

Record

December 2000

Federal Election Commission

Volume 26, Number 12

Table of Contents

| | |
|----|--|
| | Legislation |
| 1 | Congress Amends the FECA |
| | www.fec.gov |
| 1 | Commission Expands Web Site |
| 2 | Committees File 48-Hour Notices On Line |
| 3 | Advisory Opinions |
| | Court Cases |
| 5 | Christine Beaumont, et al. v. FEC |
| | Regulations |
| 6 | Commission Declines Rulemaking on PAC Reporting Requirements |
| 6 | Federal Register |
| | Public Funding |
| 7 | October Matching Fund Payments |
| 8 | Commission Rejects Requests to Deny Buchanan Public Funding |
| | Compliance |
| 8 | Nonfilers |
| | Outreach |
| 9 | FEC Roundtables |
| 9 | Public Appearances |
| 10 | Index |

Legislation

Congress Amends the FECA

On October 23, 2000, President Clinton signed legislation (the FY 2001 Transportation Appropriation Bill, P.L. 106-346) that included several amendments to the Federal Election Campaign Act (the FECA), which pertain to:

- Independent expenditure statements filed by persons who are not political committees and who are not otherwise required to file reports electronically; and
- Lines of credit obtained by candidates. The amendments will apply with respect to elections occurring after January 2001.

Independent Expenditure Statements Filed by Persons Who Are Not Political Committees

The amendments concerning the filing of independent expenditure statements by persons who are not political committees (e.g., individuals, partnerships), and who are not otherwise required to file their

(continued on page 2)

www.fec.gov

Commission Expands Web Site

Summary Information on Candidates and Committees

Individuals may now easily view summary statistical information about candidates, PACs and party committees on the FEC Web site. This information includes total figures for the following categories:

- Receipts;
- Disbursements;
- Contributions received from individuals;
- Contributions made to candidates;
- Contributions received from other committees, such as PACs;
- Beginning and ending cash-on-hand; and
- Debts owed by the committee.

This new search option also allows users to search among candidates by name, state office, district, party or status (incumbent, open seat or challenger) and provides summary information for each candidate in a particular race. Moreover, the search provides a series of links guiding viewers from financial activity overviews to

(continued on page 2)

Legislation

(continued from page 1)

reports electronically,¹ provide that:

- Such persons may file their independent expenditure statements either by electronic mail or by fax;
- The Commission must post these statements on line within 24 hours after receiving them;
- The Commission will provide for a method, other than requiring a signature, for verifying these documents; and
- These independent expenditure statements will be considered to have been filed on the date they are received. 2 U.S.C. §§434(c)(2) and 434(d).

¹ Beginning with the reporting periods that start on or after January 1, 2000, all committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must submit their reports electronically.

Federal Election Commission 999 E Street, NW Washington, DC 20463

800/424-9530
202/694-1100
202/501-3413 (FEC Faxline)
202/219-3336 (TDD for the
hearing impaired)
800/877-8339 (FIRS)

Darryl R. Wold, Chairman
Danny L. McDonald,
Vice Chairman

David M. Mason, Commissioner
Karl J. Sandstrom, Commissioner
Bradley Smith, Commissioner
Scott E. Thomas, Commissioner

James A. Pehrkon, Staff Director
Lawrence M. Noble, General
Counsel

Published by the Information
Division

Louise D. Wides, Director
Amy L. Kort, Editor

<http://www.fec.gov>

Lines of Credit Obtained by Candidate

Under the amendment concerning lines of credit obtained by candidates, an advance on a candidate's brokerage account, credit card, home equity credit line or other available lines of credit is not a contribution and is instead considered a commercially reasonable loan provided that it is made:

- In accordance with applicable law;
- Under commercially reasonable terms; and
- In the normal course of business of the person making the loan. 2 U.S.C. §431(8)(B). ♦

www.fec.gov

(continued from page 1)

specific contributions and expenditures, and it allows access to original filings.

The Commission's database is updated every evening, and the information viewable on the site is the most current available. Statistical summaries now cover the 1999-2000 election cycle. The site will eventually be expanded to include other cycles. This new search feature is accessible on the FEC Web site, at www.fec.gov, under the "What's New" and the "Campaign Finance Reports" links. Users may also go directly to the search option at <http://herndon1.sdrdc.com/srssea.html>.

Indexes of 48-Hour and 24-Hour Notices

Additionally, as in 1998, the Commission created and placed on its Web site an index of 48-hour and 24-hour notices. These indices provided the public with information, updated daily, about last-minute contributions to campaigns and last-minute independent expenditures made on behalf of, or in opposition to, federal candidates. ♦

Committees File 48-Hour Notices On Line

Between October 18 and November 5, 2000, 25 percent of all 48-Hour Notices (Form 6) were filed by committees using the Commission's new on-line filing system.¹ The system was designed to reduce the number of paper notices (faxed, mailed or hand-delivered). Instead of generating paper copies of their reports, committees logged onto the FEC filing Web site directly and entered the transactions. With this new system, in contrast to the Commission's electronic filing system, the information is stored in local memory until the committee treasurer presses the "submit" button, thereby sending the report to the FEC. Even committees that do not file their regular quarterly or monthly reports electronically were able to take advantage of this filing option for 48-hour notices.

