FECConnect VIRTUAL

Basics for Beginners

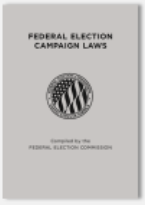


February 8, 2022
9:45 – 11:15 a.m. Eastern

OBJECTIVES

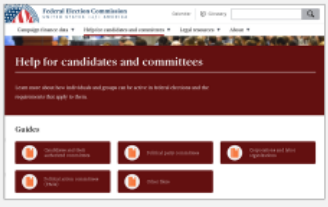
Basic Provisions

Review basic provisions of the Federal Election Campaign Act



Compliance Resources

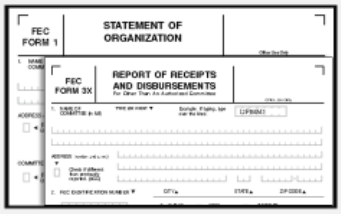
Highlight compliance resources available to committees



PART 1: REGISTRATION AND REPORTING REQUIREMENTS

Federal Election Campaign Act

Requires Disclosure



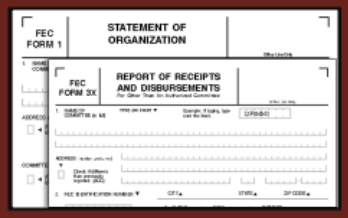
Limits Funding



Establishes FEC



Requires Disclosure



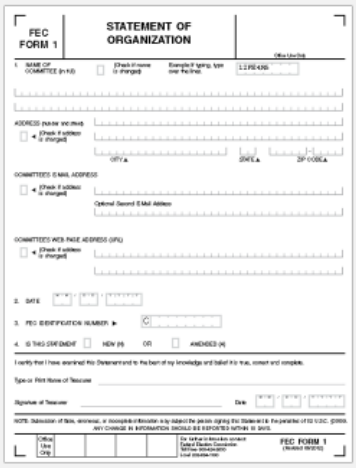
Political committees must register and report receipts and disbursements

Political committees must include disclaimers on public communications

FEC Registration

Basic registration thresholds

- Candidates: raise/spend > $5,000
- Parties: raise/spend > $1,000
- SSFs: register upon establishment
- Other PACs: raise/spend > $1,000



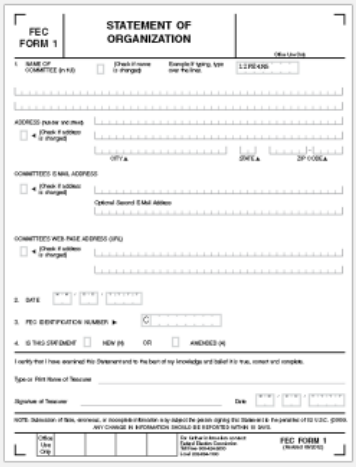
FEC Registration

Basic registration thresholds

- Candidates: raise/spend > $5,000
  - Testing the waters exemption







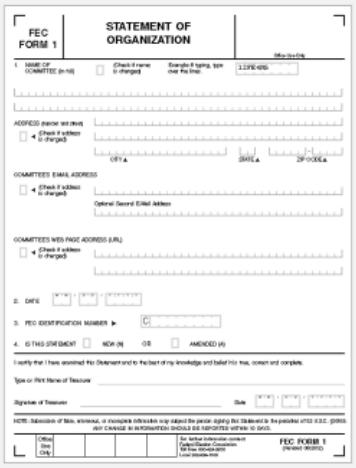
FEC Registration

Basic registration thresholds

- Local party organizations
  - Raises > $5,000 in contributions
  - Spends > $5,000 on exempt activities





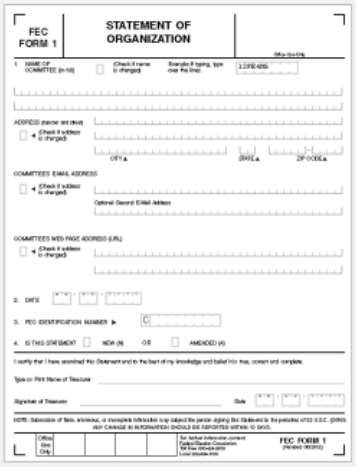


FEC Registration

Basic registration thresholds

- Separate Segregated Funds (SSFs)
  - Vote of board to establish PAC
  - Payment of initial operating expenses



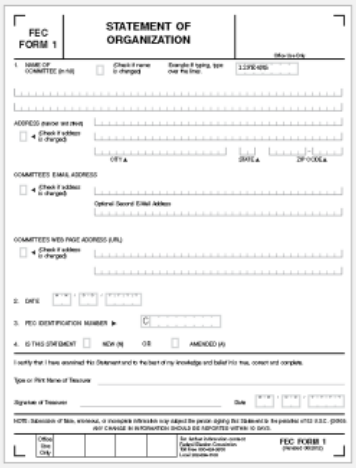


FEC Registration

Basic registration thresholds

- Other political committees
  - Generally, raise or spend > $1,000

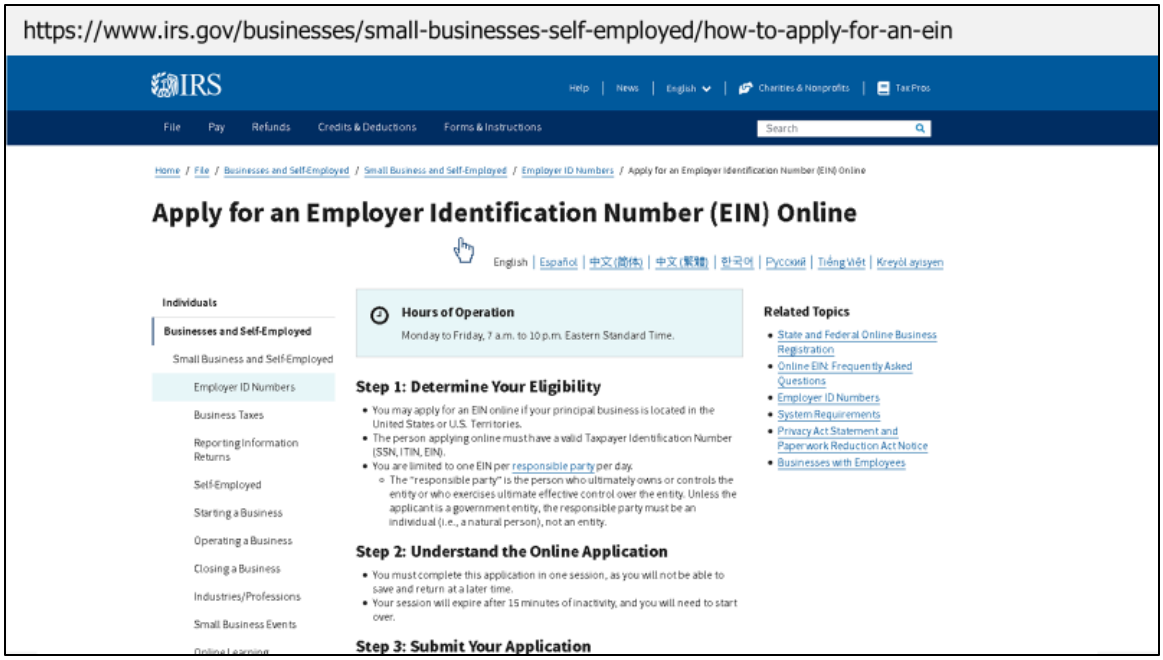



FEC FORM 1
STATEMENT OF ORGANIZATION

FEC Registration

First Steps

1. Call FEC Information Division
   1-800-424-9530 (Press 6)
2. Get a Tax ID number from the IRS
3. Open a bank account



www.irs.gov/businesses/small-businesses-self-employed/how-to-apply-for-an-ein

I. Campaign Depository (11 CFR 103.2 and 103.3)





A. Disclose on Statement of Organization (FEC Form 1)

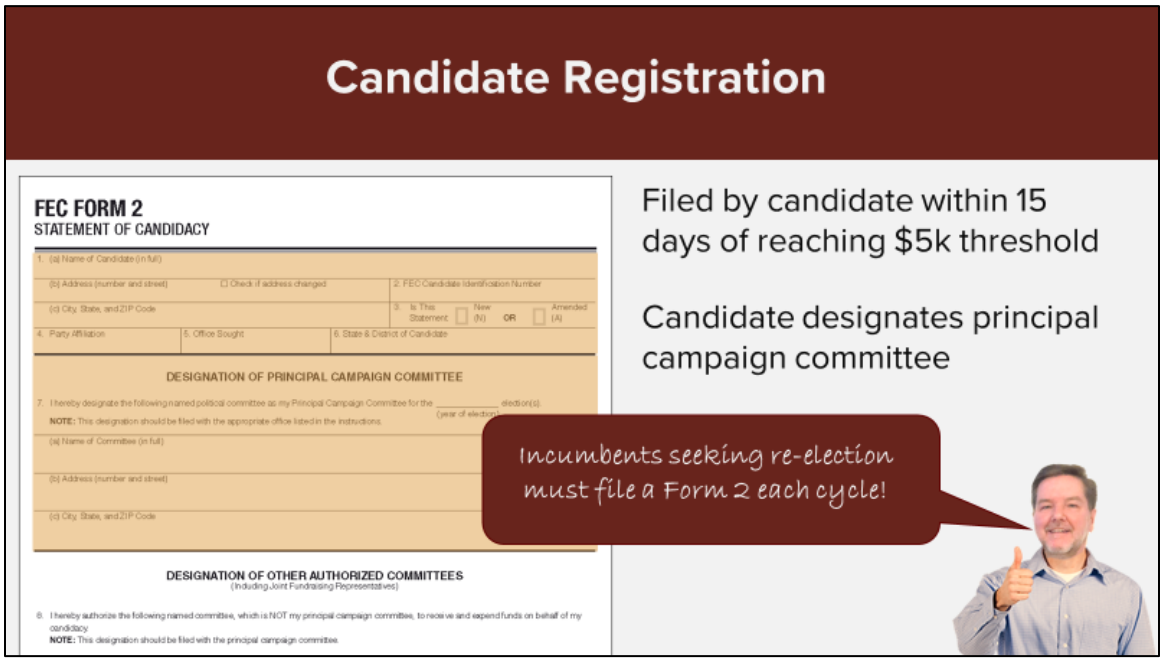
B. Required accounts

1. Must have at least one (federal) checking account.
2. All contributions deposited into and expenditures made from depository.

C. Timing

Deposit contributions within 10 days of treasurer's receipt.

II. Committee Registration



A. Candidate and campaign committee registration (11 CFR 101.1, 102.1(d) and 102.2)

1. FEC Form 2
Candidate files Statement of Candidacy (FEC Form 2) within 15 days of triggering candidacy (i.e., raise/spend over $5,000).

2. FEC Form 1
Principal campaign committee files FEC Form 1 within 10 days of designation by candidate.

B. Committee registration (11 CFR 102.1(d) and 102.2)

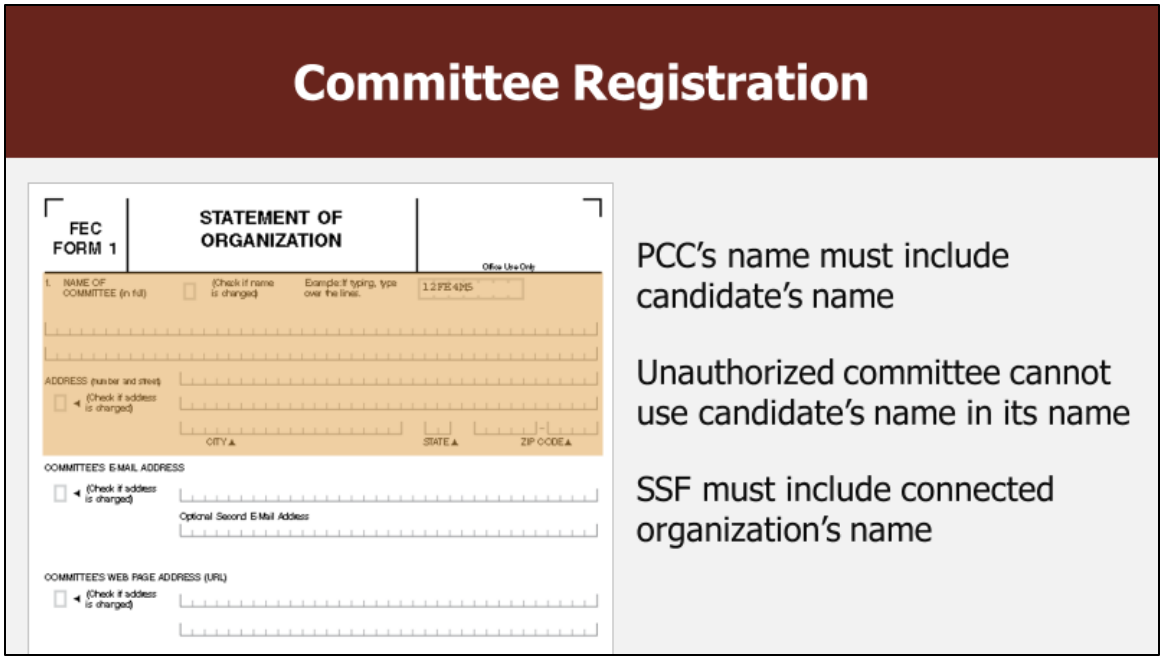
1. FEC Form 1
File within 10 days of triggering registration.

2. Requirements
Committees that file electronically must include their email address. Others are encouraged to do so.

3. Amendments
Amend FEC Form 1 (and other filings) when necessary within 10 days of change.

More:

- **FEC Form 1 (webform):** *webforms.fec.gov/webforms/form1/index.htm*
- **FEC Form 2 (webform):** *webforms.fec.gov/webforms/form2/index.htm*
- **Download FEC Forms 1 & 2:** *www.fec.gov/help-candidates-and-committees/forms/*



C. Name and address of committee

1. Principal campaign committee and authorized committees
Name must include name of the candidate.

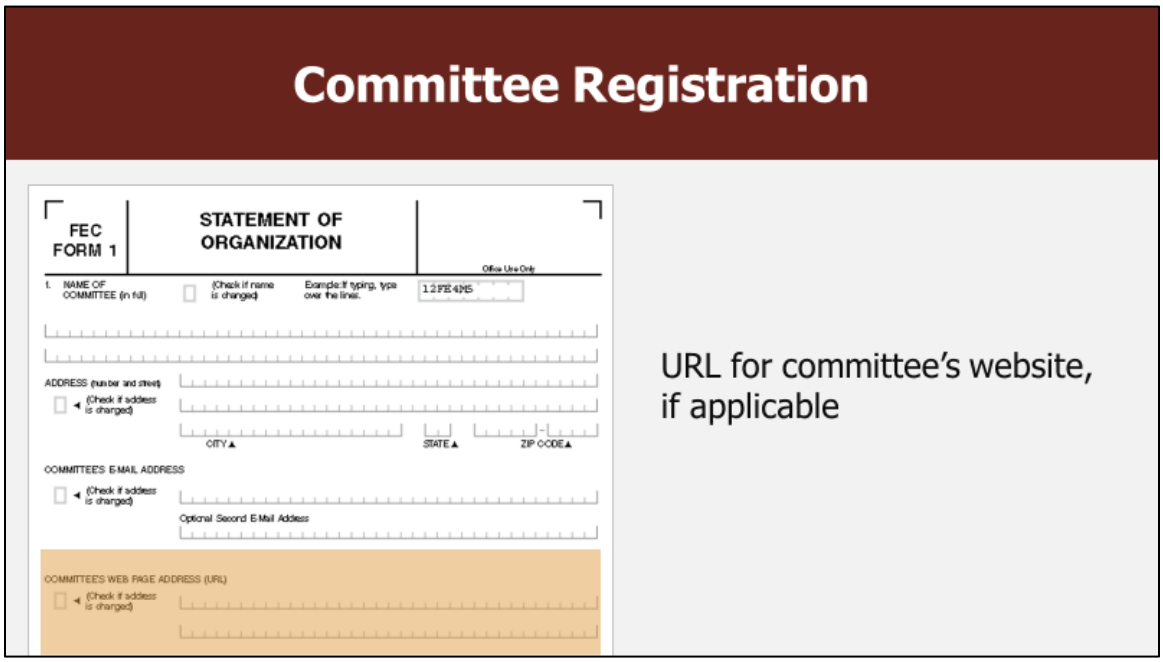
2. Corporate/labor/member/trade Separate Segregated Fund (SSF)
Official name must include name of connected organization.

