

TOTAL This Period (last page this line number only) \$3,051.31

21 04 403 4735

SCHEDULE C

LOANS

(Revised 3/80) Loans owed BY the Committee

Name of Committee (in full)

McCallion for Congress

Co assign

A. Full Name, Mailing Address and Zip Code of Loan Source
Kenneth F. McCallion McCallion, Ke
189 Hall Hill Road
Ancram, NY 12502

Original Amount
of Loan

\$15,000.00

Cumulative
Payment To Date

\$0.00

Balance Outstanding
at Close of This Period

\$15,000.00

Election: ☒ Primary ☐ General ☐ Other (Specify):

Terms: Date Incurred **06/12/2000** Date Due **11/07/2000** Interest Rate **0** % (apr)

☐ Secured

List All Endorsers or Guarantors (if any) to Item

1. Full Name, Mailing Address and Zip Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

\$0.00

2. Full Name, Mailing Address and Zip Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

\$0.00

3. Full Name, Mailing Address and Zip Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

\$0.00

B. Full Name, Mailing Address and Zip Code of Loan Source

Original Amount
of Loan

Cumulative
Payment To Date

Balance Outstanding
at Close of This Period

Election: ☐ Primary ☐ General ☐ Other (Specify):

Terms: Date Incurred Date Due Interest Rate % (apr)

☐ Secured

List All Endorsers or Guarantors (if any) to Item

1. Full Name, Mailing Address and Zip Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

2. Full Name, Mailing Address and Zip Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

3. Full Name, Mailing Address and Zip Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

SUBTOTALS This Period This Page (optional)

\$15,000.00

TOTALS This Period (last page in this line only)

\$15,000.00

Carry outstanding balance to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary

21.04.403.4736

SCHEDULE D

DEBTS AND OBLIGATIONS

(Revised 3/80) Owed BY the Committee

Excluding Loans

FROM

01/01/2000

TO

06/30/2000

Name of Committee (In Full)	Co-Sponsor	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
McCallion for Congress					
A. Full Name, Mailing Address and Zip Code of Debtor or Creditor Decision Research 433 G Street, Suite 203 San Diego CA 92101		\$0.00	\$20,900.00	\$0.00	\$20,900.00
Nature of Debt (Purpose) Campaign Consultant					
Full Name, Mailing Address and Zip Code of Debtor or Creditor					
Nature of Debt (Purpose)					
Full Name, Mailing Address and Zip Code of Debtor or Creditor					
Nature of Debt (Purpose)					
Full Name, Mailing Address and Zip Code of Debtor or Creditor					
Nature of Debt (Purpose)					
Full Name, Mailing Address and Zip Code of Debtor or Creditor					
Nature of Debt (Purpose)					
Full Name, Mailing Address and Zip Code of Debtor or Creditor					
Nature of Debt (Purpose)					

1) SUBTOTALS This Period This Page (optional)	\$20,900.00
2) TOTALS This Period (last page in this line only)	\$20,900.00
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only)	\$15,000.00
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only)	\$35,900.00

21-04-403-4737



2000 U.S. CONGRESSIONAL PRIMARY DATES AND CANDIDATE FILING DEADLINES FOR BALLOT ACCESS

(Data as of 6/23/00)

Note: Dates Subject to Change / S indicates Senate Election / General Election Date 11/7/00