To give committees access to this system, the Commission sent, by mail, electronic filing passwords (PIN numbers) to approximately 700 House and Presidential campaign committees that were running in the general election but did not yet have electronic filing passwords. This PIN number both allowed treasurers the option to log into the FEC Web site and fill out and submit a 48 Hour notice electronically and acted as a method of verification in lieu of the treasurers' signatures. The on-line filing option was not available to Senate campaign committees, however, because they are required to file their reports with the Secretary of the Senate.

For more information, visit the FEC Web site at www.fec.gov and click on the Electronic Filing logo. ♦

¹ These notices are required to be filed for any contribution of \$1,000 or more received after the 20th day before, but more than 48 hours before, the general election. Committees are to file the notices within 48 hours of receipt of such contributions.

Advisory Opinions

[AO 2000-25](#)

Transfer from Nonfederal Account to New Federal Account

The Minnesota House of Representatives Democratic Farmer-Labor Caucus (the Caucus) may transfer funds from the account of its existing nonfederal committee to that of its newly-formed federal committee because the two committees are affiliated under the Federal Election Campaign Act (the Act). The Caucus must, however, ensure that the funds transferred are from permissible sources and that they have been redesignated by the contributors to the federal committee. Additionally, because the transfer will represent an expenditure in excess of \$1,000, the Caucus's nonfederal committee must register as a political committee with the Commission.

In the past, the Caucus has only supported nonfederal candidates; this year, it plans to support federal candidates as well and has created a separate federal committee for this purpose. It proposes transferring funds in excess of \$5,000 from its nonfederal committee to its federal committee.

Under Commission regulations, a transfer from a nonfederal account to a federal account is generally only permissible for the payment of allocated expenses. 11 CFR 106.5(g) and 106.6(e). However, the regulations allow for unlimited transfers between affiliated committees, as long as these transfers are made only with funds that are permissible under the Act. In this case, the two committees are affiliated because both are controlled by the Caucus. 11 CFR 100.5(g)(2). Thus, the committees may make unlimited transfers of

permissible funds if they comply with Commission regulations.

In order to ensure that the funds transferred from the nonfederal account to the federal account are permissible, and to ensure that the Caucus complies fully with Commission regulations, the Caucus must take the following steps:

- The Caucus must review the cash on hand in its nonfederal committee, using a “first in-first out” (FIFO)¹ analysis to demonstrate that the account contains sufficient permissible funds to cover the amount transferred to the federal committee and to identify the pool of permissible funds;
- The Caucus must obtain, from contributors of permissible funds, a written redesignation directing the funds to the federal committee, and the Caucus must inform the contributors that the funds will be subject to the contribution limits and prohibitions of the Act;² and

¹ *Political committees that have cash on hand at the time of registration must disclose the sources of these funds on their first report. This cash on hand balance is assumed to be received from individuals most recently contributing, and committees must use these contributors as a starting point to determine which of the funds are permissible. 11 CFR 104.12.*

² *This communication—along with the donor redesignation—will ensure that the transfer complies with 11 CFR 102.5(a)(2). The advisory opinion states that, under this provision, contributions may only be deposited in a committee's federal account if they:*

- *Have been designated for the federal account; or*
- *Are given in response to a solicitation that expressly states that the funds will be used in connection with a federal election; or*
- *Are from contributors who have been informed that all contributions are subject to the prohibitions and limitations of the Act.*

- The nonfederal committee must register as a federal political committee with the FEC if its transfer to the federal committee exceeds \$1,000.³ In order to do so, the nonfederal committee must disclose the source(s) of all funds in its cash on hand at the time it becomes a committee, and remove from its cash on hand any funds that are not permissible under the Act, again using a FIFO analysis to determine which funds are permissible. 11 CFR 104.12. However, a committee making a one-time transfer of permissible funds to an affiliated committee need not remove the nonpermissible funds from its account. Instead, it may register as a political committee, transfer the funds, and then promptly file a termination report to end its federal committee status. In this case, the nonfederal committee must exclude all nonfederal funds from the amount reported in its cash on hand at the time of registration and must make its first report a termination report. 11 CFR 102.3.