3. Use committee's official name on:
a) FEC reports and statements.
b) Disclaimer notices for public advertising.



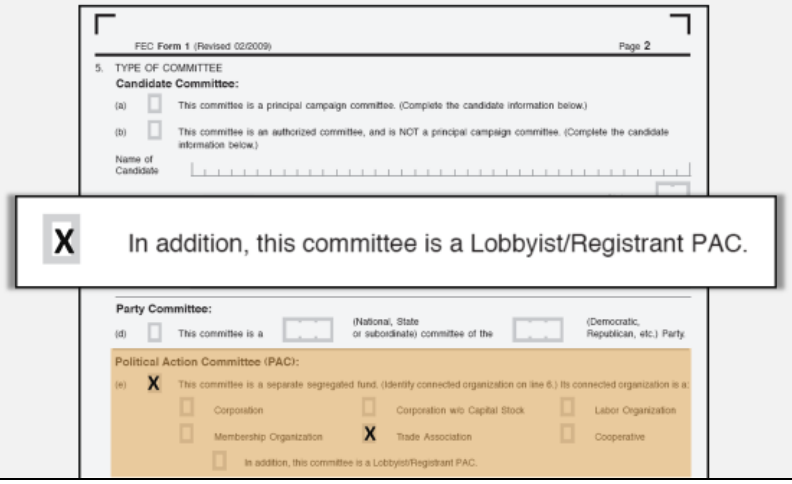
4. Street address, email, website

a) Email required for electronic filers; necessary to receive FEC report notices and other courtesy materials.

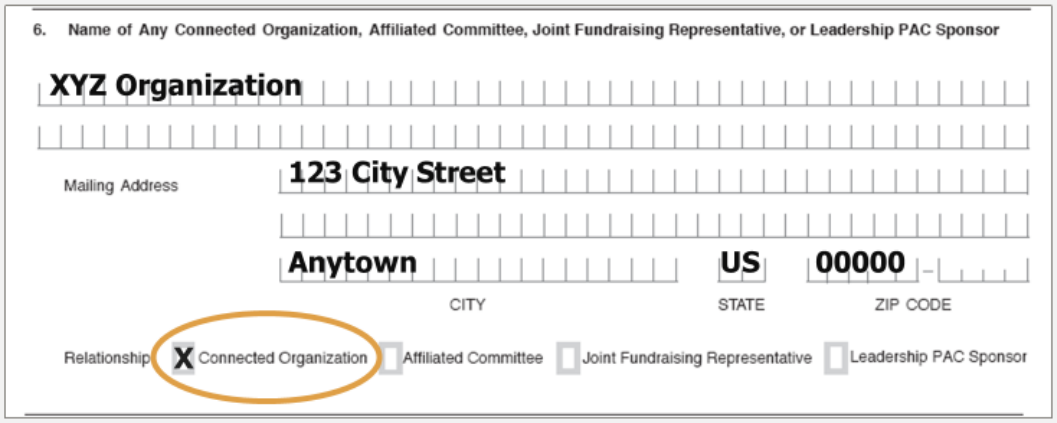


b) URL required if committee has web page.

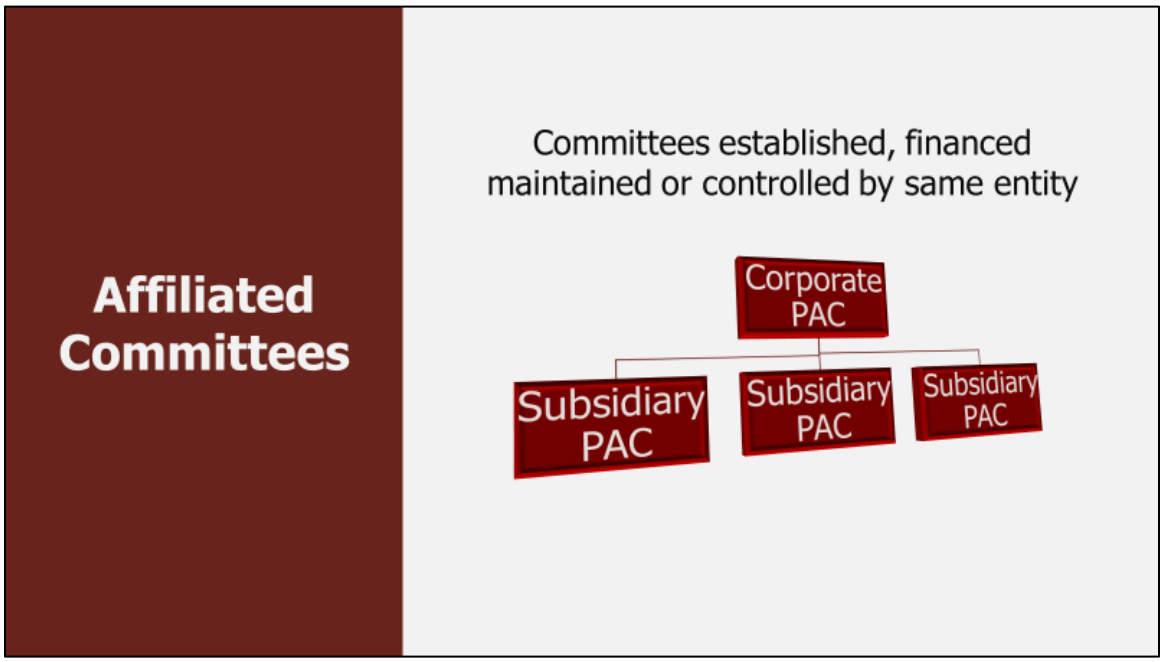
Committee Registration



Committee Registration







D. Affiliated committees (11 CFR 100.5(e) and 110.3(a)(3))

1. How to determine:

a) Principle: committees established, financed, maintained, or controlled by same entity or group of persons.

b) Others may also be affiliated depending on various factors, such as similar patterns of contributions, common officers, etc. See 11 CFR 100.5(g) & 110.3(a).

2. Examples:

a) **Candidate** – principal campaign committee and all authorized committees; limits on contributing to candidate apply on per election basis.

b) **Party** – state party committees normally affiliated with local party committees in same state; national party and state party have separate limits, but may transfer between each other.

c) **Corporation** – PACs set up by parent, subsidiary, branch, division or other affiliate.

- **Example:** In AO 2007-16, the Commission ruled that a corporation spun off from another corporation were no longer affiliated as of the date of the spin-off. Although the two companies had a large common shareholder base, factors indicating disaffiliation were stronger, including lack of ownership by one company in the other, the minimal personnel overlap between the companies (including the companies' subsidiaries), the lack of any plan for personnel of one of the companies or its subsidiaries to serve in the future in either of the other companies or its subsidiaries (other than the two currently overlapping individuals), and the fact that a majority of the two companies' respective board members did not serve on the board of, and were not officers of, any pre-spin-off corporate entities.

d) **Union**

(1) National and its locals.
(2) International and its local, state and central bodies.
(3) If union belongs to AFL-CIO, the PACs of that union are affiliated with each other, but are not affiliated with the PACs established by national and state AFL-CIOs.

e) **Membership organization –** PACs established by national membership organization and its state and local affiliates.

f) **Trade association –** PACs established by federation and its regional, state and local associations, but PACs of member corporations not affiliated with trade association's PACs.



3. **Why important:**
   a) Same contribution limit applies to contributions received and made by affiliated committees.
   b) If one committee qualifies as multicandidate, all its affiliated committees qualify.
   c) No limit on transfers between affiliated committees.





E. Leadership PAC – 11 CFR 100.5(e)(6) and (g)(5)

Political committee directly or indirectly established, financed, maintained or controlled by federal candidate/officeholder but is, 1) not an authorized committee, 2) not affiliated with an authorized committee, and 3) not a political party committee. Treated as nonconnected PAC.



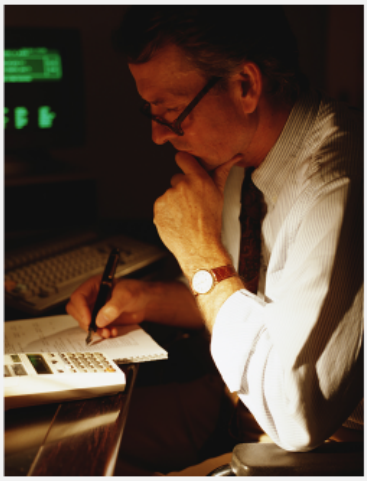
F. Treasurer & Assistant Treasurer (11 CFR 102.7, 102.9 and 104.14)

1. Treasurer required – Assistant Treasurer recommended

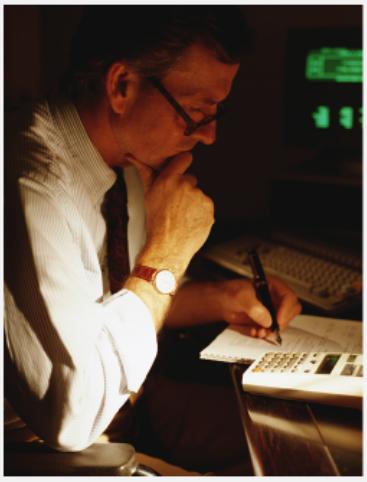
a) Identify on FEC Form 1.

Committee Treasurer

- ✓ Deposits receipts
- ✓ Authorizes all expenditures
- ✓ Monitors contributions
- ✓ Keeps all required records
- ✓ Signs reports
- ✓ Files accurate reports on time



Committee Treasurer



Treasurer generally named as enforcement respondent

Personal liability possible if:

- Knowingly & willfully violated the Act;
- Recklessly failed to fulfill duties; or
- Intentionally ignored information that led to the violation

2. Treasurer responsible for compliance

a) Usually named in enforcement actions.

b) Policy statement on when treasurer may be found personally liable: *www.fec.gov/resources/cms-content/documents/notice2004-20.pdf*

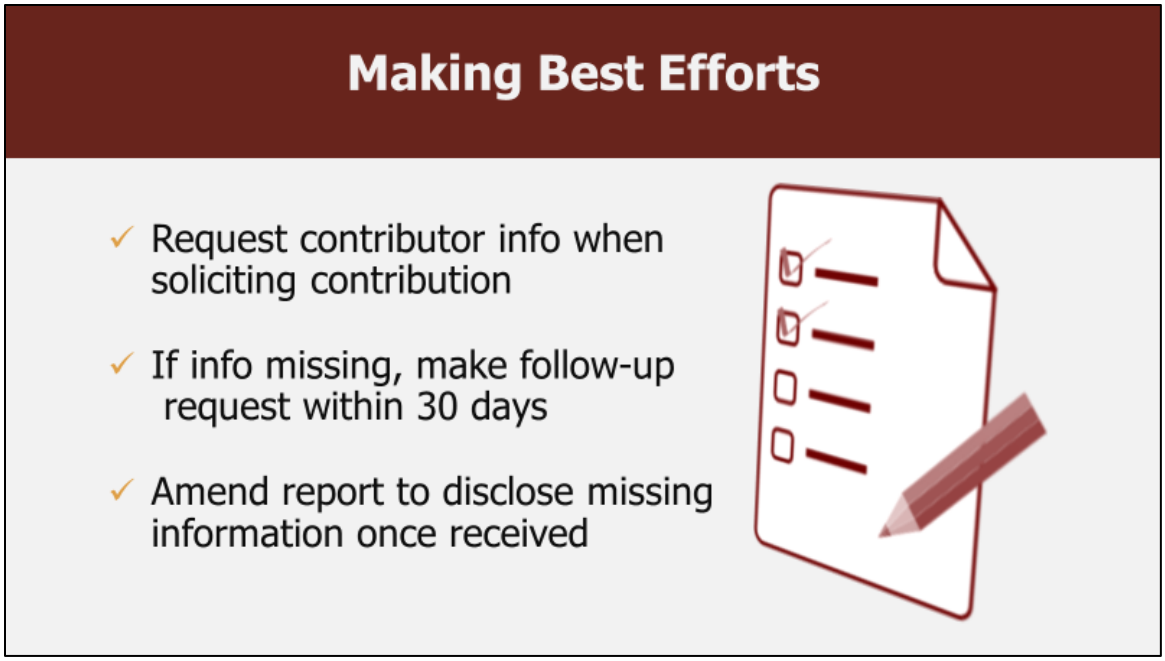
c) Embezzlement policy: *www.fec.gov/resources/cms-content/documents/fedreg_notice_2007-09_EO13892.pdf*



G. Recordkeeping and best efforts (11 CFR 102.8 and 102.9)

1. Recordkeeping for receipts

a) For any amount, need date received and amount.
b) Over $50, name and address of contributor/payor.
c) Over $200, above plus occupation and employer.



2. Best efforts (11 CFR 104.7)

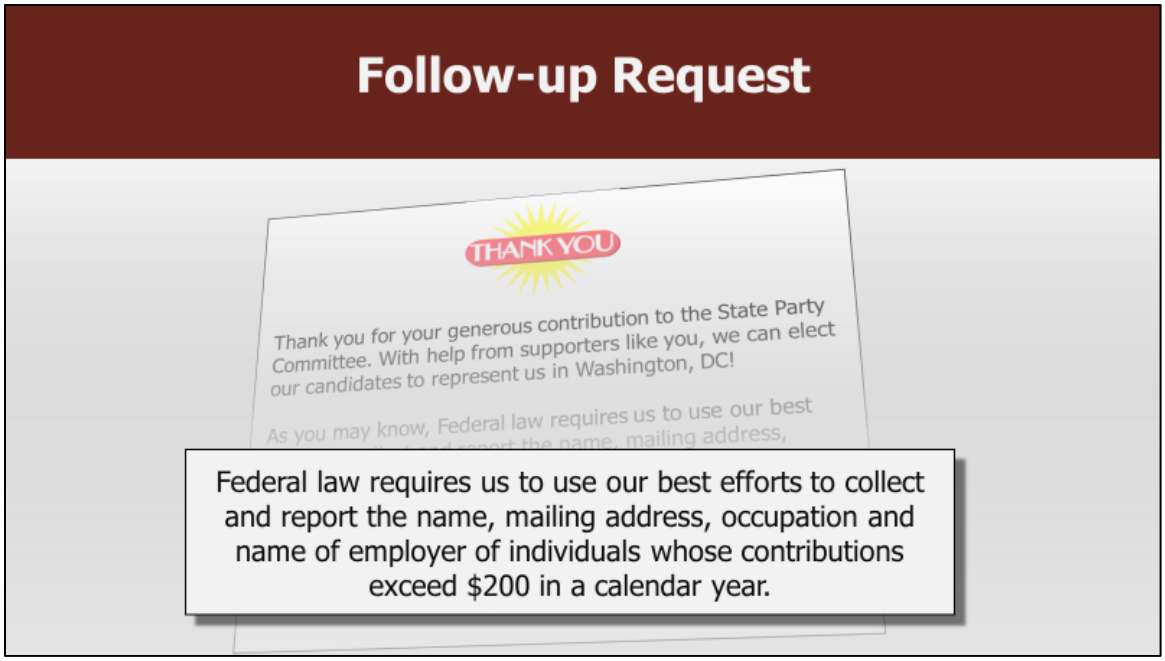
a) Required to make "best efforts" to obtain, maintain and report required information.

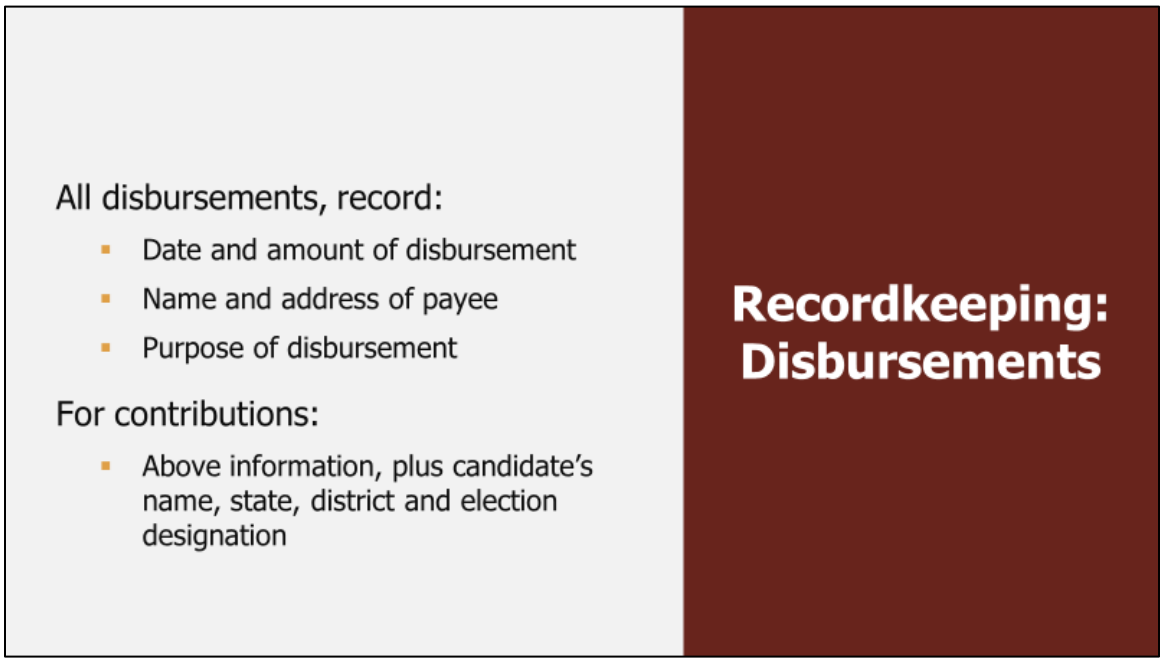
b) To show "best efforts," committee must:

(1) Request information in solicitation materials, along with applicable disclaimer informing contributors that information is required under federal law;

(2) Make follow-up request within 30 days of receipt of contributions lacking required information, keep written documentation of follow-up request (with no additional solicitation made); and

(3) Amend reports to disclose information received but not previously disclosed (or include information in memo reports on the next report filed).