STATE	PRIMARY DATE	RUNOFF DATE	FILING DEADLINE FOR PRIMARY BALLOT ACCESS	INDEPENDENT FILING ¹ DEADLINE FOR GENERAL ELECTION
ALABAMA	6/6	6/27	4/7	7/3
ALASKA	8/22		6/1	6/1
AMERICAN SAMOA	11/7	11/21	9/1	9/1
ARIZONA	S 9/12		6/14	6/14 Independent/Third
ARKANSAS	5/23	6/13	4/4	5/1
CALIFORNIA	S 3/7		12/10/99	8/11
COLORADO	8/8		5/30	7/10 3pm
CONNECTICUT	S 9/12 ²		8/9	8/9
DELAWARE	S 9/9		7/28	9/1
D.C.	5/2		2/23 5pm	8/30
FLORIDA	S 9/5	10/3	5/12	7/14
GEORGIA	7/18	8/8	4/28	7/11
GUAM	9/2		7/5	7/5
HAWAII	S 9/23		7/25	7/25
IDAHO	5/23		3/31	3/20
ILLINOIS	3/21		12/20/99	12/20 Independent 6/26 Third/Minor
INDIANA	S 5/2		2/8 Noon	9/1 Noon
IOWA	6/6		3/17	8/18
KANSAS	8/1		6/12 Noon	7/31 Noon
KENTUCKY	5/23		1/25 4pm	8/8 4pm
LOUISIANA	11/7	12/9	8/18	8/18
MAINE	S 6/13		3/15	6/1
MARYLAND	S 3/7		12/27/99	8/7
MASSACHUSETTS	S 9/19		5/9 5pm	8/1 5pm
MICHIGAN	S 8/8		5/16	7/20 4pm
MINNESOTA	S 9/12		7/18	7/18
MISSISSIPPI	S 3/14	4/4	1/14	1/14
MISSOURI	S 8/8		3/28	7/31
MONTANA	S 6/6		3/23	6/5
NEBRASKA	S 5/9		2/15 Incumbents 3/1 All Others	9/1 Independent
NEVADA	S 9/5		5/15	5/15
NEW HAMPSHIRE	9/12		6/16	6/16
NEW JERSEY	S 6/6		4/13	6/6
NEW MEXICO	S 6/6		3/29	7/11 Independent/Minor
NEW YORK	S 9/12		7/13	8/22

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GOP keeps up pressure over Sweeney foe's financial reports

By Michael McCagg, Freeman staff

September 28, 2000

THE NATIONAL Republican Congressional Committee is again alleging misdeeds in the filing of financial statements by Democrat congressional candidate Kenneth McCallion.

The committee also is taking a Federal Election Commission spokesman to task for comments made to a newspaper reporter.

On Tuesday, an attorney for the NRCC filed a supplement to the committee's Sept. 20 complaint against McCallion, D-Ancram, who is running for the 22nd Congressional District seat against incumbent Republican John Sweeney.

The supplemental complaint alleges FEC spokesman Ian Stirton violated regulations and was incorrect in statements he made that were published in Monday's Freeman. Stirton told a reporter that McCallion was not required to file a financial disclosure statement in August because he was not on any primary ballot in September.

A Sweeney spokeswoman has said the filing was required.

Stirton declined to discuss further the McCallion-Sweeney campaign on Tuesday, but he reiterated that a candidate is only required to file a financial disclosure with the FEC if that candidate is in a primary race and/or has raised money for that specific race.

Republican attorney Donald McGahn II states otherwise in the complaint and supplemental complaint he filed with the FEC.

"The commission has long held that a preprimary report is mandatory even when a candidate is unopposed," the complaint charges. "Moreover, the commission has opined that a report is due even if the candidate does not actually appear on the ballot."

McGahn said the law is "pretty straightforward" and that, with the exception of McCallion and one other Democrat, every congressional candidate in New York -regardless of primary races -filed financial disclosure statements with the FEC by Aug. 30.

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Sweeney's disclosure shows the one-term incumbent raised \$845,300 through August.

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The initial and supplemental complaints filed by the National Republican Congressional Committee also question the origin of a \$15,000 loan to McCallion's campaign that he reported in a July financial disclosure.

The July disclosure to the FEC, in which McCallion states he raised \$27,804, was the last one filed the Democratic candidate.

Contacted Tuesday, Stirton - who now is the focus of a complaint to FEC commissioners - wavered from his initial statements, saying he can not comment on specific congressional races and that commissioners are reviewing McGahn's original complaint.