Date: October 13, 2000; Length: 7 pages. ♦

[AO 2000-26](#)

Party's Refund of Candidate's Ballot Access Fee

Funds paid by the Florida Reform Party (the Party) to the Citizens for Deckard Committee (the Commit-

(continued on page 4)

³ *Under the Act and Commission regulations, an organization or committee making such transfers must count these transfers against the reporting thresholds for determining whether an organization or committee is a political committee. 11 CFR 100.5. An organization that makes expenditures in excess of \$1,000 in a calendar year must register as a political committee. 2 U.S.C. §431(4) and 11 CFR 100.5(a).*

Advisory Opinions

(continued from page 3)

tee), as a refund of the Committee's ballot access fee to the Party, are not considered a contribution to the Committee. Instead, these funds are part of the ballot access payment process and, as a result, fall outside of the definition of a contribution or expenditure under the Federal Election Campaign Act (the Act).

Under Florida Law, an individual seeking ballot access must pay a qualifying fee to the Florida Department of State, which includes a party assessment. Upon receiving

The FEC Takes Visa and Mastercard

FEC customers can pay for FEC materials with Visa or Mastercard. Most FEC materials are available free of charge, but some are sold, including financial statistical reports (\$10 each), candidate indexes (\$10) and PAC directories (\$13.25). The FEC also has a 5¢ per page copying charge for paper documents and a 15¢ per page copying charge for microfilmed documents.

Paying by credit card has its advantages. For instance, since the FEC will not fill an order until payment is received, using a credit card speeds delivery by four to five days.

Visitors to the FEC's Public Records Office may make payments by credit card. Regular visitors, such as researchers and reporters, who in the past have paid for FEC materials out of their own pockets, may make payments with a company credit card.

The credit card payment system also reduces costs and paperwork associated with check processing, enabling FEC staff to better serve the walk-in visitor.

the fee, the Department of State remits the party assessment, minus a surcharge, to the state committee of the candidate's political party. Alternatively, the individual may pay the party assessment directly to the party. In early May 2000, the Committee paid this fee and, in late June, the Party sent the Committee a check for the amount of the party assessment, minus the surcharge. The Party made similar payments to all of its federal candidates who had paid the fee. The Party's records show that the last funds it received before sending payments to these candidates were the ballot access fees forwarded by the Department of State.

Under the Act and Commission regulations, contributions and expenditures are defined as anything of value given or paid to influence a federal election. 2 U.S.C. §§431(8)(A)(i) and 431(9)(A)(i); 11 CFR 100.7(a)(1) and 100.8(a)(1). Certain payments related to ballot access, however, are excepted from these definitions:

- A payment by a candidate or candidate committee to a party committee as a condition of ballot access is not a contribution (U.S.C. §431(8)(B)(xiii) and 11 CFR 100.7(b)(18)); and
- A transfer by a party committee to another party committee—or a payment to the appropriate state official—of fees collected from the candidate or candidate committee as a condition of ballot access is not an expenditure. 2 U.S.C. §431(9)(B)(x) and 11 CFR 100.8(b)(19).

Under these exceptions, the Committee's initial payment of the ballot access fee was neither an expenditure by the Committee nor a contribution from the Committee to the Party. 2 U.S.C.

§§431(8)(B)(xiii) and (9)(B)(x); 11 CFR 100.7(b)(18) and 100.8(b)(19). See also AO 1988-33. Moreover, given these specific circumstances,

the payment of funds from the Party to the Committee was merely the end point of several transactions in the ballot access payment process. Thus, it was not a contribution by the Party to the Committee, but rather a refund tied to the ballot access process.¹ The Committee should report the funds as a receipt to offset operating expenditures. See 11 CFR 104.3(a)(3)(ix)(A) and (4)(v), and 104.8(d)(4).

Date: October 12, 2000; Length: 4 pages. ♦

Advisory Opinion Requests

AOR 2000-31

Use of terminating committee's excess funds for candidate's moving expenses (U.S. Representative Matthew G. Martinez, October 17, 2000)

AOR 2000-32

Reporting uncollectable 1991 loan debt owed by non-Federal candidate (U.S. Representative Matthew G. Martinez, October 17, 2000)

AOR 2000-33

Reporting disputed and unenforceable debt from 1992 election cycle (U.S. Representative Matthew G. Martinez, October 17, 2000)

AOR 2000-34

Name and acronym of SSF (SAPPI Fine Paper North America/S.D. Warren Company, October 25, 2000)

AOR 2000-35

Qualification as state committee of political party (Green Party of Washington State, October 27, 2000)

¹ The Commission cautioned that, generally, payments and reimbursements to a candidate or his/her committee to pay for ballot qualifying fees are considered contributions.

AOR 2000-36

Disaffiliation of nonconnected PACs (Andersen Consulting PAC, October 26, 2000)

AOR 2000-37

Use of campaign funds to purchase and present Liberty Medals to WW II veterans (U.S. Representative Tom Udall, October 31, 2000)

AOR 2000-38

Reporting obligations for party organization that has not supported federal candidates (Democratic Party of the Commonwealth of Puerto Rico, November 1, 2000)

AOR 2000-39

Qualification as state committee of political party (Pacific Green Party of Oregon, November 9, 2000)

Alternative Disposition of Advisory Opinion Requests AOR 2000-31

On November 9, 2000, the requester withdrew this request for an advisory opinion. The request, submitted on October 17, 2000, sought the Commission's opinion on the use of a terminating committee's excess funds for a candidate's moving expenses. ♦

Need FEC Material in a Hurry?