3. Recordkeeping for disbursements

a) For any amount, need name of payee, address, purpose, date made.

b) List of Purposes of Disbursement: *www.fec.gov/help-candidates-and-committees/purposes-disbursement/*

c) For contributions made, also need name of candidate, state, district, and election designation.



4. **Record retention -** Retain each record for three years from the date of the report on which it was last disclosed.

H. Amendments to FEC Form 1 (11 CFR 102.2(a)(2))

1. Required within 10 days after change in information.
2. E-filers must amend electronically. Paper filers may amend by letter or FEC Form 1.

III. Where to File FEC Financial Reports (11 CFR 108.4)

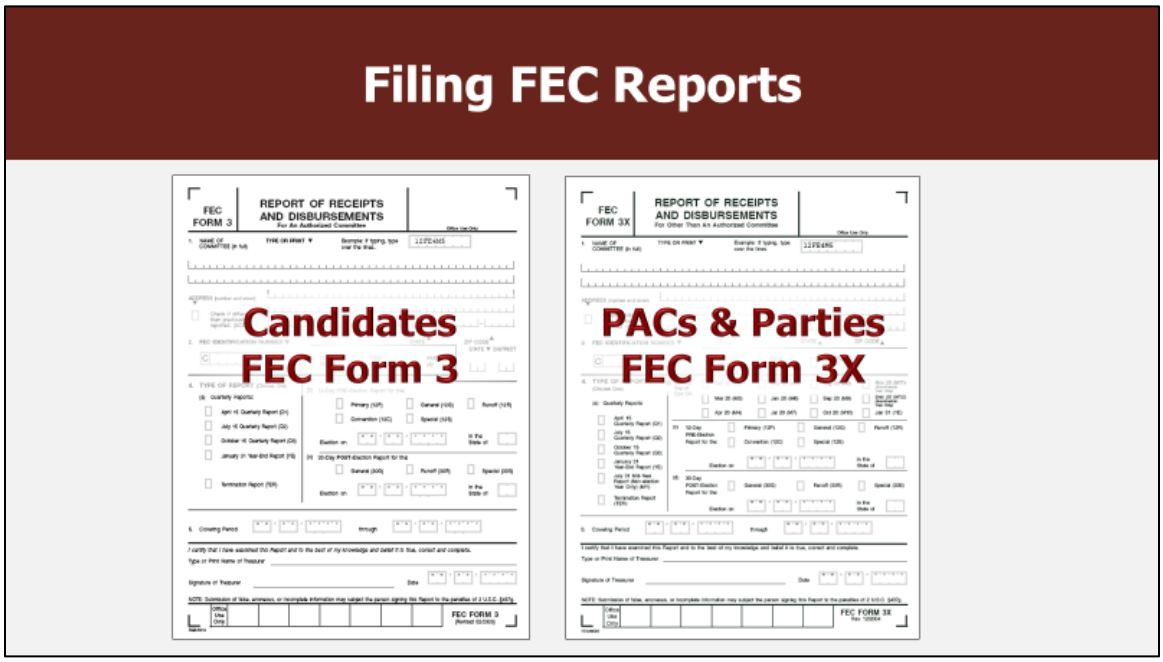
A. All filers = FEC

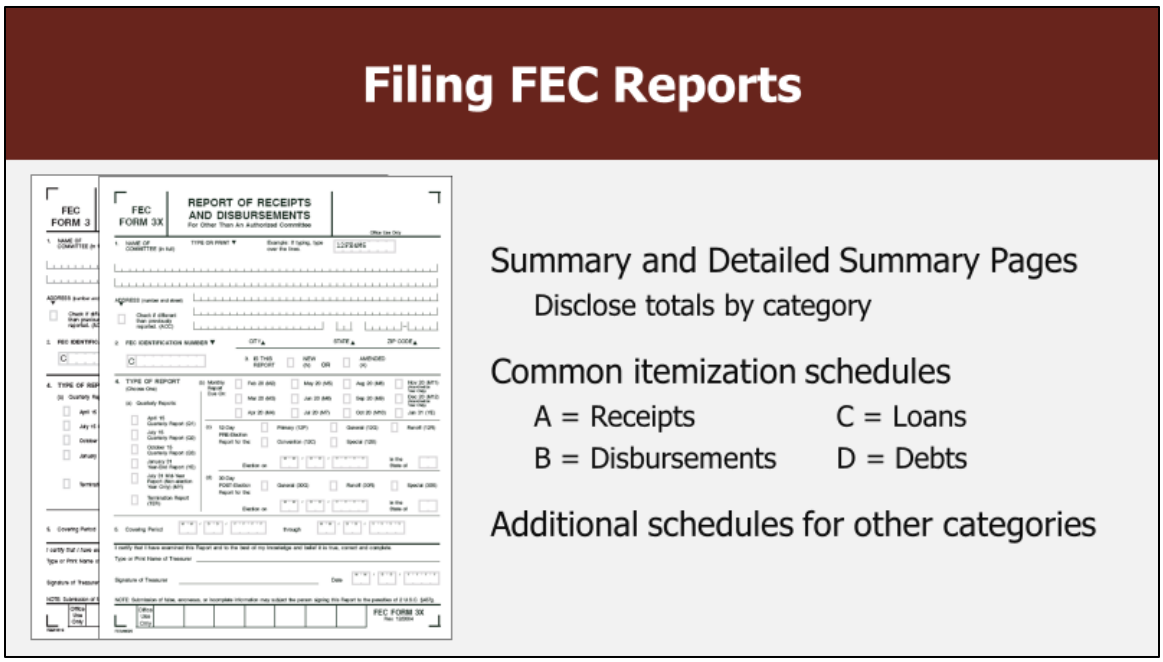
Legislation enacted September 21, 2018, makes FEC point of entry for all Senate filings. Senate committees no longer file with Secretary of Senate.

B. State filing: Required only in Guam, Puerto Rico and Mariana Islands.

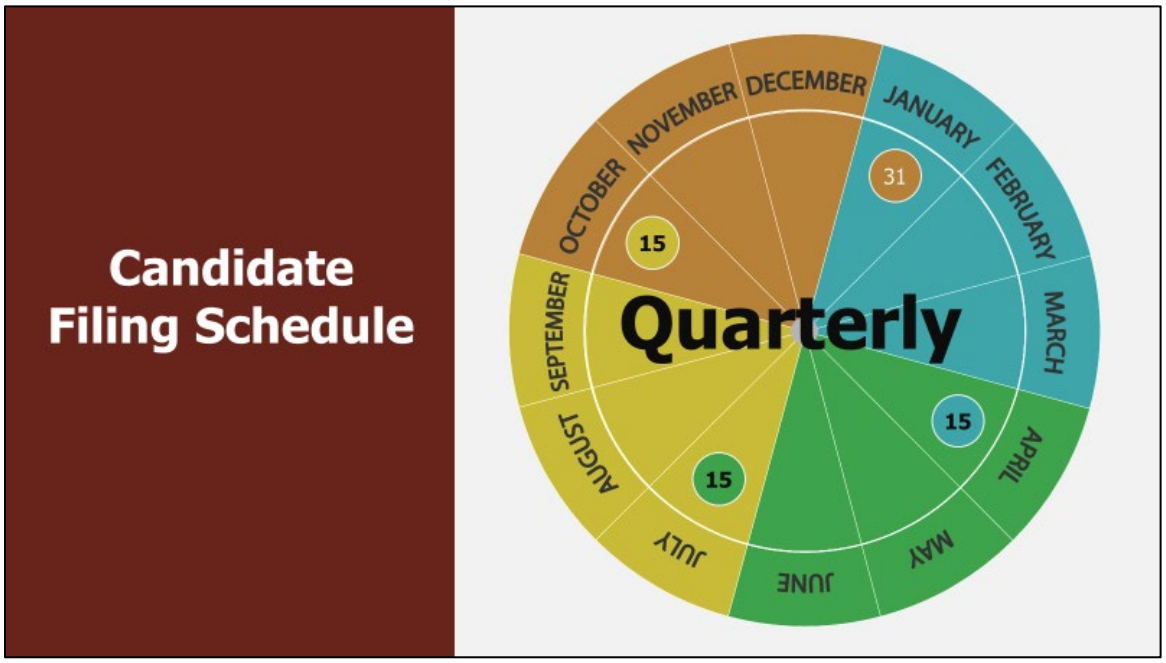
C. Welcome email: distributed within 2-3 days of FEC receipt of FEC Form 1.

IV. Filing Dates for Candidates, PACs and Parties (11 CFR 104.5(c))





A. Reporting schedule for candidate committees



1. Quarterly reports

a) Quarterly filing is mandatory for House and Senate campaigns. (Some Presidential committees are required to file monthly in the election year).

b) Reports due April 15, July 15 and October 15 and January 31.

www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2022-reporting-dates/2022-quarterly-filers/

B. Non-election year reporting for candidate committees

In a non-election (odd numbered) year, campaigns may have additional pre- and post-election reports if involved in a special election.

C. Election year reporting for candidate committees

1. Additional pre- and post-election reports

Required if candidate running in the election (includes special elections).



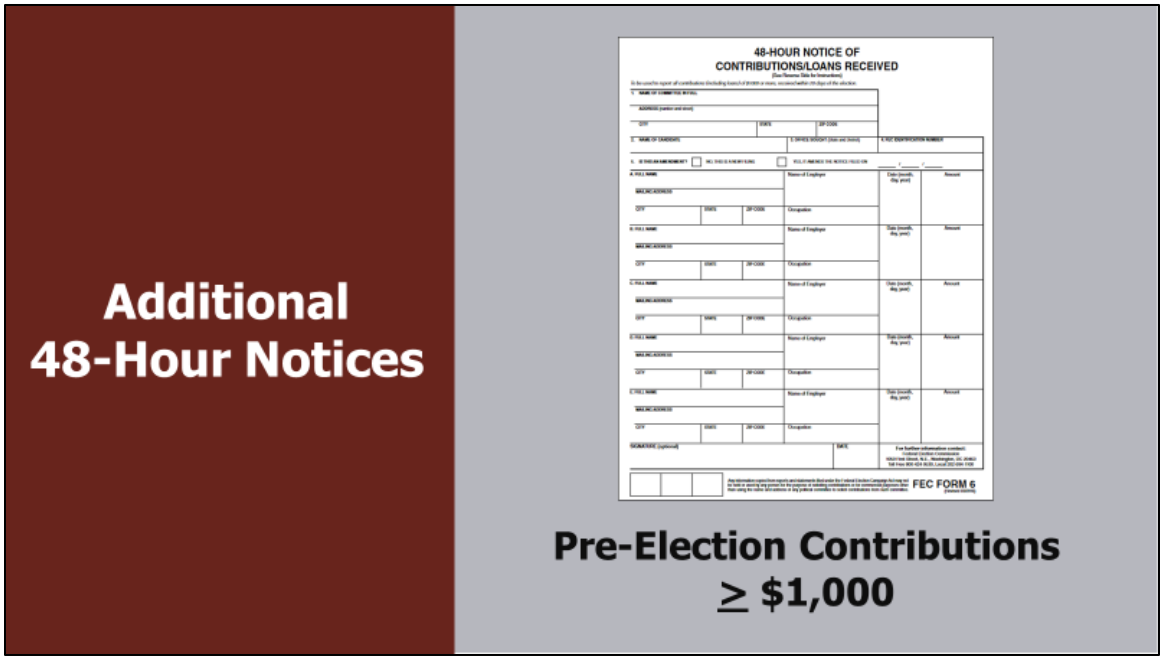
a) **Pre-Primary** (or Pre-Convention/Pre-Runoff, if applicable), due 12 days prior to election.

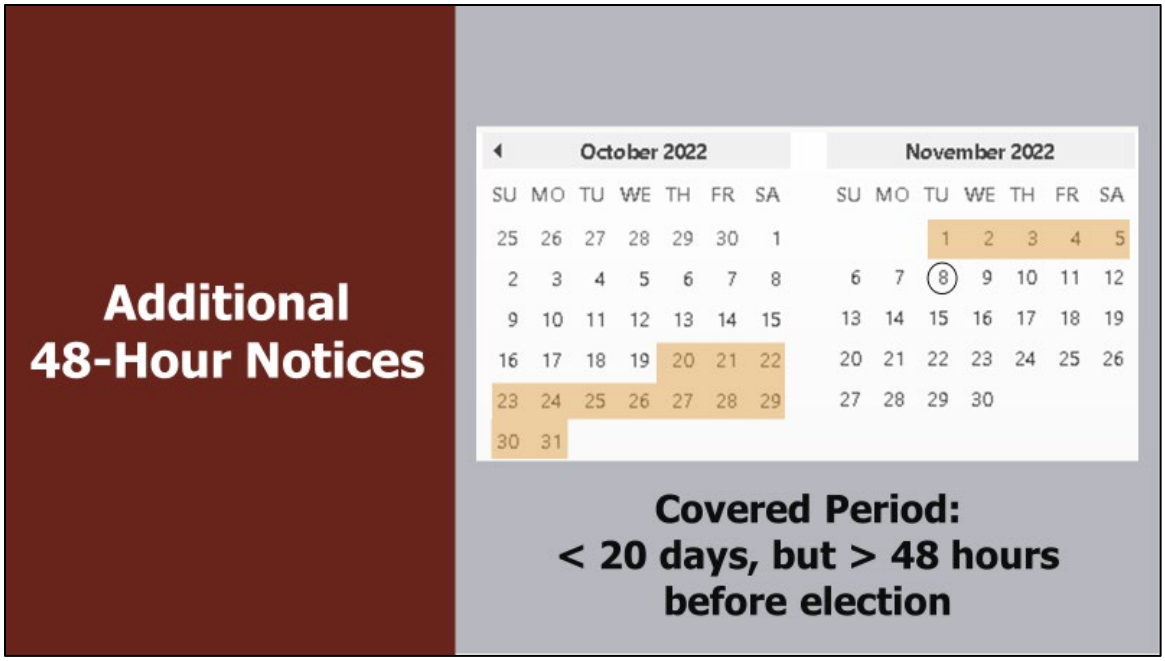


b) **Pre-General** due 12 days prior to general election.



c) **Post-General** due 30 days after the general election.





2. 48-Hour Notices

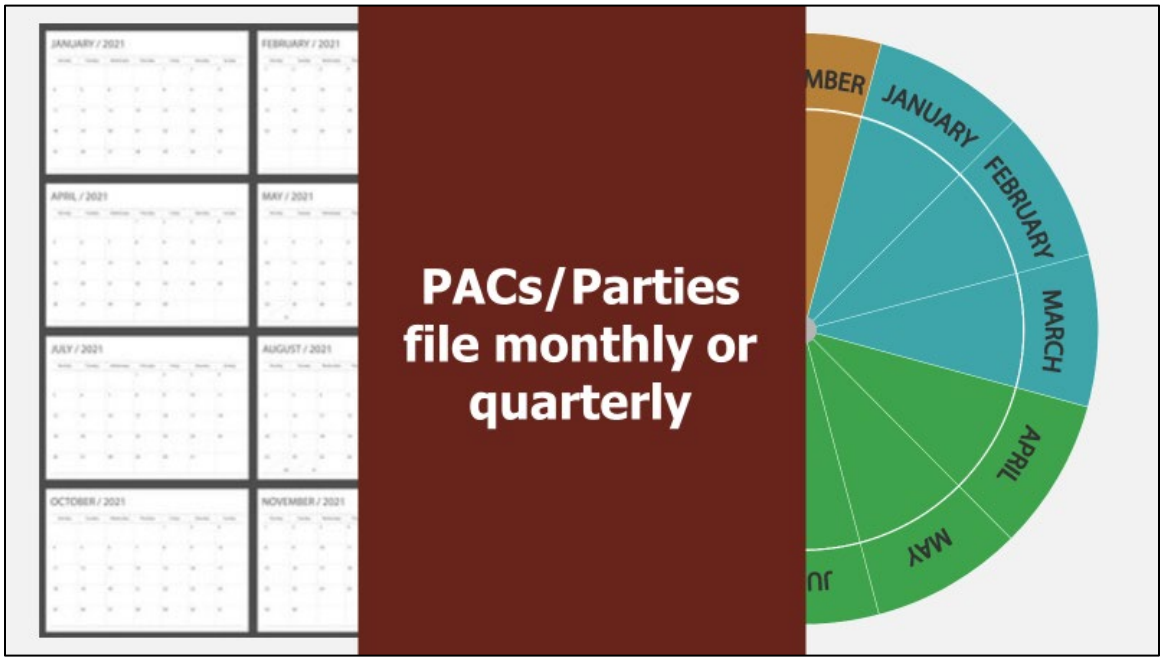
Reports of "last minute" contributions and/or loans of $1,000 or more received less than 20 days but more than 48 hours before any election in which the candidate is running.

a) Filed within 48 hours of campaign's receipt of contribution/loan.

b) Report contribution/loan again on next scheduled report.

www.fec.gov/help-candidates-and-committees/filing-reports/48-hour-notices/

D. Reporting schedule for PACs and party committees



1. Most PACs and party committees have the option to file quarterly or monthly.



2. National party committees and state/local party committees with reportable federal election activity (FEA) must file monthly.