The spokesman reiterated, however, that federal election law requires a candidate only file a financial disclosure with the commission if that candidate is in a specific race and has raised money for that race.

McCallion was not in a primary race and, according to a letter from McCallion's campaign treasurer, Darrell Paster, did not raise any money for the primary.

The FEC previously notified McCallion that he was in violation of federal election law for not filing a disclosure statement. But according to the letter sent by Paster on Sept. 7, that notification was in error and was caused by McCallion falsely indicating on a previous filing that he was, in fact, in a primary race.

Susan Hynes, a McCallion spokeswoman, said Wednesday that McCallion "has done nothing wrong, and the last we heard from the FEC is they agreed."

McGahn said he works with all Republican congressmen seeking re-election and that he has spoken with Sweeney about the complaints, but added: "It's my call" whether to file complaints against McCallion.

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FOR IMMEDIATE RELEASE

CONTACT: SUSAN W. HYNES

SEPTEMBER 23, 2000

518-398-9360

McCallion Cleared by FEC After False Allegations by GOP



- Federal Election Commission
- Campaign Finance Reports

Ancram, NY — The National Republican Congressional Committee, in a press release dated September 21, falsely accused Ken McCallion, Democratic candidate for the House of Representatives from New York's 22nd district, with allegations that McCallion "has refused to file a mandatory Federal Election Report disclosing his campaign's funding."

In fact, Kelly Huff of the FEC confirms that the McCallion campaign has filed all required reports and responded to all FEC notices in a timely manner.

STATEMENT FOLLOWS:

"Recent allegations by the National Republican Congressional Committee (NRCC) that my campaign has not complied with requirements for financial filings with the Federal Election Commission (FEC) are inaccurate and misleading.

My campaign Treasurer, Darrell L. Paster, received a notice from the FEC on September 1st regarding the filing of a pre-primary report stating "you may have failed to file the above referenced report of receipts and expenditures as required." In his response to the FEC on September 7th, Mr. Paster stated that no such report was required as there was no Democratic primary for our congressional district. After reviewing our letter, Kelly Huff of the FEC has advised us that the FEC has accepted our explanation and that the issue is now closed.

New York, unlike some states, does not require candidates designated by their parties and running unopposed to mount a primary election. In fact, my name was not on the September 12th ballot for any of the parties who have nominated me including the Green, Working Families and Democrats.

We have received further correspondence from the FEC advising us that our next filing is due October 15, 2000. All aspects of my filings are in order and we will continue to comply with all FEC filing requirements. These documents are all publicly available on the internet at the FEC web site and I am providing copies to the press today. I encourage members of the press to use due diligence and call the FEC for verification.

The accusation by the NRCC that I have not disclosed my personal finances of my Financial Disclosure Form is simply not true. I have disclosed all required financial information to the US House Of Representatives. Like many other residents of the 22nd CD, my major asset is the equity in my house. However, the instructions for the Disclosure Statement specifically directed that the

candidate's personal residence NOT be listed as an asset on the Statement. My only other major asset is my IRA retirement account. The Republican Congressional committee in their press release speculates that my minimal assets are "far less than one would expect a lawyer involved in the Exxon Valdez case would have."

I'm sorry to disappoint the Republicans but the plain fact is that I am not a wealthy lawyer. It is true that I worked on the Exxon Valdez case but I wasn't working for Exxon. If I had been, I probably would be wealthy now since Exxon's appeals on the case have dragged on for more than ten years. I represented the Native American corporations that owned the land around Prince William Sound that was damaged by oil. We did win a five billion dollar punitive damage verdict against Exxon but, because of the appeals, no money has yet been received by our clients or their lawyers.

Most of the rest of my legal career has been spent as a state and federal prosecutor. Although I held some fairly important positions and worked on many significant cases, the public salaries I received were not very large. During the last 15 years that I have worked as a private attorney, most of my work has been on public interest and environmental law cases for community groups and local governments. While I haven't made as much money representing these clients as I would have if I had represented the large corporations on the other side of my cases, I have no regrets since I believe that I fought on the right side of each case.