Use FEC Faxline to obtain FEC material fast. It operates 24 hours a day, 7 days a week. More than 300 FEC documents—reporting forms, brochures, FEC regulations—can be faxed almost immediately.

Use a touch tone phone to dial **202/501-3413** and follow the instructions. To order a complete menu of Faxline documents, enter document number 411 at the prompt.

Court Cases

Christine Beaumont, et al. v. FEC

On October 3, 2000, the U.S. District Court for the Eastern District of North Carolina, Northern Division, found that the prohibitions of the Federal Election Campaign Act (the Act) and Commission regulations against corporate independent expenditures and contributions on behalf of federal candidates violated the plaintiffs' First Amendment rights. The court granted the plaintiffs' motion for summary judgment and denied the FEC's motions for partial summary judgment and partial dismissal. The court stayed the effect of this ruling until a final order is issued.

On October 26, 2000, the court also imposed a preliminary injunction barring the FEC from enforcing the statutory and regulatory provisions against the plaintiffs.

Background

North Carolina Right to Life, Inc. (NCRL), members of its board of directors and an unaffiliated individual asserted that Section 441b of the the Act, which prohibits corporations from making contributions or expenditures in connection with a federal election, is unconstitutional because it makes no exception for nonprofit, ideological corporations. The lawsuit also challenged the constitutionality of two FEC regulations: one that prohibits corporations from making contributions (11 CFR 114.2(b)) and another that creates an exemption from the ban on corporate expenditures for certain nonprofit corporations, pursuant to the Supreme Court's decision in *FEC v. Massachusetts Citizens for Life*. 479 U.S. 238 (1986) (11 CFR 114.10).

Commission regulations at 11 CFR 114.10 provide that certain "qualified nonprofit corporations"

may be exempt from the prohibition on corporate independent expenditures. To be considered a "qualified nonprofit corporation," a corporation must meet the following criteria:

- Its only express purpose is the promotion of political ideas;
- It does not engage in business activities;
- It has no shareholders or other individuals who receive a benefit that might discourage an individual from disassociating from the corporation on the basis of that corporation's political positions; and
- It was not established by a business corporation or labor organization and does not accept direct or indirect donations from business corporations.

NCRL argued that it failed to meet this exemption only because it accepted a small amount of corporate contributions and participated in "minor business activities incidental and related to its advocacy of issues." NCRL further argued that, even though the FEC had conceded that a Fourth Circuit decision in an earlier case between NCRL and North Carolina over a similar provision in a North Carolina statute barred enforcement of the Act's prohibition against NCRL, its officers remained subject to criminal liability and, as a result, their First Amendment rights were censored.

NCRL also argued that, in this case, the Act's ban on corporate contributions to political candidates infringed on the organization's right to association. While the FEC argued that NCRL's ability to contribute through a separate segregated fund minimized this infringement, NCRL contended that the maintenance of such a fund was a burden.

(continued on page 6)

Court Cases

(continued from page 5)

Decision

The court found no compelling justification for denying NCRL (a nonprofit, ideological organization) the right to make contributions and independent expenditures solely because it was an incorporated entity. Moreover, the court was not persuaded by the FEC's argument that a ban on corporate contributions was constitutional, as applied to NCRL, while a ban on corporate

expenditures might not be.¹ The court found the distinction between contributions and expenditures immaterial.

The court declared that the provisions in question were unconstitutional as applied to NCRL and suggested that the court may, in its final order, deem these provisions facially unconstitutional.

U.S. District Court for the Eastern District of North Carolina Northern Division, 2:00-cv-2-BO(2).◆

Regulations

Commission Declines Rulemaking on PAC Reporting Requirements

On November 2, 2000, the Commission declined to act on a petition for rulemaking (Petition) filed by the Project on Government Oversight (POGO) on September 20, 1999. The Petition contained six recommendations that would amend the Commission's regulations and procedures to improve reporting by political action committees. The Commission determined that two of the recommendations addressed internal procedures and, therefore, were not appropriate subjects for rulemaking. The Commission solicited comments on the remaining four recommendations by publishing a Notice of Availability in October of last year. The Commission received 25 comments, all in support of the Petition.

Since publishing the Notice of Availability, the Commission has implemented (or soon will imple-

ment) some new disclosure procedures, namely mandatory electronic filing, election-cycle reporting and modifications to forms. In light of these changes, which will help to achieve POGO's goal of more accurate and more timely reporting, the Commission decided to take no further action on the Petition.