E. Non-election year reporting for PACs and party committees

1. Quarterly filing PACs and party committees file on semiannual basis in non-election year.

a) **Mid-Year** covers January 1-June 30 and is due July 31.

b) **Year-End** covers July 1-December 31 and is due January 31.

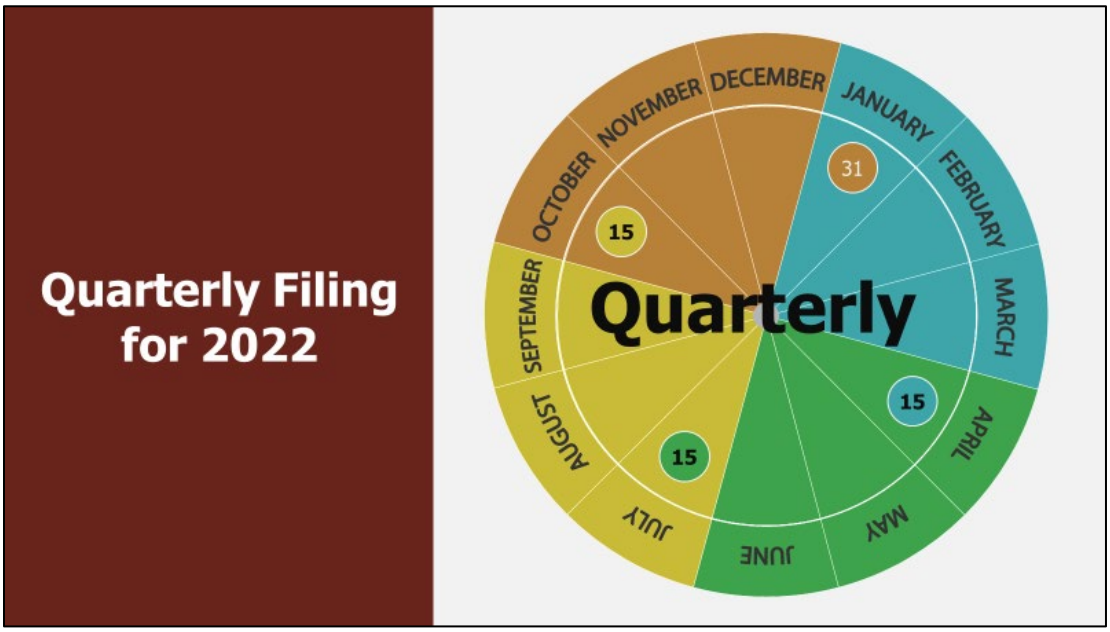
c) **Additional filing.** Pre- and post-election reports may be required if the quarterly-filing committee makes previously undisclosed contributions/expenditures in connection with a special election.

2. Monthly filing PACs and party committees file reports on 20th of each month.

a) **Year-End** covers month of December and is due January 31.

b) **No additional filing.** Monthly filers that make contributions or expenditures in connection with special elections continue to file according to the monthly reporting schedule.

F. Election year reporting for PACs and party committees



1. Quarterly filing PACs and parties

a) Reports due April 15, July 15, October 15; Post-General & January 31.

b) Additional Pre-Primary/Pre-General Reports may be triggered if committee makes previously undisclosed contributions or expenditures.

c) Post-General Report required for all filers.

d) Reporting period always begins the day after close of books of last report filed.

www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2022-reporting-dates/2022-quarterly-filers/





e) **Pre-General** due 12 days prior to general election.



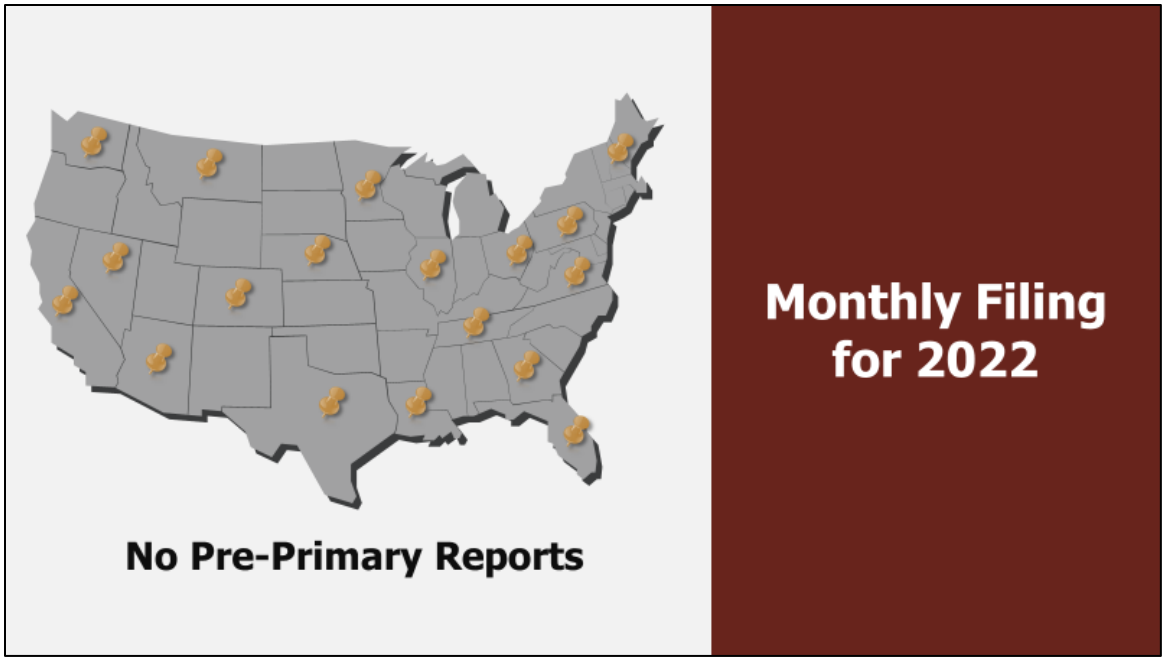
f) **Post-General** due 30 days after the general election.

2. Monthly filing PACs and party committees

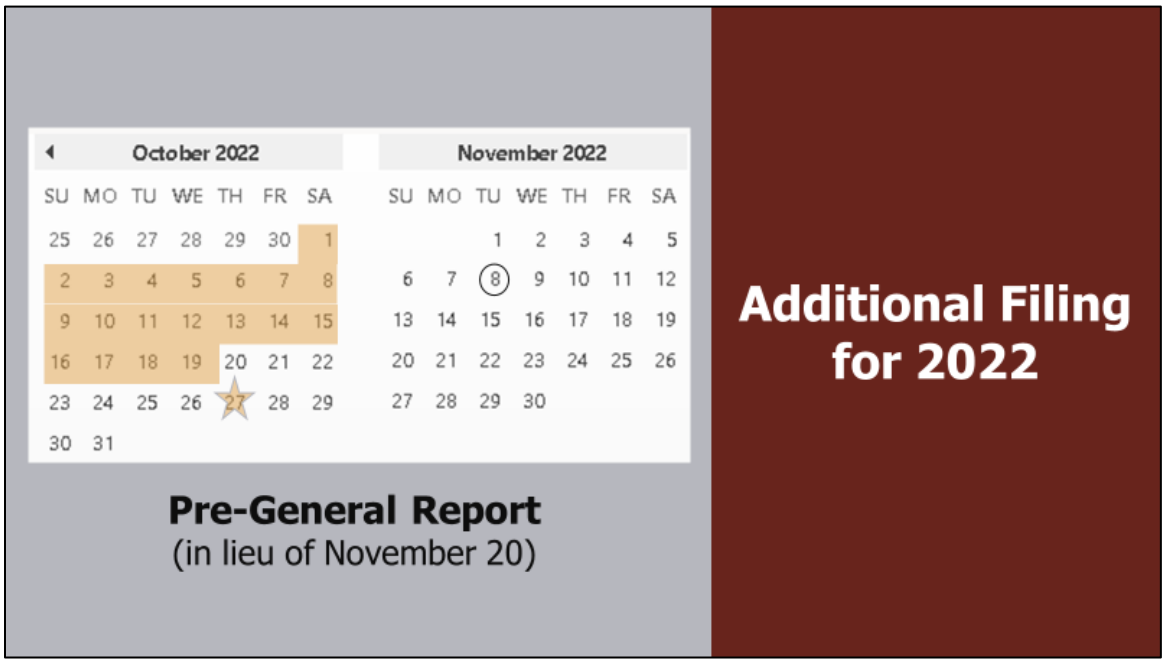


a) **Due on 20th of each month**, except Pre-General and Post-General in lieu of November and December Monthly Reports.

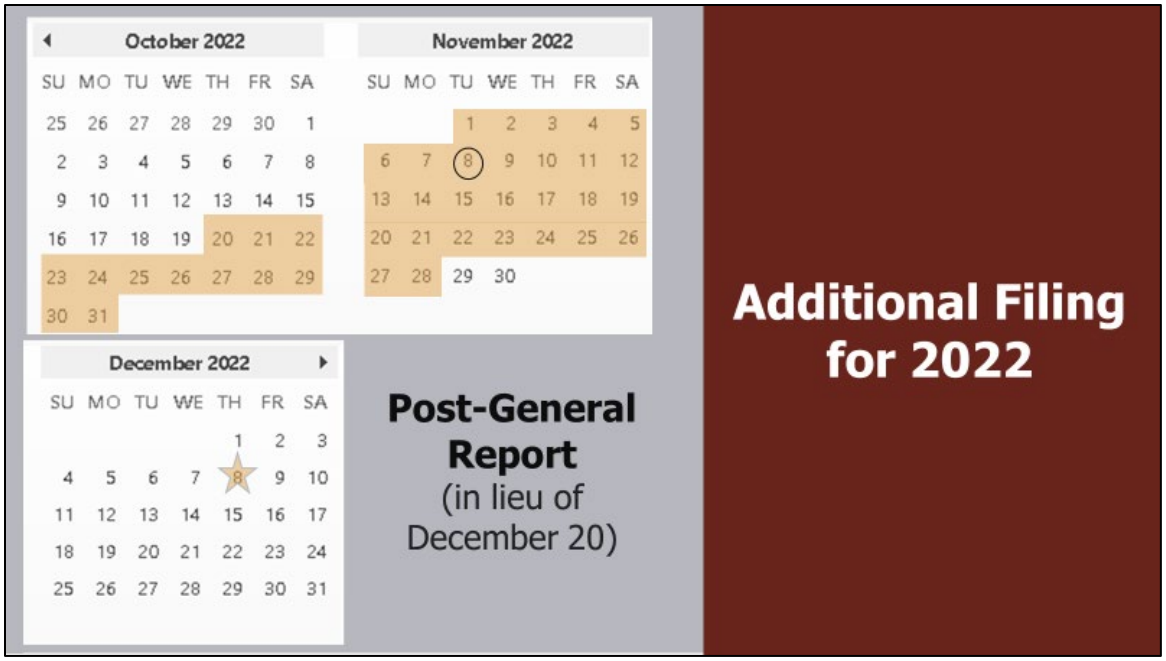
www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2022-reporting-dates/2022-monthly-filers/



b) **No additional filing.** Monthly filers that make contributions or expenditures in connection with primary elections continue to file according to the monthly reporting schedule.

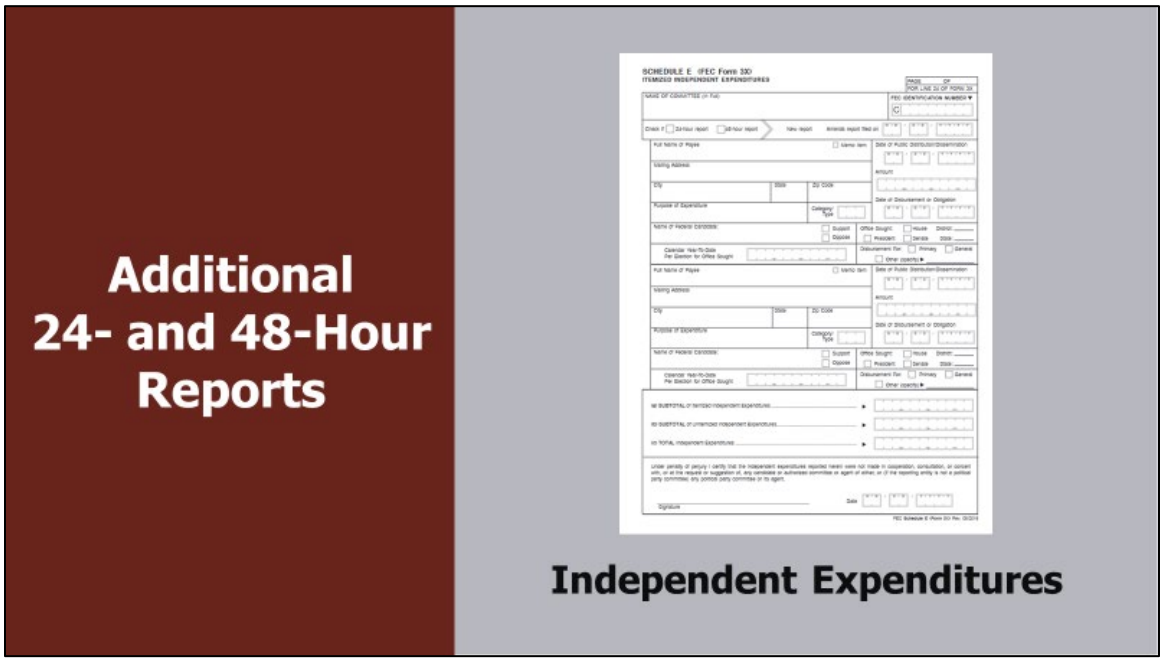


c) **Pre-General** due 12 days prior to general election.



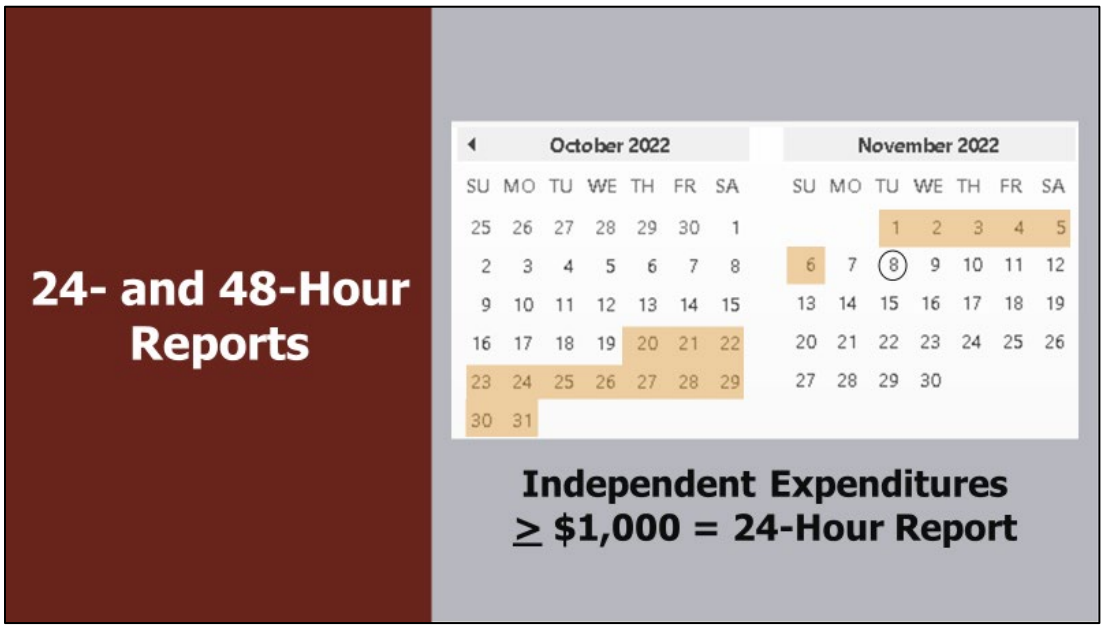
d) **Post-General** due 30 days after the general election.