I have learned on a first-hand basis how a family's resources can be depleted when the costs of caring for a disabled family member are not fully covered by insurance. My daughter Meghan, who is now sixteen, suffers from autism and for many years required medication and therapeutic programs that had to be paid for out of my salary since my medical insurance program did not provide full coverage. I also have a son, Brendan, who is in college, which is an extremely expensive proposition. Not surprisingly, as a result of my personal experiences, I believe that federal and state programs to assist people with special needs should be expanded, and all qualified high-school graduates should have the opportunity to go on to college without the risk that their families will be bankrupted in the process.

It is high time that Congressman Sweeney and the RNC stop trying to distract the public from the important issues facing the country this year. Health care reform, prescription drug coverage, education, jobs and the environment are all too important to be ignored."

Federal Election Commission Advisory Opinion Number 1986-21

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[Federal Election Commission Main Page](#)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ADVISORY OPINION 1986-21

Timothy C. Hout
Hout, Eckersley & Downes
419 Boston Building
Salt Lake City, UT 84111

Dear Mr. Hout:

This responds to your letter dated June 4, 1986, on behalf of the Wayne Owens for Congress Committee, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the filing of a pre-election report before the party convention.

The Wayne Owens for Congress Committee is the principal campaign committee of Wayne Owens, a candidate for the Democratic Party's nomination for election to the United States House of Representatives from the Second Congressional District of Utah. Mr. Owens has filed his Statement of Candidacy and has registered his principal campaign committee with the Commission. You state that Mr. Owens is the only Democrat who has filed for his party's nomination for election to Congress from the Second District.^{1/} You add that Mr. Owens will, thus, be nominated at the state party convention on June 28, 1986.

You ask whether the Wayne Owens for Congress Committee, pursuant to 11 CFR 104.5(a)(1)(i), must file a pre-election report before the state party convention since Mr. Owens is unopposed for nomination.

^{1/} Under Utah's election law, individuals who wished to be candidates for nomination at the party convention were required to file with the lieutenant governor's office by April 16, 1986. Mr. Owens was the only Democrat to file as a congressional candidate from the Second District.

The Act provides that the treasurer of a congressional candidate's principal campaign committee shall file a pre-election report before "any election in which such candidate is seeking...nomination for election." 2 U.S.C. SS 434(a)(2)(A)(i). Commission regulations express this requirement with respect to any "primary and general election" in which the candidate seeks election. 11 CFR 104.5(a)(1)(i). The Act and Commission

regulations define "election" to include "a convention or caucus of a political party which has authority to nominate a candidate." 2 U.S.C. SS 431(1)(B); 11 CFR 100.2(e).

The Commission has previously determined that the party convention in Utah does have the authority to nominate a candidate for election and, thus, qualifies as an election under the Act. Advisory Opinion 1978-30.2/ The Commission also stated in this opinion that a candidate for nomination at the party convention was required to file a pre-election report with respect to the convention because it was an election under the Act. The facts presented, however, did not indicate whether or not the requesting candidate was unopposed for nomination at the convention.

In Advisory Opinion 1978-41, the Commission concluded that a primary election in which a candidate is unopposed is a separate election requiring pre- and post-election^{3/} reporting if the candidate's name appeared on the ballot. Further, in Advisory Opinion 1978-65, the Commission decided that a general election is still considered an election for contribution limitations and reporting requirements even though the candidate is unopposed and his name will not appear on the ballot.

Consistent with that reasoning, the Commission now determines that the state party convention in Utah qualifies as an election under the Act regardless of whether a candidate is unopposed for nomination, and that the Wayne Owens for Congress Committee should file a pre-election report pursuant to 11 CFR 104.5(a)(1)(i) as to that convention.

2/ Although Utah has made revisions to its election law since 1978, it has not substantively changed the provisions on which the Commission based its ruling in Advisory Opinion 1978-30.