The Commission published the Notice of Availability in the October 13, 1999, *Federal Register* (64 FR 55440) and the Notice of Disposition in the November 8, 2000, *Federal Register* (65 FR 66936). The Petition and the *Federal Register* notices are available from the following sources:

- FEC's Public Records Office at 800/424-9530 (press 3);
- FEC Faxline at 202/501-3413 (request document 243); and
- FEC Web site at www.fec.gov (see link under Campaign Finance Law Resources).◆

Change of Address

Political Committees

Treasurers of registered political committees automatically receive the *Record*. A change of address by a political committee (or any change to information disclosed on the Statement of Organization) must, by law, be made in writing on FEC Form 1 or by letter. The treasurer must sign the amendment and file it with the Secretary of the Senate or the FEC (as appropriate) and with the appropriate state office.

Other Subscribers

Record subscribers who are not registered political committees should include the following information when requesting a change of address:

- Subscription number (located on the upper left corner of the mailing label);
- Subscriber's name;
- Old address; and
- New address.

Subscribers (other than political committees) may correct their addresses by phone as well as by mail.

¹ *The Supreme Court's decision in FEC v. Massachusetts Citizens for Life, permitting qualified nonprofit corporations to make independent expenditures, extends only to corporate expenditures and not to corporate contributions.*

Federal Register

Federal Register Notices are available from the FEC's Public Records Office.

Notice 2000-18

(Correction)
Electronic Filing of Reports by Political Committees;
Announcement of Effective Date
(65 FR 63535, October 24, 2000)

Notice 2000-20

Rules on Election-Cycle Reporting by Authorized Candidate Committees;
Announcement of Effective Date
(65 FR 70644, November 27, 2000)

Public Funding

October Matching Fund Payments

On October 31, 2000, the Commission certified \$430,226.05 in matching funds to five Presidential candidates. The U.S. Treasury Department made the payments the first day of November.

With these latest certifications, the FEC has now declared ten candidates eligible to receive a total of \$61,094,133.74 in federal matching funds for the 2000 election. The chart below lists the most recent certifications and cumulative certifications (and payments) for each candidate. ♦

(continued on page 8)

Matching Funds for 2000 Presidential Candidates: October Certification

| Candidate | Certification October 2000 | Cumulative Certifications |
|---|-------------------------------|------------------------------|
| Gary L. Bauer (R) ¹ | \$21, 611.16 | \$4,881,778.10 |
| Bill Bradley (D) ² | \$0.00 | \$12,462,047.69 |
| Patrick J. Buchanan (Reform) ³ | \$39,867.28 | \$4,366,389.72 |
| Al Gore (D) ⁴ | \$0.00 | \$15,456,083.75 |
| John Hagelin (Natural Law) ⁵ | \$26,069.00 | \$676,416.06 |
| Alan L. Keyes (R) ⁶ | \$305,192.40 | \$4,552,412.00 |
| Lyndon H. LaRouche, Jr. (D) ⁷ | \$37,486.21 | \$1,412,615.81 |
| John S. McCain (R) ⁸ | \$0.00 | \$14,475,333.10 |
| Ralph Nader (G) ⁹ | \$59,156.70 | \$723,307.65 |
| Dan Quayle(R) ¹⁰ | \$0.00 | \$2,087,749.46 |

¹ Gary L. Bauer publicly withdrew from the race on February 4, 2000.

² Bill Bradley publicly withdrew from the race on March 9, 2000.

³ Patrick J. Buchanan became ineligible for matching funds on August 11, 2000.

⁴ Al Gore became ineligible for matching funds on August 16, 2000.

⁵ John Hagelin became ineligible for matching funds on August 31, 2000.

⁶ Alan L. Keyes became ineligible for matching funds on April 20, 2000.

⁷ Lyndon H. LaRouche, Jr., became ineligible for matching funds on August 16, 2000.

⁸ John S. McCain publicly withdrew from the race on March 9, 2000.

⁹ Ralph Nader became ineligible for matching funds on August 17, 2000.

¹⁰ Dan Quayle publicly withdrew from the race on September 27, 1999.

PACronyms, Other PAC Publications Available

The Commission annually publishes *PACronyms*, an alphabetical listing of acronyms, abbreviations and common names of political action committees (PACs).

For each PAC listed, the index provides the full name of the PAC, its city, state, FEC identification number and, if not identifiable from the full name, its connected, sponsoring or affiliated organization.

The index is helpful in identifying PACs that are not readily identified in their reports and statements on file with the FEC.

To order a free copy of *PACronyms*, call the FEC's Disclosure Division at 800/424-9530 (press 3) or 202/694-1120. *PACronyms* also is available on diskette for \$1 and can be accessed free under the "Using FEC Services" icon at the FEC's web site—<http://www.fec.gov>. Other PAC indexes, described below, may be ordered from the Disclosure Division. Prepayment is required.

- An alphabetical list of all registered PACs showing each PAC's identification number, address, treasurer and connected organization (\$13.25).
- A list of registered PACs arranged by state providing the same information as above (\$13.25).
- An alphabetical list of organizations sponsoring PACs showing the PAC's name and identification number (\$7.50).