G. Special 24- and 48-Hour independent expenditure reports



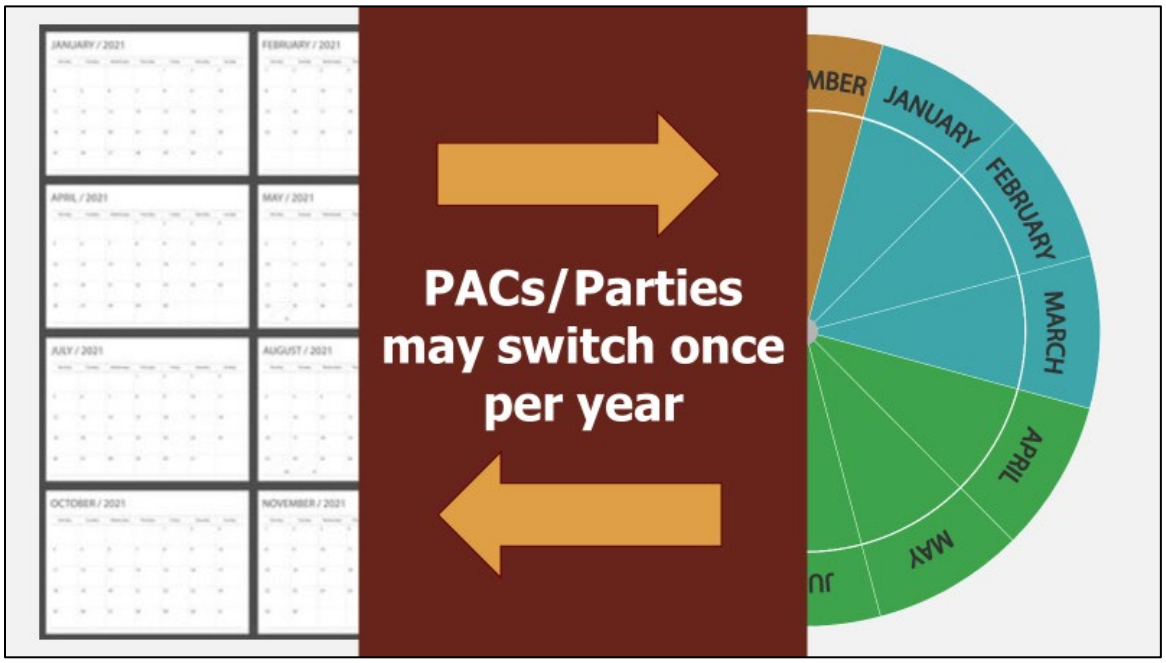


1. **48-Hour Reports**
   a) Through the 20th day before an election, PACs and parties must report independent expenditures aggregating $10,000 within 48 hours.
   b) Report expenditures again on next regular report.



2. **24-Hour Reports**
   a) Within 20 days before an election, PACs and parties must report independent expenditures aggregating $1,000 within 24 hours.
   b) Report expenditures again on next regular report.

V. Changing Filing Schedule



A. Timing

1. PACs and parties may change their filing schedule from quarterly to monthly or from monthly to quarterly only after notifying the Commission in writing (or electronically if an e-filer), of its intention at the time it files a required report under its current filing schedule or in a separate miscellaneous text submission (FEC Form 99) filed at any time.
2. Such political committee will then be required to file the next required report under its new filing schedule and will receive a letter which lists the subsequent filing requirements.

B. May only change filing schedule once per calendar year.

C. PACs and parties that filed semiannually in 2021 automatically file quarterly in 2022. No need to notify FEC (unless switching to monthly).

Pros & Cons Quarterly Filing

Advantages:

- Most common filing schedule
- Most committees file fewer reports on a quarterly (semiannual) schedule

Disadvantages:

- Must track primary/special election dates and file necessary reports
- Not as easy to reconcile with monthly bank statements

Pros & Cons Monthly Filing

Advantages:

- No need to track primary/special election dates or file reports
- Easier to reconcile with monthly bank statements

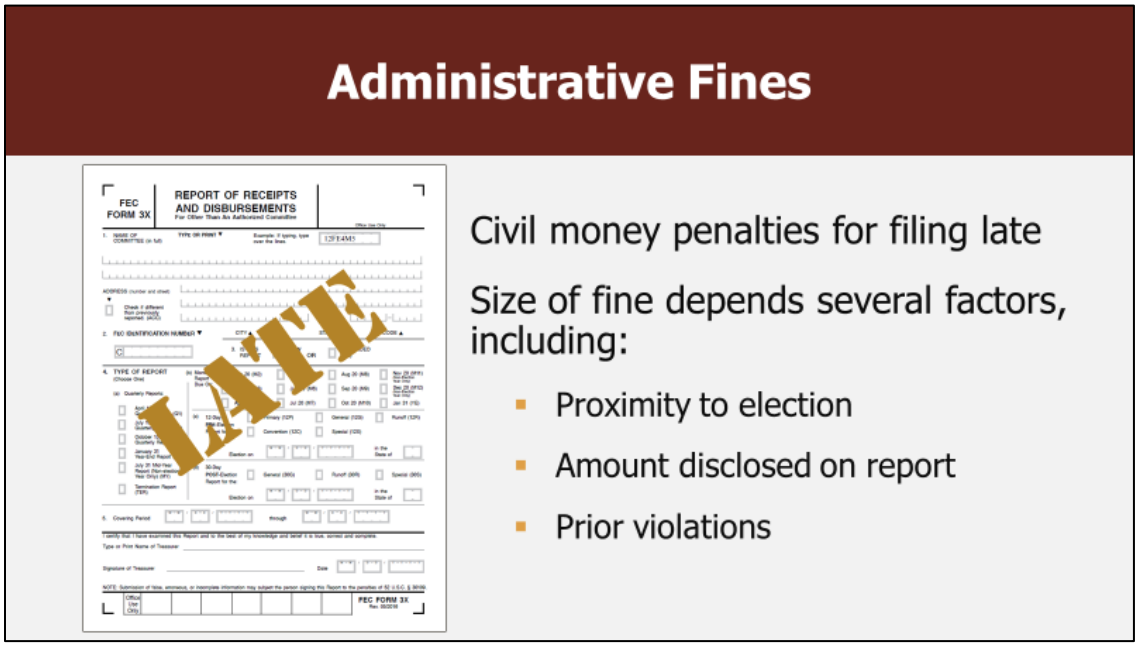
Disadvantages:

- Most committees file more reports on monthly schedule



VI. Administrative Fine Program (AFP)

General information on AFP:
www.fec.gov/legal-resources/enforcement/administrative-fines/



A. Background

Program for assessing civil money penalties for violations for failure to file reports on time and/or at all.

B. Applies to:

1. Late filers
2. Non-filers
3. Regulations found at 11 CFR 111.30-111.45

C. Civil money penalties -- factors in determining:

The interaction of several factors will determine the size of the penalty. Link to fine calculator: *www.fec.gov/legal-resources/enforcement/administrative-fines/calculating-administrative-fines/*.

1. Election sensitivity

a) Election sensitive reports include:
- October Quarterly of election year,
- October Monthly of election year, and
- Pre-election reports for primary, general and special elections.

b) All other reports are considered nonsensitive.

2. Whether committee is a late filer or a non-filer

a) For sensitive reports
1) Late filer – when report is filed after the due date but more than four (4) days prior to the election.
2) Non-filer - report filed after due date and four (4) days or less before the election, or not at all.

b) For nonsensitive reports
1) Late filer – when report is filed within 30 days after the due date.
2) Non-filer – when report is filed 31 or more days after due date, or not at all.

c) Can still be considered a "nonfiler" even if report is eventually filed.

3. Prior civil money penalties for reporting violations under the AFP.

4. Financial activity

a) Amount of financial activity in the report – total amount of receipts and disbursements.

b) Committees with less than $50,000 in financial activity during the reporting period in question are subject to reduced penalties.

c) Most recent revision to the AFP regulations to adjust penalties for inflation: Civil Monetary Penalties Annual Inflation Adjustments (December 28, 2021).

d) Campaign Finance Analysts unable to tell committee if they will be fined or how much. Use the administrative fine calculator (*www.fec.gov/legal-resources/enforcement/administrative-fines/calculating-administrative-fines/*) to estimate fine. Committee will be notified in writing if the FEC assesses a civil penalty under the AFP.

VII. Best Efforts to File on Time



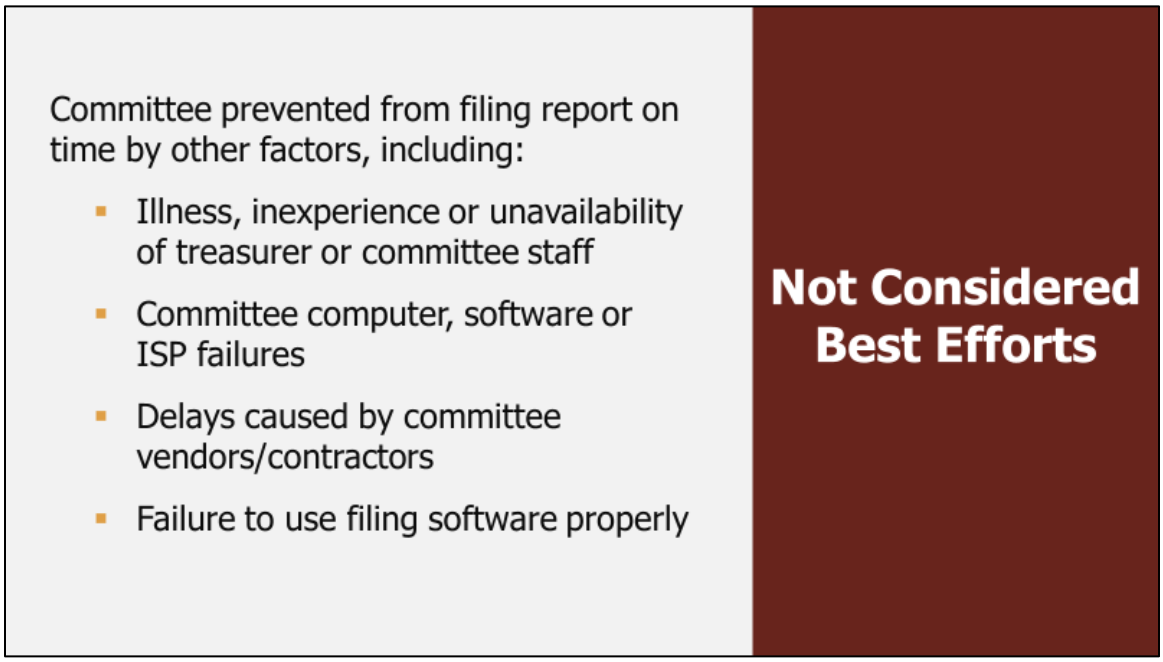
A. Timely filing/using best efforts
(NOTE: not the same as "best efforts" for obtaining contributor information)

1. **Reports required on time**; no extensions.
2. **If report not filed on time**, committees may use "best efforts" defense if committee took normal precautions and trained staff, but failure to report was due to circumstances beyond committee's control and the late report was filed within 24 hours after those circumstances ended.



3. When can best efforts defense be used:

a) Committee may use best efforts defense if failure to report is due to failure of Commission computers or software, despite receiving Commission technical assistance, widespread disruption of information transmissions over the internet, or severe weather or other disaster-related event.



b) Committee may not use best efforts defense if failure to report is due to unavailability, inexperience or negligence of staff, counsel or organization, failure of committee's computer system, delays caused by vendors, failure to understand or know the law or failure to use filing software properly.

B. For more information, review:

- Final Rules for Best Efforts in Administrative Fines Challenges (March 29, 2007)
  and
  Record article (May 2007)

- Statement of Policy Regarding Treasurers' Best Efforts to Obtain, Maintain, and Submit Information as Required by the Federal Election Campaign Act (June 7, 2007)
  and
  Record article (July 2007)



C. Finding reporting dates

1. **Dates and deadlines page:** *www.fec.gov/help-candidates-and-committees/dates-and-deadlines/*
2. **Commission calendar:** *www.fec.gov/calendar/*
3. **FEC *Record*:** *www.fec.gov/updates/?update_type=fec-record&category=reporting*
4. **Tips for Treasurers:** *www.fec.gov/updates/?update_type=tips-for-treasurers*
5. **Email notices** sent to address(es) listed on FEC Form 1
6. **Phone or email:** 800-424-9530; *info@fec.gov*

VIII. Other Filing Issues: Filing Amendments

A. Errors

Committee discovers that an earlier report contained erroneous information or mathematical errors.

B. Disclosure of late information

Committee obtains required reporting information concerning a particular transaction after the transaction has been reported.

C. Response to Request for Additional Information (RFAI)

FEC sends letter (email) and requests amendment. Response due date appears in upper right corner of RFAI.

D. Procedures for filing amendments:

1. Paper filers

a) It is not necessary to resubmit the entire report.

b) Complete the signature page of the Summary Page, checking box indicating that it is an amended report.

c) Attach corrected schedules, if necessary.

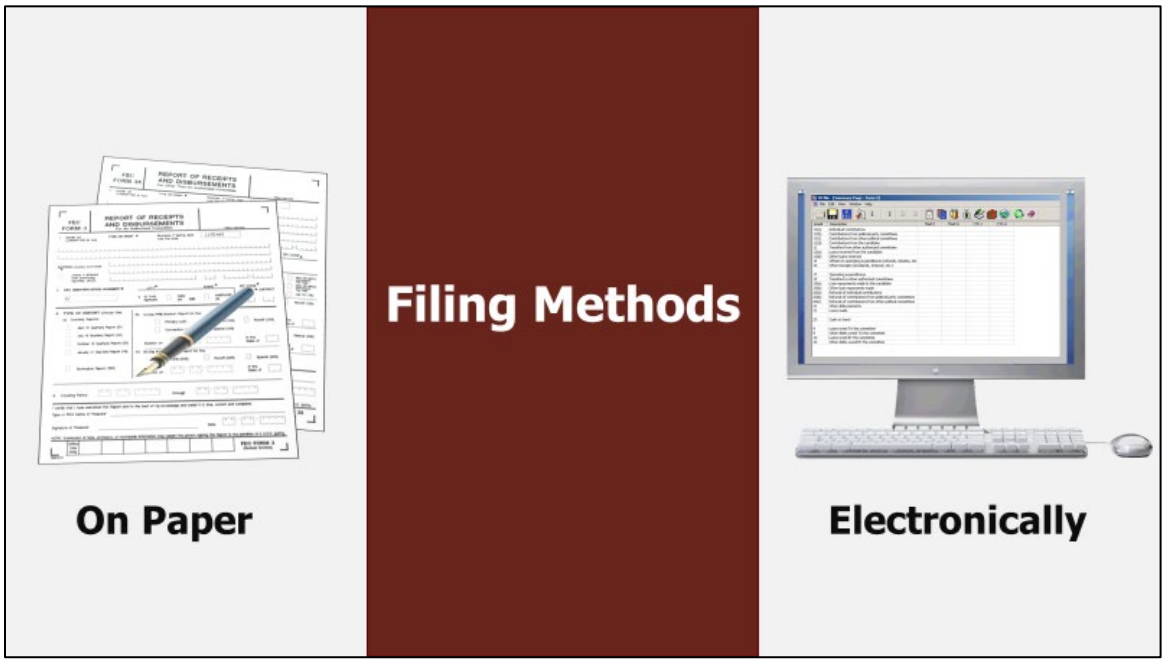
d) Attach cover letter explaining change (recommended).

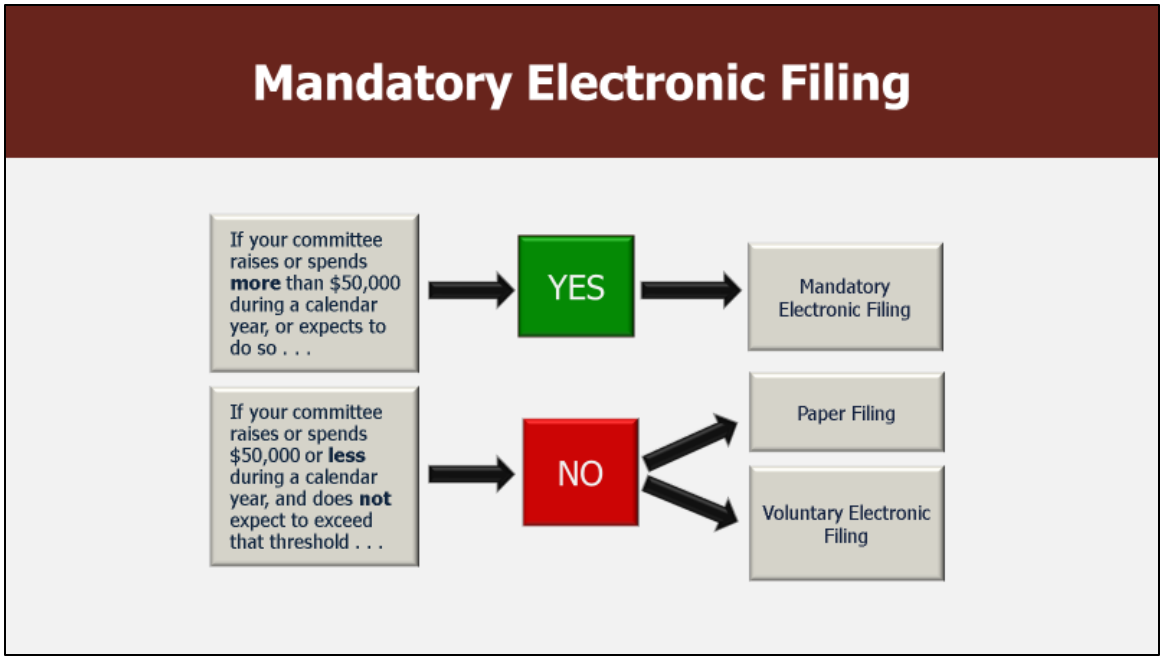
2. Electronic filers

a) Must submit amendments in electronic format (if original was filed electronically).

b) Amendment must include complete report (as opposed to just the portion requiring an amendment).