3/ The 1980 Amendments to the Federal Election Campaign Act (Act) eliminated the requirements for filing post-election reports for the primary.

To the extent that Advisory Opinions 1978-41 and 1978-65 indicate a different result would be reached as to reporting requirements for primary elections for which a candidate is unopposed or a candidate's name will not appear on the ballot, those opinions are superseded.^{4/}

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

4/ These opinions were issued at a time when the Commission had greater flexibility to waive the reporting requirements of candidates and their committees. Since the 1980 amendments to the Act the Commission's discretion to waive reports has been all but eliminated.

Federal Election Commission Advisory Opinion Number 1978-41

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[Federal Election Commission Main Page](#)

August 3, 1978

AO 1978-41

Mr. Gerald B. Solomon

Jerry Solomon for Congress Committee

P.O. Box 4004

Troy, New York 12180

Dear Mr. Solomon:

This responds to your letter of June 26, 1978, requesting written clarification of the Federal Election Campaign Act of 1971, as amended ("the Act"), regarding the maximum amount of contributions which may be made to your campaign for election to the Congress of the United States.

Your letter states that you have received the endorsement of the Republican and Conservative Parties of New York and will run unopposed in the New York State primary election on September 12, 1978. You have incurred substantial campaign expenses to obtain these two endorsements without opposition and ask whether you may receive an individual contribution of \$1,000 earmarked for the primary election and an additional \$1,000 from the same individual with respect to the general election.

Your question is answered in the affirmative. The contribution limits in 2 U.S.C. SS 441a apply with respect to each election in which a congressional candidate seeks nomination or election. 2 U.S.C. SS 441a(a) (6). Regulations of the Commission further explain that an election in which a candidate is unopposed is a separate election and if a primary election is unnecessary because a candidate is unopposed, the date on which that primary would have been held is deemed to be the date of the primary for purposes of the contribution limits. See 11 CFR 110.1(j). Thus as a candidate for nomination and a candidate for the general election you may receive \$1,000 with respect to the primary and \$1,000 with respect to the general election from the same individual assuming that individual has not exhausted his or her annual aggregate limitation of \$25,000.

2 U.S.C. SS 441a(a)(3).

Commission regulations further provide that,

21 04 403 4745

as a general rule, contributions not designated in writing for a particular election are regarded as made with respect to a primary election if made on or before the date of that primary election in your case September 12, 1978. Contributions made after the date of the primary election are considered as made for the general election. 11 CFR 110.1(a)(2). The Commission notes that under SS 101.2(d) of the regulations, a candidate may receive contributions designated for the general election prior to the date of his or her primary election. Although not specifically raised by your opinion, request, the Commission points out that your campaign committee is required to file pre- and post-election reports with respect to the September 12 primary should your name appear on the ballot. You would in that event become a participant in the primary election even if there is no other candidate listed on the ballot in opposition to you.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. SS 437f.

21.04.403.4746

Federal Election Commission Advisory Opinion Number 1978-65

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October 17, 1978

AO 1978-65

Mr. G. C. Dorr, Treasurer

Andy Ireland Campaign Committee

P.O. Box 550

Winter Haven, Florida 33880

Dear Mr. Dorr:

This responds to your letter of August 15, 1978, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the reporting status of the Andy Ireland Campaign Committee.

Your letter states that Mr. Ireland, a candidate for the United States House of Representatives from the 8th Congressional District of Florida, is unopposed in the 1978 Primary and General Elections, and that you have been advised that under present Florida State law a candidate who is unopposed will not have his name printed on either the primary or general election ballots. Your campaign committee has accepted contributions and made expenditures in anticipation of a 1978 campaign before learning that Mr. Ireland was unopposed. However, your campaign committee has accepted contributions and made expenditures in anticipation of a 1978 campaign before learning that Mr. Ireland was unopposed. However, your campaign committee continues to have obligations and commitments for campaign expenses through November. You have asked four questions:

- 1) "Since the candidate's (Andy Ireland) name will not appear on either ballot and no write-in votes will be cast, do we file our reports as receipts and expenditures for a November 7, 1978 general election.
- 2) Once we have paid all the expenses incurred for an anticipated 1978 campaign, do we then report the excess as contributions for a 1980 primary election.
- 3) How do we apply the contribution limitations in this situation, and the reporting of aggregates for 1978.
- 4) Are we required to file pre-and post-general election reports as well as quarterly reports."