The Disclosure Division can also conduct database research to locate federal political committees when only part of the committee name is known. Call the telephone numbers above for assistance or visit the Public Records Office in Washington at 999 E St., N.W.

Public Funding

(continued from page 7)

Commission Rejects Requests to Deny Buchanan Public Funding

On November 2, 2000, the Commission approved the Statements of Reasons rejecting the requests, from James Mangia and the New York delegation to the Reform Party Convention, that the Commission withhold certification of public funding to the party's nominees Patrick J. Buchanan and Ezola Foster. Mr. Mangia had argued that Mr. Buchanan and his supporters had submitted false information to the FEC, assumed the nomination in violation of the Party's rules and committed ballot fraud. The New York delegation had argued that Mr. Buchanan was

not the legitimate Reform Party candidate and, thus, should not receive the party's public funds.

The Commission rejected the requests because they did not meet the burden necessary in order to withhold funds. The Commission's review of public funding applications is limited to determining whether the applications meet the eligibility requirements of the Fund Act, rather than determining a candidate's eligibility for the nomination within his or her party's procedures. Moreover, the law requires the Commission to make its initial determination of whether to certify funding within 10 days of a candidate's meeting all applicable conditions for eligibility. 26 U.S.C. §9005. In light of the statutory provisions, its own past decisions and judicial review of these decisions, the Commission cannot withhold funding unless it has "a reasonable belief that patent fraud or another major violation has occurred."¹ In the absence of this belief, the Commission must grant funding within 10 days to candidates who meet the Fund Act's requirements.

Commissioners McDonald, Thomas and Smith issued a statement for the record on this matter on October 19, 2000. Commissioner Sandstrom released a statement on October 23, 2000.

¹ See for example *re Carter-Mondale Reelection Committee, Inc. and LaRouche v. FEC*. Other relevant requests to deny a candidate public funding include:

- Request to Deny Funds to H. Ross Perot and Perot '96;
- Petition to Deny Certification of Matching Funds to Governor Bill Clinton;
- Petition to Deny Certification of Matching Funds to the Dole for President Committee; and
- Petition to Deny Certification of Matching Funds to the Clinton/Gore '96 Primary Committee, Inc.

Compliance

Nonfilers

The campaign committees of the candidates listed failed to file required campaign finance disclosure reports. The lists are based on recent FEC news releases. The FEC is required by law to publicize the names of nonfiling campaign committees. 2 U.S.C. §438(a)(7). The agency pursues enforcement actions against nonfilers under the administrative fines program and on a case-by-case basis. For more information on the FEC's administrative fines program, see the [July Record](#), page 1, or visit the FEC Web site at www.fec.gov and click on the administrative fines icon. ♦

Committees Cited for Failure to File October Quarterly Reports

House Candidates

| | |
|---------------------|-------|
| Ahumada, Pat | TX/27 |
| Clarke, Una S. | NY/11 |
| Clayton, Eva M. | NC/01 |
| Ellison, Vince E. | SC/06 |
| Farling, Sam | FL/14 |
| Gash, Lauren B. | IL/10 |
| Kouvelis, Peter | CA/48 |
| Lutz, Lisa L. | NM/03 |
| Matranga, Jo Ann | TX/22 |
| Sanders, Jeffrey L. | PA/19 |
| Williams, Paul | TX/09 |

Senate Candidate

| | |
|------------------|----|
| Logan, Willie F. | FL |
|------------------|----|

Campaign Guides Available

For each type of committee, a *Campaign Guide* explains, in clear English, the complex regulations regarding the activity of political committees. It shows readers, for example, how to fill out FEC reports and illustrates how the law applies to practical situations.

The FEC publishes four *Campaign Guides*, each for a different type of committee, and we are happy to mail your committee as many copies as you need, free of charge. We encourage you to view them on our Web site (go to www.fec.gov, then click on "Campaign Finance Law Resources" and then scroll down to "Publications").

If you would like to place an order for paper copies of the *Campaign Guides*, please call 800-424-9530, press 1, then 3.

Committees Cited for Failure to File Pre-General Reports

House Candidates

| | |
|-----------------------|-------|
| Ahumada, Pat | TX/27 |
| Balbraith, Gatewood | KY/06 |
| Barraza, Jorge L. | CA/51 |
| Bishop, David A. | NY/02 |
| Brightharp, George L. | SC/03 |
| Cantu, Israel | TX/15 |
| Clarke, Una S. | NY/11 |
| Clayton, Eva M. | NC/01 |
| Cruz, Manuel Q. | GU/00 |
| D'Apolito, Lou A. | OH/17 |
| Demint, James W. | SC/04 |
| Dickman, Daniel L. | OH/04 |
| Dodd, Douglas J. | FL/02 |
| Ellison, Vince E. | SC/06 |