IX. Filing Methods



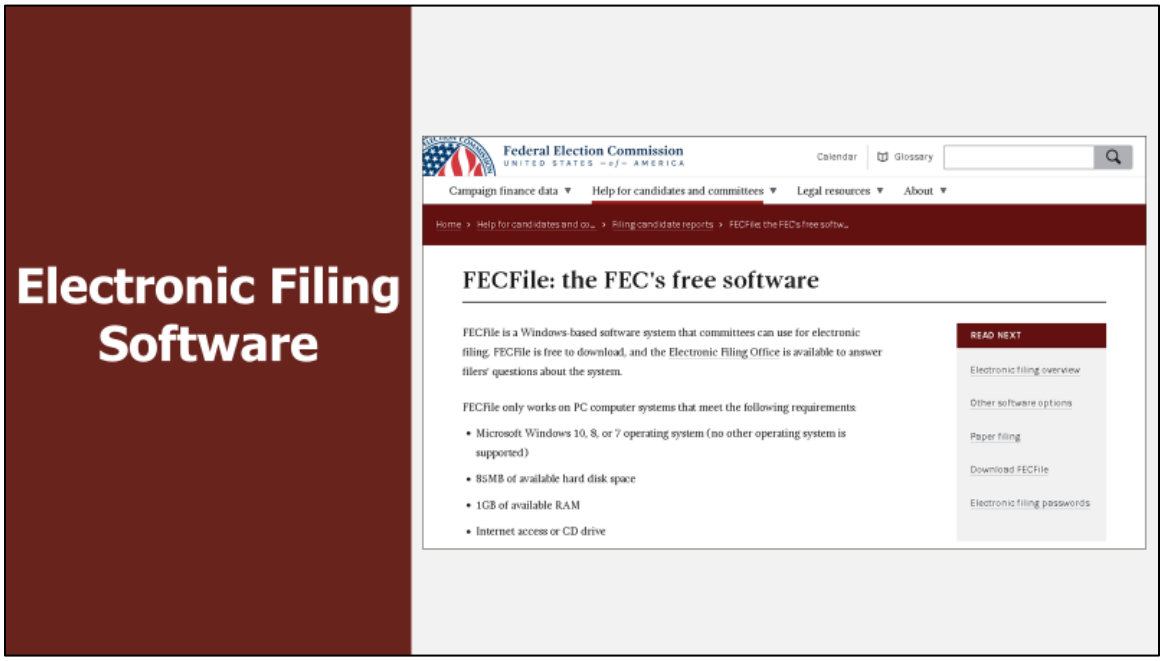


A. Electronic filing (11 CFR 104.18)

1. Mandatory v. voluntary

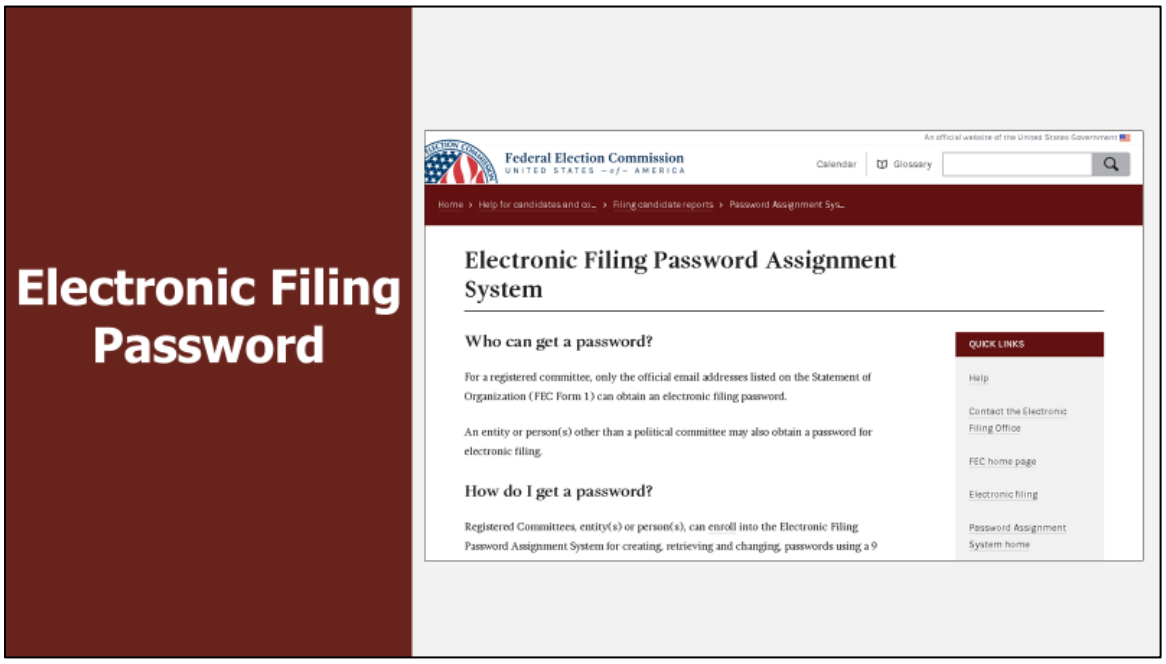
a) Mandatory: Committees that raise or spend more than $50,000 in calendar year or have reason to expect to do so.

b) Voluntary: All other filers.



www.fec.gov/help-candidates-and-committees/filing-reports/fecfile-software/

2. **Use updated software**
   a) Software revised when forms changed – always use the latest version. Auto update feature makes it simple.
   b) Latest version of FECFile – build 8.3 available for download: *efilingapps.fec.gov/registration/fecfile.htm*.
3. **Paper filing by e-filer**
   Committees that submit a report on paper that should have been filing electronically will be treated as non-filers and may be subject to enforcement actions (including administrative fines).
4. **For more information:** *www.fec.gov/help-candidates-and-committees/filing-reports/electronic-filing/*.
5. **Passwords**
   a) Required
   Before you can electronically file your report, you will have to obtain a password. You cannot file without one.
   b) Who can get a password?
   For registered committees, only the official treasurer can obtain an electronic filing password. It is important that the committee has provided a valid email address on its FEC Form 1, as a validation email will be sent to the committee.



webforms.fec.gov/psa/getstarted.htm

c) How do you get a password?

(1) Most committees may obtain or change their password online.

(2) Existing committees that have not previously used the online system should contact the Electronic Filing Office for assistance at 202-694-1307.

B. Filing amendments required for:

1. Errors

Committee discovers that an earlier report contained erroneous information or mathematical errors.

2. Disclosure of late information

Committee obtains required reporting information concerning a particular transaction after the transaction has been reported.

3. Response to RFAI

FEC sends letter (email) and requests amendment. Response due date appears in upper right corner of RFAI.

4. Procedures for filing amendment

a) Paper filers

(1) It is not necessary to resubmit the entire report.

(2) Complete the signature page of the Summary Page, checking box indicating that it is an amended report.

(3) Attach corrected schedules, if necessary.

(4) Attach cover letter explaining change (recommended).

b) Electronic filers

(1) Must submit amendments in electronic format (if original was filed electronically).

(2) Amendment must include complete report (as opposed to just the portion requiring an amendment).



C. Reporting considerations for paper filers

1. Statute prohibits extensions (applicable to paper and electronic filers).

2. Weekends and holidays

Filing dates not extended for weekends or holidays. Must be received on business day preceding filing date.

3. Registered vs. overnight mail

a) If filing using USPS registered mail, keep receipt.

b) "Overnight Mail" means express or priority mail with a delivery confirmation or an overnight service with an online tracking system. File using same terms as certified/registered mail, keep receipt.

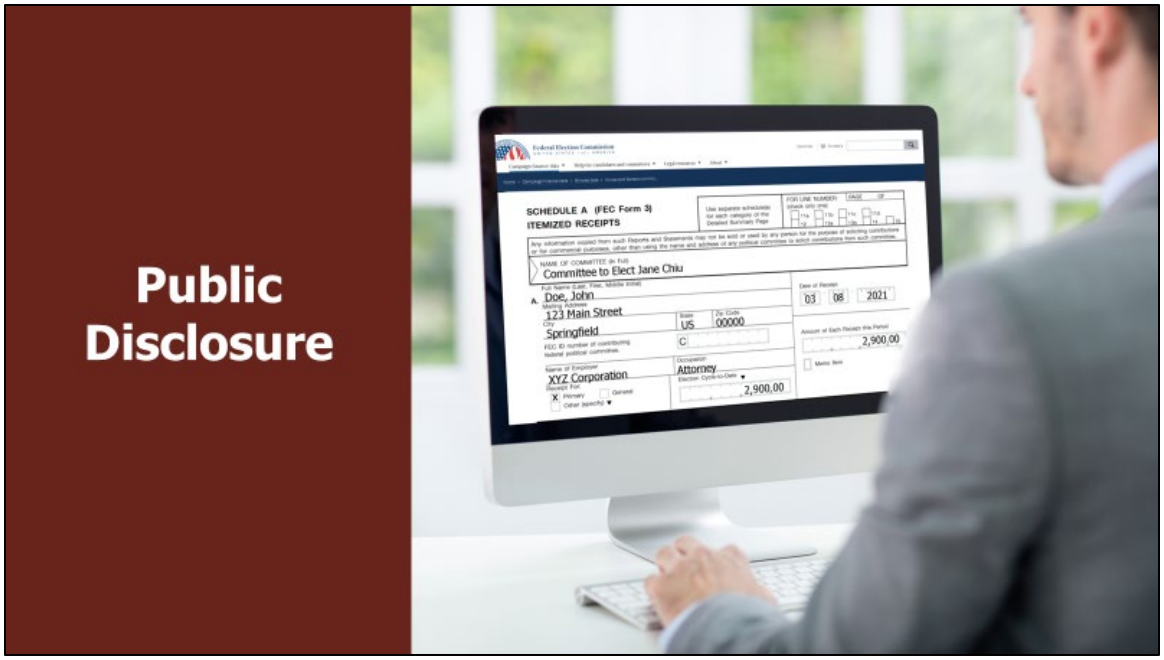
c) Zip code

(1) USPS: 20463

(2) Delivery services: 20002



www.fec.gov/resources/cms-content/documents/status-of-fec-operations.pdf



www.fec.gov/data/



X. Disclaimer Notices on Communications (11 CFR 110.11)



A. Purpose

- Identifies who paid for a public communication
- Clarifies whether a campaign authorized it
- Required on all "public communications," widely distributed emails and public websites



B. Public communication defined (11 CFR 100.26)

Includes communications made using the following media:

1. Broadcast, cable or satellite;
2. Newspaper or magazine;
3. Outdoor advertising facility;
4. Mass mailing (>500 substantially similar mailings w/in 30 days);
5. Phone bank (>500 substantially similar calls w/in 30 days);
6. Communications placed for a fee on another person's web page.

C. Disclaimer also required on:

1. Electronic mail (> 500 substantially similar communications sent by a campaign committee); and
2. Websites of political committees.



D. Clear and conspicuous placement of disclaimer notice
Disclaimer notices must be clearly and conspicuously displayed. Cannot be difficult to read or placed where it is easily overlooked.



E. Special rules for TV and radio ads (11 CFR 110.11(c)(3) and (4))
Audio approval statement that identifies the candidate/ committee responsible for the communication
"I'm John Doe and I approved this message." or *"The Pendant Publishing PAC is responsible for the content of this ad."*



F. Special rules for printed communications

1. Disclaimer must be contained within a printed box set apart from content of communication.
2. Print must be of sufficient type size to be "clearly readable" and must have a reasonable degree of color contrast between the background and the printed statement.
3. Safe Harbor: 12 point type in newspapers; magazines; flyers; signs; and other printed communications no larger than 24" x 36."

G. Disclaimer is not required when:

1. It cannot be conveniently printed (e.g., pens, bumper stickers, campaign pins and buttons);
2. Its display is not practical (e.g., wearing apparel, skywriting, water towers); or
3. Item is of minimal value, does not contain a political message and is used for administrative purposes (e.g., committee checks and receipts).

H. Wording of disclaimer (11 CFR 110.11(b))

1. Authorized but not financed by campaign

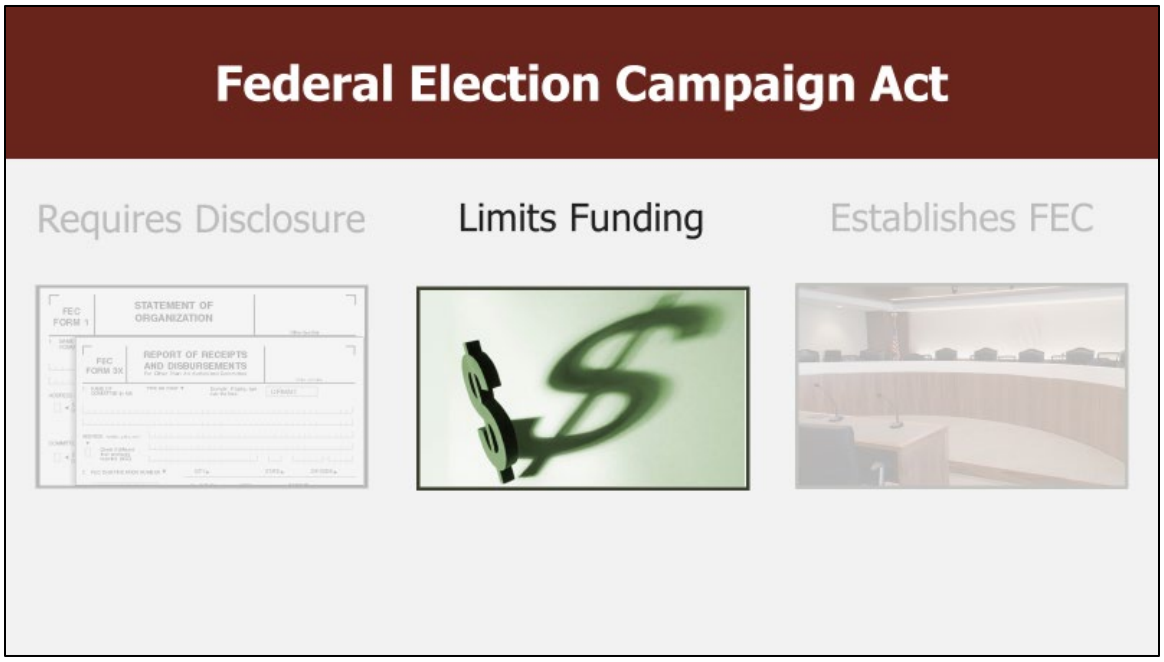
"Paid for by Pendant Publishing PAC and authorized by the John Doe for Congress Committee."

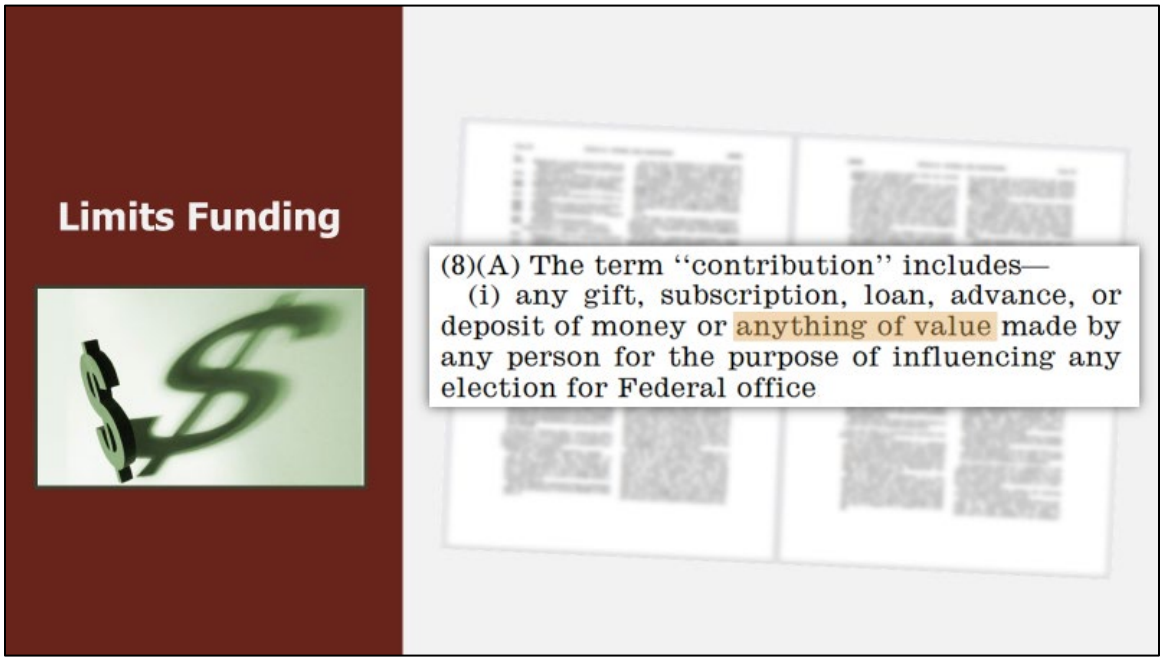
2. Not authorized by campaign (i.e., independent expenditures, electioneering communications)

"Paid for by Play Now PAC (www.playnowpac.org) and not authorized by any candidate or candidate committee."