Although Mr. Ireland's name will not appear on the

general election ballot he is a participating candidate for purposes of disclosure in that election, since under Florida statutes 1/ he will not receive a certificate of election until after the date of the general election. Accordingly, in answer to your first and fourth questions the Andy Ireland Campaign Committee will be required to file a ten day pre-general election report and a thirty day post-general election report as prescribed by 2 U.S.C. SS 434(a)(1)(A) 2/. The Committee will also be required to file an October 10 quarterly report if the Committee has received or expended more than \$1,000 in the period from July 1 through September 30, 1978. (If the Committee has received or expended less than \$1,000 during the third quarter of 1978 a post-card, in lieu of a report, may be filed.) Additionally, a year end report covering November 28 through December 1978 is required to be filed by January 31, 1979, if the Committee receives contributions or makes expenditures in the, fourth quarter which exceed, \$1,000. See 11 CFR 104.1(c)(1)(i) and 104.4(d). In answer to your second question, under 110.3(a) (2) (iv) of the regulations, surplus funds from the 1978 campaign committee may be transferred or carried over to Mr. Ireland's campaign committee for 1980. To avoid application of the 1980 limits to each contribution comprising the transferred surplus, all funds transferred must have been received as of the date of the 1978 general election (rather than subsequent to that election). Except to the extent that there are outstanding debts from a 1978 election, each "contribution"

1/ Certificates of election to the United States Congress are issued by the Florida Department of State after the "State canvass" of the vote. The Florida Election Code SS 98.331. The canvass is held after the closing of the polls and not later than noon on the day after the election. Id. SS 102.141; see also SS 102.071, 102.111, 102.121, and 102.151.

2/ The Commission has previously held that an unopposed candidate for nomination whose name is not on the primary election ballot need not file the 10 day pre-and 30 day post-primary reports. Advisory Opinion 1978-41 (copy enclosed).

after the date of the general election in 1978 is charged against the contribution limits of the original contributor with respect to a future election. Excess 1978 funds retained by the Committee would not have to be separately reported as a transfer or in any other manner if the contributors of those funds were previously disclosed, as required, on reports filed in 1978.

In answer to your third question, the contribution limits in 2 U.S.C. SS 441a apply with respect to each election in which a congressional candidate seeks nomination or election. 2 U.S.C. SS 441a(a)(6). Regulations of the Commission further explain that an election in which a candidate

21 04 403 4742

is unopposed is a separate election and if a primary election is unnecessary because a candidate is unopposed, the date on which that primary would have been held is deemed to be the date of the primary for purposes of the contribution limits. See 11 CFR 110.1(j). Thus as a candidate for nomination and a candidate for the general election you may receive \$1,000 with respect to the primary and \$1,000 with respect to the general election, from the same individual. 2 U.S.C. SS 441a(a). Commission regulations further provide that, as a general rule, contributions made after the date of the primary election are considered as made for the general election. 11 CFR 110.1(a)(2).

The reporting of calendar year aggregates for contributions received in 1979 is not affected in the situation presented. Under 2 U.S.C. SS 434(b)(2) a contribution in one calendar year is aggregated with other contributions from the same donor in that same year. For example, a contribution by check made in December 1978 is aggregated for reporting purposes with other contributions made and received in 1978 even though the contribution for limit purposes may count against the contributor's primary election limit for 1980. This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. SS 437f.

21-04-403-4749