Back Issues of the Record Available on the Internet

This issue of the *Record* and all other issues of the *Record* starting with January 1996 are available through the Internet as PDF files. Visit the FEC's World Wide Web site at <http://www.fec.gov> and click on "What's New" for this issue. Click "Campaign Finance Law Resources" to see back issues. Future *Record* issues will be posted on the web as well. You will need Adobe® Acrobat® Reader software to view the publication. The FEC's web site has a link that will take you to Adobe's web site, where you can download the latest version of the software for free.

| | |
|------------------------|-------|
| Ford, Barry D. | NY/10 |
| Forthofer, Ronald N. | CO/02 |
| Gamble, Alan J. | MI/04 |
| Garza, Isidro Jr. | TX/23 |
| Gold, Sidney | CA/25 |
| Griggs, Joyce M. | GA/01 |
| Hauptmann, Joseph A. | IN/06 |
| Kennedy, Brian T. | NJ/06 |
| Linder, John | GA/11 |
| Lowe, Daniel W. | OK/01 |
| Matranga, Jo Ann | TX/22 |
| McCarthy, Paul | MA/06 |
| Miller, Michael C. Sr. | DE/00 |
| Mitchel, John R. | OH/07 |
| Nolan, David F. | CA/47 |
| Osborne, Michael D. | VA/09 |
| Pryce, Deborah D. | OH/15 |
| Rhodes, Carla Adrienne | NY/14 |
| Sanders, Jeffrey L. | PA/19 |
| Steele, Timothy W. | MI/03 |
| Taylor, Frankie L. | MN/05 |
| Tedeschi, Joseph | NJ/09 |
| Traficant, James A. | OH/17 |
| Vu, Joe | TX/29 |
| Walsh, Robert T. | NY/02 |
| Willingham, Noble | TX/01 |
| Windisch, Anthony J. | MO/03 |
| Wynn, Albert R. | MD/04 |

Senate Candidates

| | |
|--------------------|----|
| Carroll, John S. | HI |
| Deckard, Joel | FL |
| Lightfoot, Gail K. | CA |

Outreach

FEC Roundtables

The Commission will host roundtable sessions in January and February. See the table on the following page for more details.

FEC roundtables, limited to 12 participants per session, are conducted at the FEC's headquarters in Washington, DC.

The registration fee is \$25, and participants will be accepted on a first-come, first-served basis. Please call the FEC before registering or sending money to be sure that openings remain in the session. Prepayment is required. The registration form is available at the FEC's Web site—<http://www.fec.gov/pdf/rndtabl.pdf>—and from Faxline, the FEC's automated fax system (202/501-3413, request document 590). For more information, call 800/424-9530 (press 1, then 3) or 202/694-1100. ♦

(continued on page 10)

Public Appearances

December 8, 2000
American University
Washington, D.C.
Commissioner Sandstrom
Commissioner Smith

December 8, 2000
The Urban Institute
Washington, D.C.
Bob Biersack

December 13, 2000
BNA Money & Politics Report
Washington, D.C.
Lawrence Noble

Outreach

(continued from page 9)

Roundtables

| Date | Subject | Intended Audience |
|--|---|--|
| January 10, 2001 9:30 - 11:00 a.m. | The New Electronic Filing Rules and FEC Forms for PACs Explanation and Q/A about the new electronic filing requirements and the new forms used by paper filers | <ul style="list-style-type: none"> • Corporate/Labor/Trade Association PACs • Nonconnected PACs • Lawyers and consultants to PACs |
| February 7, 2001 9:30 - 11:00 a.m. | Candidate Preparations for the Next Election Cycle <ul style="list-style-type: none"> • New election cycle reporting rules • New electronic filing rules for campaigns • Candidate registration • Contribution limits and prohibitions | <ul style="list-style-type: none"> • House and Senate campaigns • Lawyers, consultants and party staff who advise campaigns |

Index

The first number in each citation refers to the “number” (month) of the 2000 *Record* issue in which the article appeared. The second number, following the colon, indicates the page number in that issue. For example, “3:4” means that the article is in the March issue on page 4.

Advisory Opinions

Alternative disposition of 2000-09, 10:5

Reconsideration of 2000-08, 10:5

1999-24: Web site sponsored by LLC featuring information on candidates, 1:17

1999-29: Fundraising exemption from state limits for direct mailing by Presidential committee, 1:19

1999-30: Application of allocation ratio in state with single house legislature, 1:20

1999-31: Application of one-third rule to prizes and premiums used in connection with payroll deduction, 1:21

1999-32: Indian tribe’s utility

authority treated as separate from the tribe, 3:4

1999-33: Delayed transmittal of payroll deductions, 3:5

1999-34: Use of campaign funds to finance charity event, 2:2

1999-35: Soliciting for SSF through electronic deduction system, 2:4

1999-36: Fundraising via electronic checks and Internet fund transfers, 3:5

1999-37: PAC distribution of express advocacy communications through Web site and e-mail, 4:1