PART 2: BASIC OPERATIONS/CONTRIBUTION LIMITS AND PROHIBITIONS

I. Contributions (11 CFR 100.52)





A. Broad definition of contribution

Anything of value given or loaned to influence a federal election.

B. Types of Contributions (11 CFR 100.52)

Definition: Anything of value given or loaned to influence a federal election, including:

1. Money
2. In-kind (goods and services)
3. Loans of money or advances of goods and services
4. Bank loan endorsements and guarantees
5. Advances of personal funds by staff and volunteers
6. Proceeds from sales of fundraising items
7. Extension of credit to committee outside ordinary course of business

Contribution Limits



For 2021–22 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
Individual	$2,900	$5,000	$10,000 (combined)	$36,500	$109,500
Candidate Committee	$2,000	$5,000	Unlimited Transfers	Unlimited Transfers	
PAC: multicandidate	$5,000	$5,000	$5,000 (combined)	$15,000	$45,000
PAC: Nonmulticandidate	$2,900	$5,000	$10,000 (combined)	$36,500	$109,500
National Party Committee	$5,000	$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	$5,000 (combined)	$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

C. Contribution limits (11 CFR 110.1 and 110.2)

1. Certain limits increased and indexed for inflation

a) Candidate and party limits increased and indexed; multicandidate PAC limits unchanged.

b) Indexing began in 2005 – odd-numbered years.

2. How applied

a) Limits apply to contributions received and contributions made by committee.

b) If made by an individual, counts against the limit of the person signing the check or accompanying note.

3. Presidential

a) Primaries – One limit for all.

b) General – No contributions if candidate accepts public funds. (See AO 2007-03, Obama)

c) General Election Legal and Compliance (GELAC) Fund – OK if donations comply with limits.

Contribution Limits



To Candidates

For 2021–22 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
Individual	$2,900	$5,000	$10,000 (combined)	$36,500	$109,500
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PAC: Nonmulticandidate	$2,900	$5,000	$10,000 (combined)	$36,500	$109,500
National Party Committee	$5,000 ($51,200 cycle – Senate)	$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	$5,000 (combined)	$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

Contribution Limits



To Parties

For 2021–22 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
Individual	$2,900	$5,000	$10,000 (combined)	$36,500	$109,500
Candidate Committee	$2,000	$5,000	Unlimited Transfers	Unlimited Transfers	
PAC: multicandidate	$5,000	$5,000	$5,000 (combined)	$15,000	$45,000
PAC: Nonmulticandidate	$2,900	$5,000	$10,000 (combined)	$36,500	$109,500
National Party Committee	$5,000	$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	$5,000 (combined)	$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

Contribution Limits



To PACs

For 2021–22 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
Individual	$2,900	$5,000	$10,000 (combined)	$36,500	$109,500
Candidate Committee	$2,000	$5,000	Unlimited Transfers	Unlimited Transfers	
PAC: multicandidate	$5,000	$5,000	$5,000 (combined)	$15,000	$45,000
PAC: Nonmulticandidate	$2,900	$5,000	$10,000 (combined)	$36,500	$109,500
National Party Committee	$5,000	$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	$5,000 (combined)	$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

Contribution Limits



From Candidates

For 2021–22 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
Individual	$2,900	$5,000	$10,000 (combined)	$36,500	$109,500
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National Party Committee	$5,000	$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	$5,000 (combined)	$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

Contribution Limits



From Parties

For 2021–22 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
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Candidate Committee	$2,000	$5,000	Unlimited Transfers	Unlimited Transfers	
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National Party Committee	$5,000 ($51,200 cycle – Senate)	$5,000	Unlimited Transfers	Unlimited Transfers	
State, District & Local Party Committee	$5,000 (combined)	$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

Contribution Limits



From PACs

For 2021–22 Elections	Candidate Committee per election	PAC (SSF and Nonconnected) per year	State, District & Local Party Committee per year	National Party Committee per year	Additional National Party Committee Accounts per year
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State, District & Local Party Committee	$5,000 (combined)	$5,000 (combined)	Unlimited Transfers	Unlimited Transfers	

Link to contribution limits chart: *www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/contribution-limits/*

D. From other federal campaigns

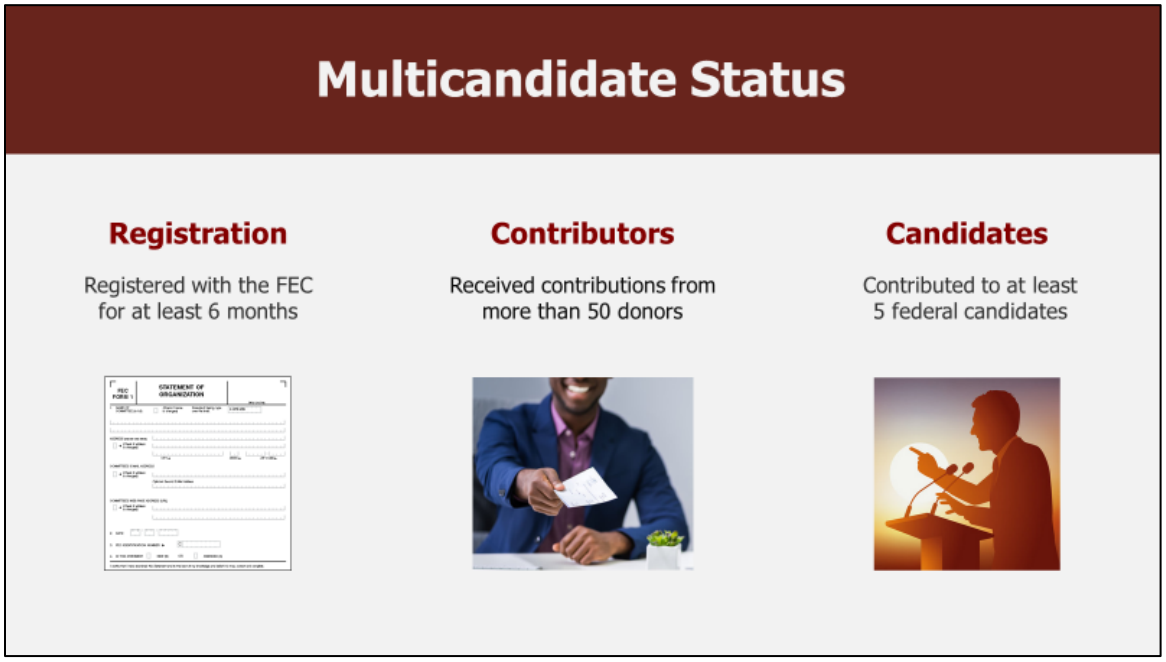
1. **Limit: *Remains* $2,000/election**. 11 CFR 102.12(c)(2).
2. NOT subject to inflation indexing.

E. Multicandidate committee status (11 CFR 100.5(e))

1. Why important:

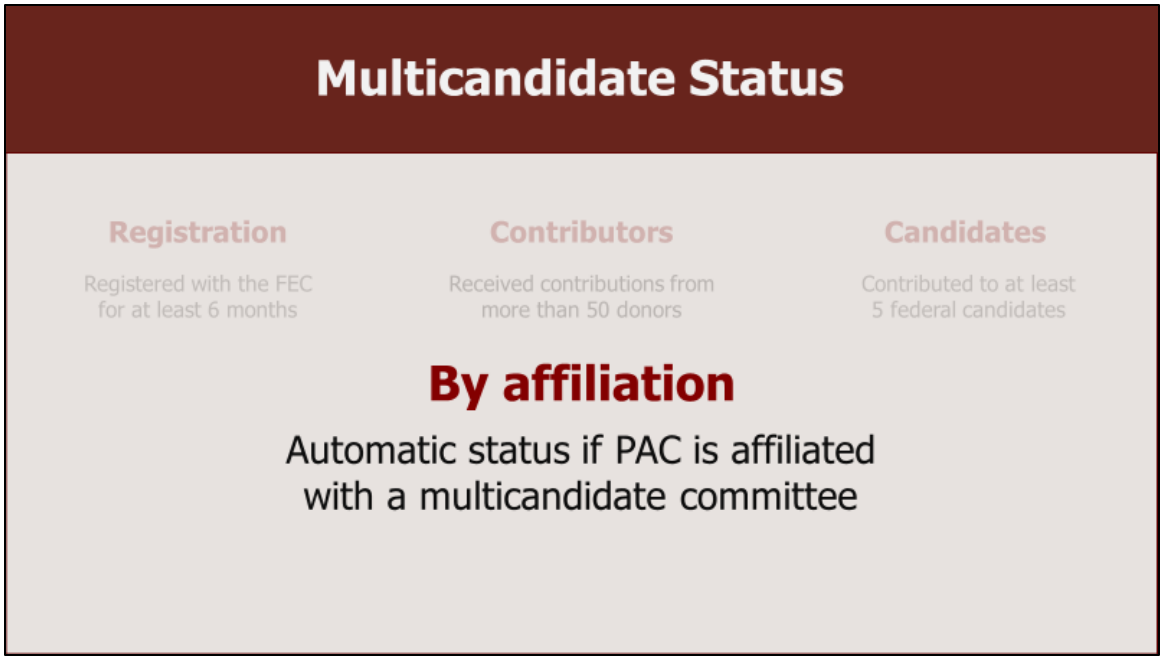
a) Contributions to party
Determines amount party can accept from federal PAC.

b) Contributions from party
Determines whether party can give up to $5,000 to candidate, per election (and whether candidate can accept it).



2. Criteria

a) Registered with FEC 6 months.
b) Received contributions from more than 50 contributors.
c) Has made contributions to at least 5 federal candidates (not needed for state party committee).
d) Alternative: be affiliated with multicandidate committee.



3. Affiliated committees (11 CFR 100.5(e) and 110.3(a)(3))

a) How to determine:

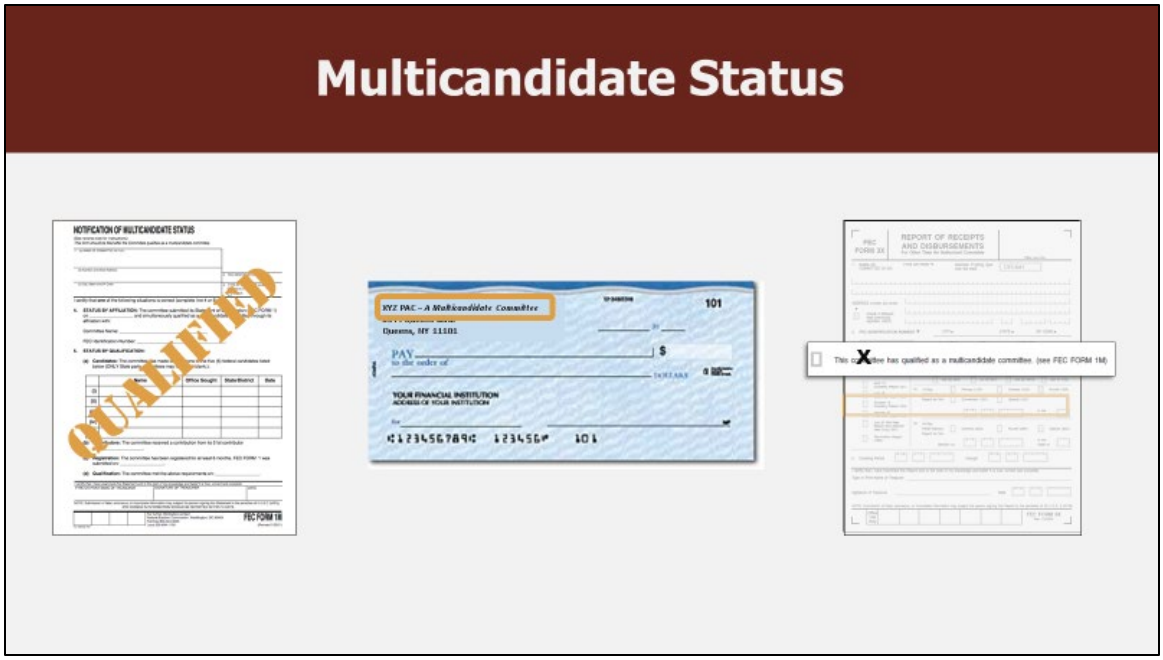
- Principle: committees established, financed, maintained, or controlled by same entity or group of persons.
- Others may also be affiliated depending on various factors, such as similar patterns of contributions, common officers, etc. See 11 CFR 100.5(g) & 110.3(a).

b) Example:

State party committees normally affiliated with local party committees in same state; national party and state party have separate limits, but may transfer between each other. Rebuttable presumption – see AO 1978-09.

c) Why important:

- Same contribution limit applies to contributions received and made by affiliated committees.
- If one committee qualifies as multicandidate, all its affiliated committees qualify.
- No limit on transfers between affiliated committees.



F. Multicandidate committee responsibilities

1. Responsibility for informing FEC

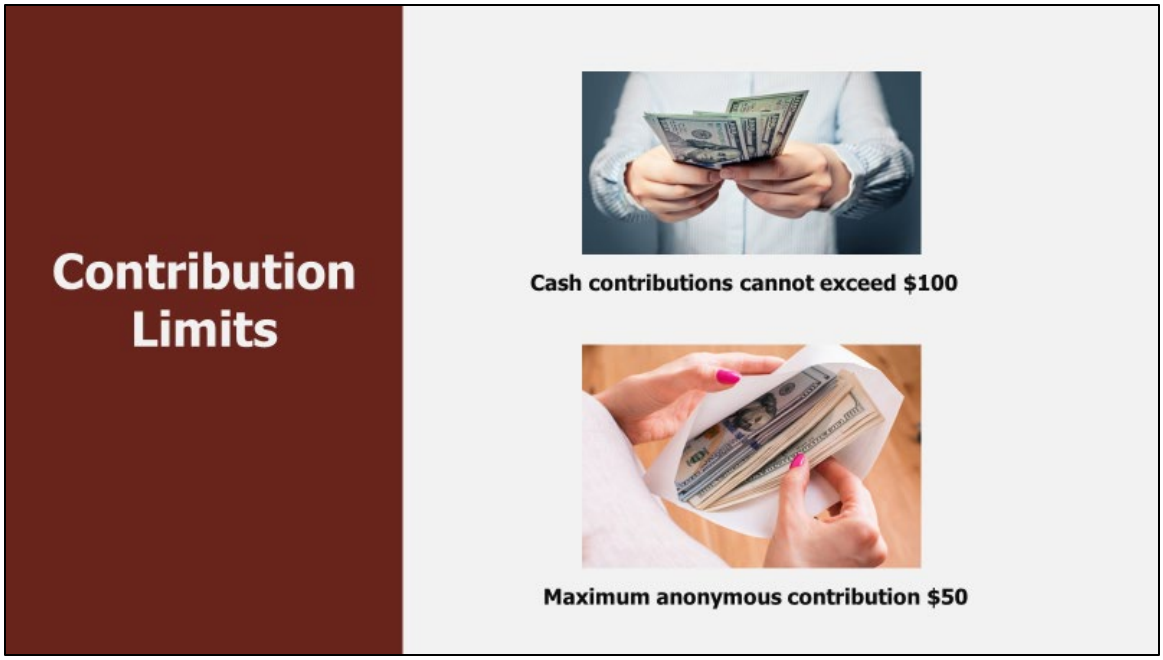
a) PAC/party committee must file FEC Form 1M within 10 days of qualifying as multicandidate committee.

b) Check box at end of page 2, FEC Form 3X.

2. Responsibility for informing campaigns

a) Multicandidate committee must inform recipients that it has qualified as multicandidate committee.

b) Check FEC website to verify status as *qualified* committee.



G. Other contribution limits

1. Cash contributions – $100

2. Anonymous contributions – $50

II. Contribution Prohibitions



A. Corporations (including incorporated membership, trade and cooperative organizations or associations), labor organizations and national banks[1] are prohibited from making contributions in connection with federal elections. **11 CFR 114.2.** Therefore, they may not:

1. **Act as conduit for earmarked contribution.**
2. **Give discount to campaign or committee that is not in normal business practice.**
3. **Allow use of facilities or resources without reimbursement, and, in some cases, advance payment.**

B. Federal government contractors (11 CFR Part 115)

C. Foreign nationals (11 CFR 110.20)

1. **American subsidiary of foreign corporation may establish SSF only if:**
   a) Foreign nationals do not control or participate in decisions of SSF; and
   b) SSF is not administered or otherwise funded with foreign revenues.
2. **Ban does not apply to permanent resident aliens (green card holders).**
3. **Individuals who are foreign nationals may:**
   a) Volunteer for congressional campaign and participate in decision-making, (Note: because volunteer is engaged to candidate). AO 2004-26.
   b) Attend campaign fundraising events (Note: because attendee is engaged to candidate). AO 2004-26.
   c) They may not, however, participate in decision-making regarding election activities for a corporation or a political committee. AO 2004-32.

D. Contributions in name of another (11 CFR 110.4(b))

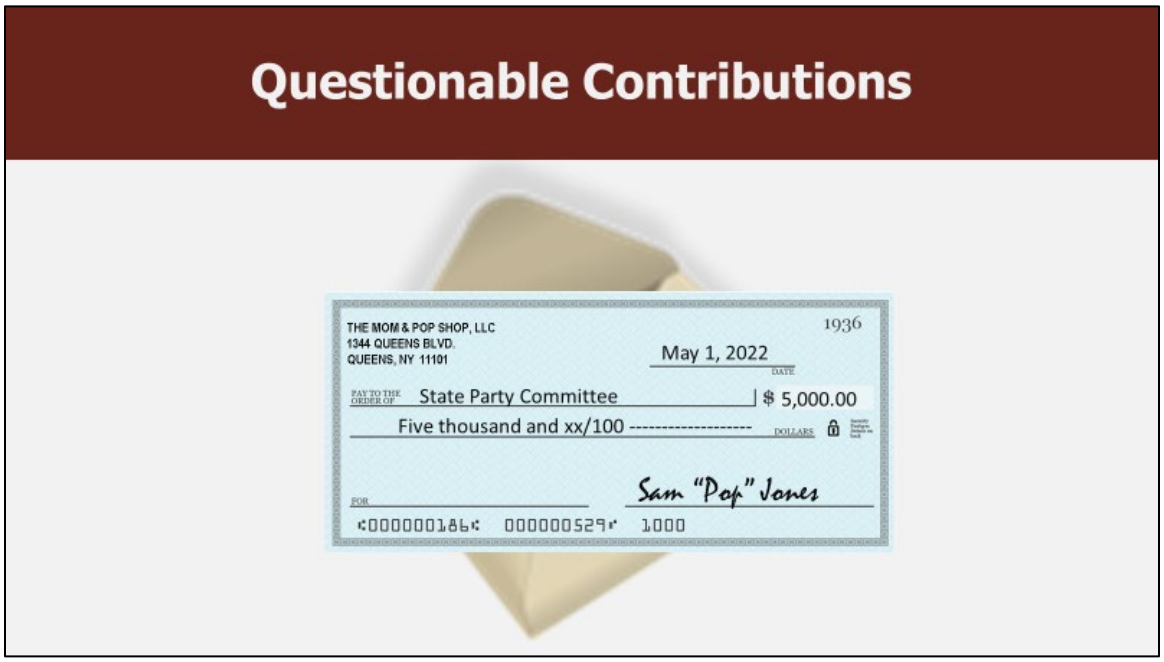
1. Cannot reimburse or be reimbursed for contributions.
2. Parents cannot give in names of children.
3. BCRA increased penalties for violations of this ban.

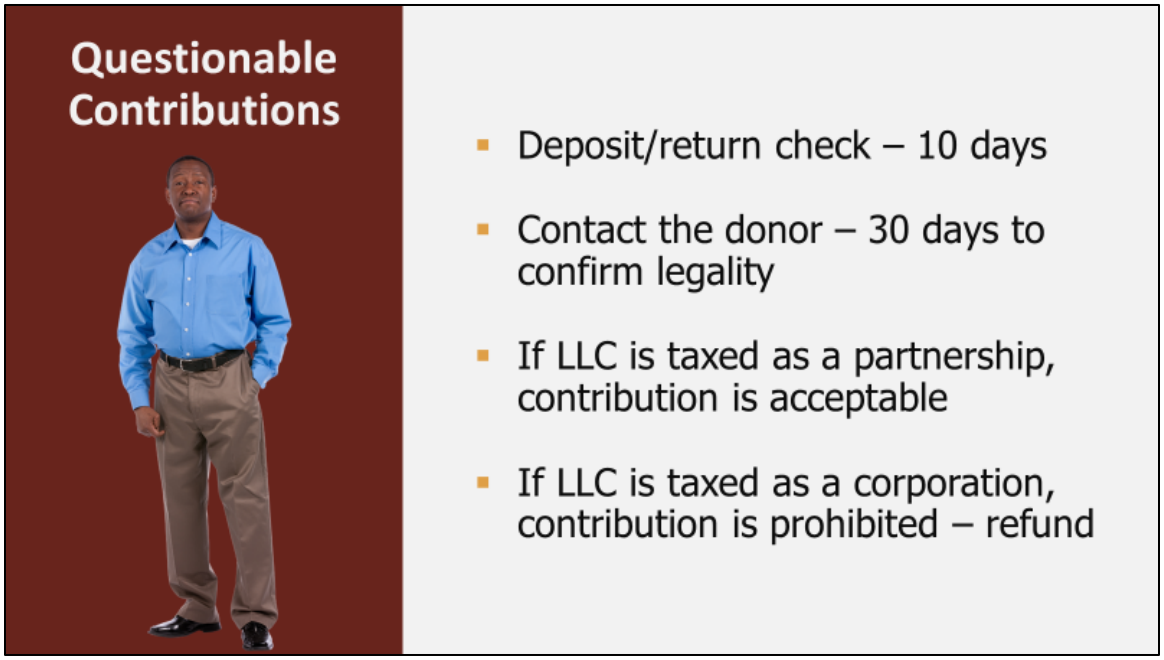
E. Certain prohibitions apply to all elections (11 CFR 114.2(a))

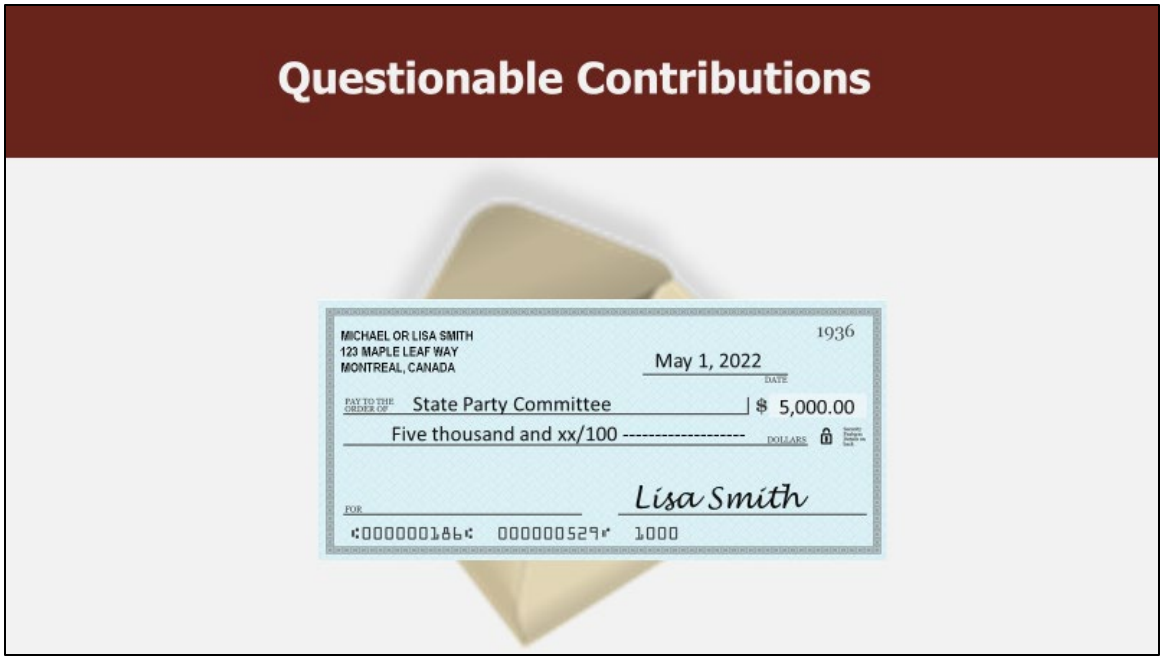
1. Foreign nationals
2. National banks
3. Federally chartered corporations

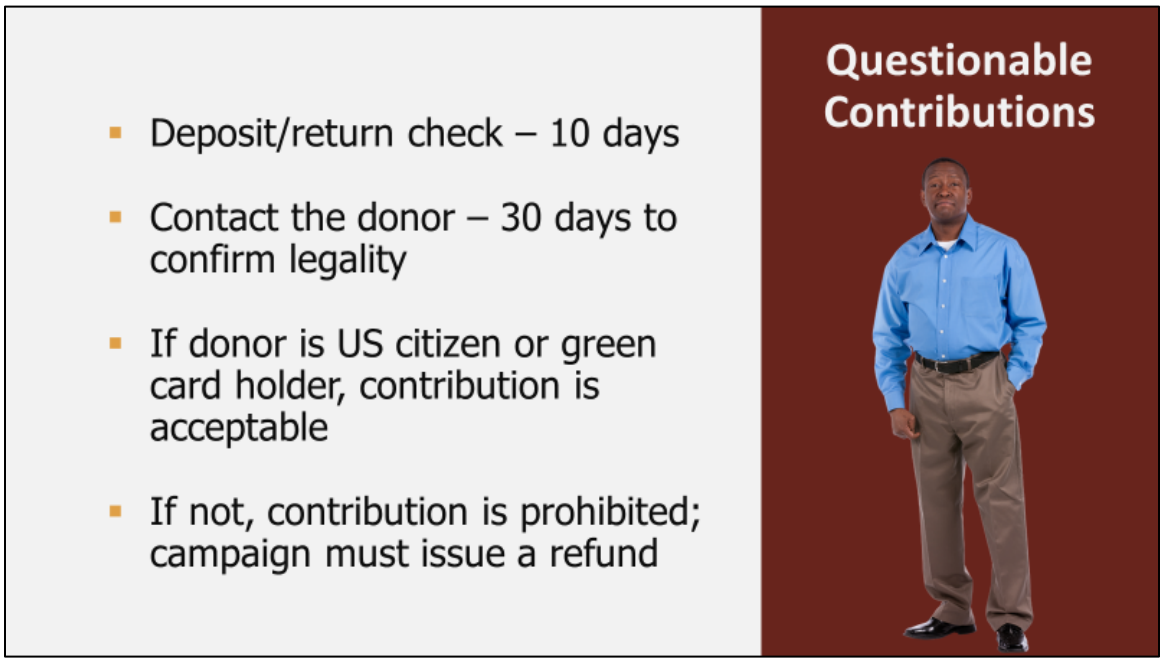
[1] Corporations and labor organizations may contribute to independent expenditure-only committees (i.e., Super PACs) and to the non-contribution account of a Hybrid PAC.

III. Handling Questionable Contributions to Federal Account (11 CFR 103.3)









Deposit while checking. If unsure whether contribution is from a permissible source, party may deposit it while confirming permissibility.

Refund after 30 days if unable to verify legality. Within 30 days of receipt, must refund if unable to determine if contribution is permissible.

PART 3: ADMINISTRATION/ENFORCEMENT OF LAW

Federal Election Campaign Act

Requires Disclosure



Limits Funding



Establishes FEC



Establishes FEC



Encourage voluntary compliance

Review reports and audit committees for cause

Enforce law:

- Administrative fines
- Alternative Dispute Resolution (ADR)
- Matters Under Review (MURs)

PART 4: FEC COMPLIANCE RESOURCES





www.fec.gov/help-candidates-and-committees/



www.fec.gov/help-candidates-and-committees/trainings/



www.youtube.com/FECTube

Compliance Help



Subscribe to:

- A specific topic
- Entire categories of information
- Multiple categories
- All subscription items

Topics include:

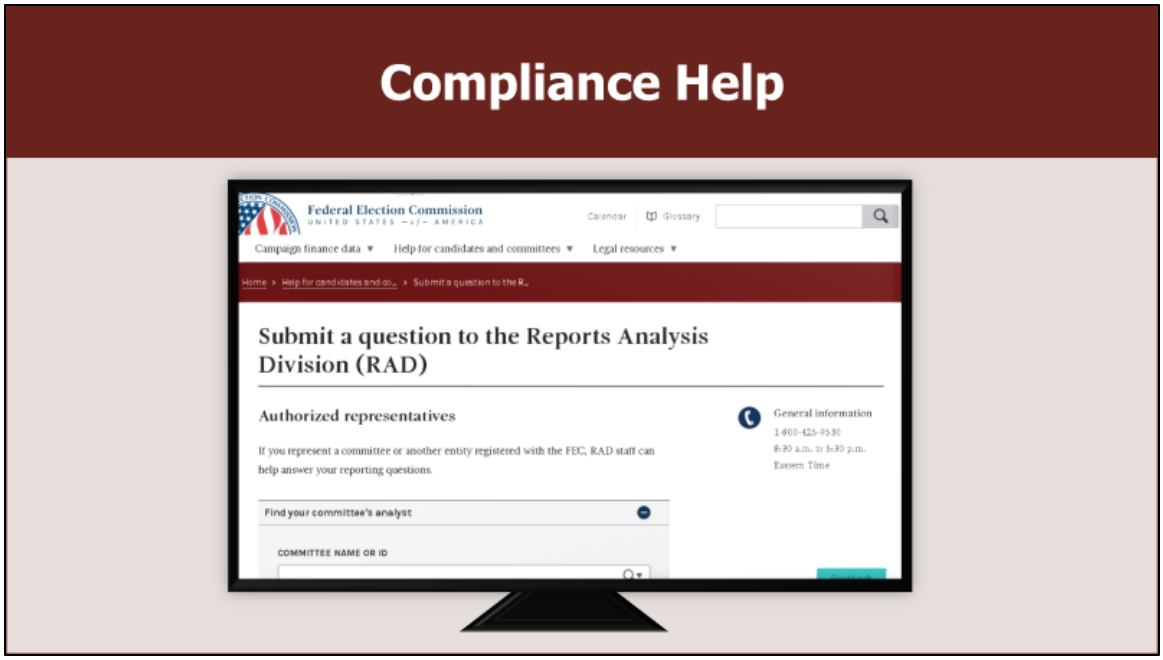
- Regulations
- Advisory opinions
- News releases
- Campaign finance data
- FEC outreach programs

public.govdelivery.com/accounts/USFEC/subscriber/new?qsp=CODE_RED

Compliance Help

- For e-filing tech support, press 4 for the Electronic Filing Office
- For reporting help, press 5 to reach your RAD Analyst
- For other questions, press 6 for an Information Specialist

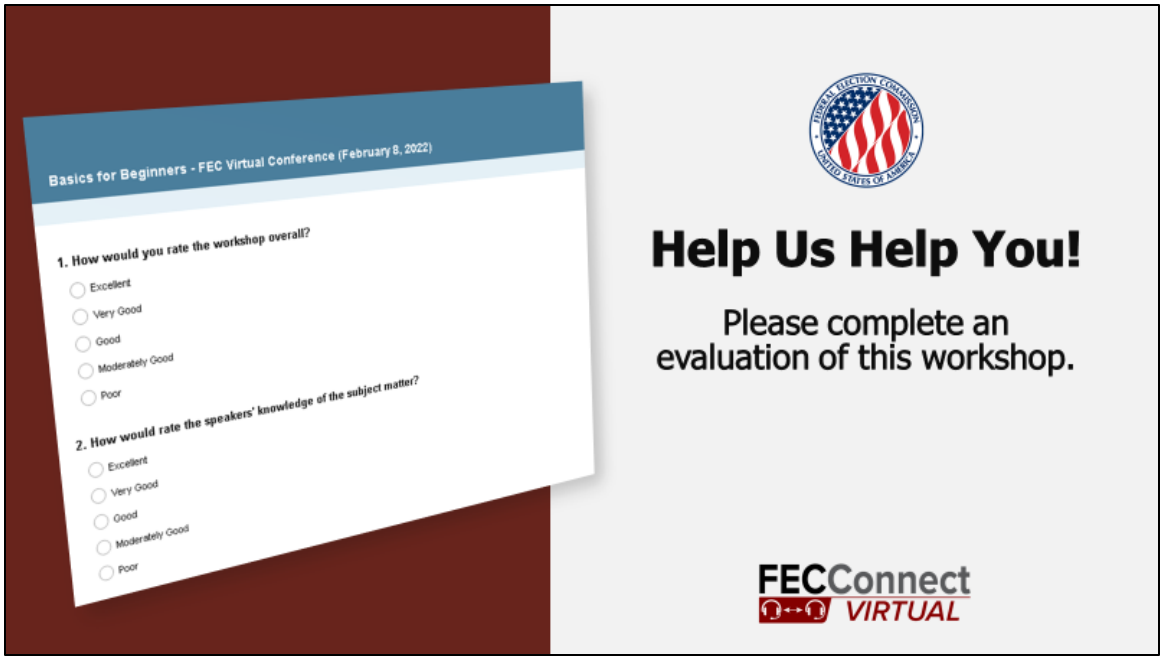




www.fec.gov/help-candidates-and-committees/question-rad/



- **Commission meetings:** www.fec.gov/meetings/
- **FEC Twitter feed:** twitter.com/fec
- **Record blog:** www.fec.gov/updates/?update_type=fec-record
- **Press Office:** www.fec.gov/press/



Evaluation link: *https://www.surveymonkey.com/r/KGSDQD9*