1999-38: Reporting disputed and unpayable debts, 11:4

1999-39: Disaffiliation of SSFs after corporate restructuring, 4:5

1999-40: Solicitation of members of rural electric cooperatives, 5:6

2000-1: Paid leave of absence for attorney seeking federal office, 4:5

2000-2: Campaign rental of candidate-owned office, 5:7

2000-3: PAC’s payment for corporate communication, 5:8

2000-4: Automatic Deductions for credit union PAC, 5:8

2000-5: Application of \$25,000 limit to contributions by Indian tribe, 7:8

2000-6: Use of federal convention funds to develop voter data base and balloting system, 7:9

2000-7: Use of corporate web sites to provide PAC information and solicit contributions, 7:9

2000-10: “Permission to solicit form” placed on trade association Web page, 8:8

2000-11: Misplaced payroll-deducted contributions, 8:9

2000-12: Using campaign funds to pay convention expenses of former presidential candidates, 9:5

2000-13: Internet video coverage of Republican and Democratic national conventions, 8:9

2000-14: Status of New York State Committee of the Working Families Party as state committee, 9:6

2000-15: Payroll deduction by trade association’s affiliated member, 9:7

2000-16: Political ads on Internet for academic study, 10:2

- 2000-17: Establishment of separate segregated fund by subsidiary of foreign corporation, 9:7
- 2000-18: Closing date for Nader 2000 matching funds, 10:3
- 2000-19: Retroactively reallocating ballot composition ratio, 10:4
- 2000-20: Creation of nonconnected committee, 11:5
- 2000-21: New York Conservative Party as State Committee, 10:5
- 2000-22: Electronic signature for trade associations' "permission to solicit" authorizations, 11:5
- 2000-23: Preemption of New York election code, 11:6
- 2000-25: Transfers from nonfederal account to new federal account, 12:3
- 2000-26: Party's refund of candidate's ballot access fee, 12:3
- 2000-29: Determining number of Louisiana federal elections, 11:6

Compliance

- Administrative Fines Program, 5:1,7:1, 10:1
- Alternative Dispute Resolution Program, 7:2, 8:10, 11:10
- MUR 3774: Failure to allocate expenses between federal and nonfederal accounts for get-out-the-vote drive conducted by third party, 3:3
- MUR 4322 and 4650: Violations by candidate, campaign committees, treasurer and relative, 2:1
- MUR 4648: Failure to disclose purpose of expenditures and other violations, 3:4

Court Cases

- _____ v. FEC
- Akins, 8:12
- Becker, 8:13, 11:8
- Christine Beaumont, et al., 3:9, 12:5
- Patrick J. Buchanan, et. al., 9:8, 11:10
- DNC, 4:6
- DSCC, 1:2
- Fulani, Lenora B., 11:8
- Hooker, John Jay, 6:9, 7:8
- Natural Law Party, 11:10
- Unified Independent Party, Committee for, 7:8

- Virginia Society for Human Life, Inc., 3:8
- Wertheimer, 11:9
- FEC v. _____
- Arlen Specter '96, 8:14
- Christian Coalition, 4:7
- Colorado Republican Federal Campaign Committee, 7:1, 10:6
- Freedom's Heritage Forum, 6:8
- Friend for Fasi, 3:9, 8:14
- Fund for Conservative Majority (Heckman), 6:8
- National Rifle Association, 6:9
- Salvi for Senate Committee, 6:9
- Toledano, James, 6:9
- Other
- Fireman v. USA, 1:13
- Hooker v. All Contributors, 8:15
- Mariani v. USA, 1:3, 7:7
- Missouri Republican Party v. Charles Lamb, 11:8
- Reform Party v. Gargan, 5:9, 7:8
- Reform Party v. John Hagelin and Reform Party v. Gerald M. Moan, 11:10
- Shrink PAC v. Nixon, 3:7

Regulations

- Administrative Fines, 5:1, 7:1
- Coordination, 1:14; 4:3
- Election Cycle Reporting, 6:1, 8:4
- Electronic Filing, 5:1, 8:1
- Electronic Freedom of Information Act, 4:1
- Express Advocacy, 4:2
- Presidential Public Funding, 5:3
- Repayments by Federally Financed Presidential Primary Campaign Committees, 4:2
- Rulemaking on PAC reporting requirements declined, 12:6
- State Waivers, 4:3, 7:5

Reports

- Georgia special election, 9:4
- New forms for 20001, 11:1
- New reporting requirements, 11:2
- October reporting reminder, 9:1
- On-line 48-hour notices, 10:1
- Reports due in 2000, 1:5
- Reports due in July, 6:1
- State Filing Waiver, 1:2; 2:5, 4:3, 5:5, 6:3, 7:5, 11:4
- Virginia Convention Reports, 5:5
- Web access to Senate candidates' campaign finance reports, 10:1

FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

Official Business
Penalty for Private Use, \$300



Printed on recycled paper

Bulk Rate Mail
Postage and Fees Paid
Federal Election Commission
Permit Number G-31

