

FEDERAL ELECTION COMMISSION

Instructions for Preparing FEC FORM 9 (24 Hour Notice of Disbursements/Obligations for Electioneering Communications)

Who Must File

Every person that makes disbursements for electioneering communications aggregating in excess of \$10,000 during a calendar year must report these disbursements by submitting FEC Form 9. For purposes of these notices, “disbursements” includes actual disbursements and the execution of contracts creating an obligation to make disbursements for electioneering communications. The Commission must receive the notice by 11:59 p.m. of the day following the date of the first public disclosure of the electioneering communication that triggers the reporting requirement. Each time subsequent disbursements for electioneering communications made by the same person or entity aggregate in excess of \$10,000, another notice must be submitted. (Note: Political committees that make disbursements for such communications must report such disbursements on FEC Form 3X as expenditures or independent expenditures, as appropriate.)

Definitions

Electioneering Communication means any broadcast, cable or satellite communication that (1) refers to a clearly identified candidate; (2) is publicly distributed; (3) is distributed within 60 days prior to a general election or 30 days prior to a primary election; and (4) can be received by 50,000 or more people in the House District or State that the candidate seeks to represent, or in the case of Presidential primaries, the State holding a Presidential primary within 30 days of the date of public distribution. 11 CFR 100.29.

Public Distribution of an electioneering communication means the airing, broadcast, cablecast or other dissemination of such a communication through the facilities of a

television station, radio station, cable television system or satellite system.

Date of Public Distribution refers to the “**Disclosure Date**” under 11 CFR 104.20(a)(1). That regulation defines the date that triggers disclosure of an electioneering communication. The first reportable date of public distribution in a calendar year is the date that an electioneering communication is publicly distributed when the maker of the communication has also surpassed the \$10,000 disbursement threshold. Counting toward the \$10,000 threshold are disbursements made for the direct costs of producing or airing the communication aired on the first reportable date plus the direct costs of any previously unreported electioneering communications. After the first disclosure date, subsequent disclosure notices must be filed on the day following each date on which an electioneering communication is publicly distributed, provided that the direct costs for any electioneering communications since the last Form 9 was filed aggregate in excess of \$10,000.

Direct Costs of Producing or Airing Electioneering Communications means (1) costs charged by a vendor (e.g., studio rental time, staff salaries, costs of video or audio recording media and talent) or (2) costs of airtime on broadcast, cable and satellite radio and television stations, studio time, material costs and the charges for a broker to purchase the airtime. 11 CFR 104.20(a)(2).

Donation as used on this Form means any gift, subscription, loan, advance or deposit of money or anything of value given to any person that is used to finance an electioneering communication.

Segregated Bank Account as used on this Form means a separate bank account into which a reporting entity deposits only funds donated, or oth-

erwise provided, by persons other than national banks, corporations organized by authority of any law of Congress, or foreign nationals, from which it makes disbursements for electioneering communications. 11 CFR 104.20(c)(7).

Name of Employer means the organization or person by whom an individual is employed, rather than the name of his or her supervisor. Individuals who are self-employed should indicate “self-employed.”

Occupation means the principal job title or position of an individual.

Purpose means a brief statement or description of why the disbursement was made.

When to File

The Commission must receive notices of electioneering communications no later than 11:59 p.m. Eastern Standard/Daylight Time of the day following the date on which an electioneering communication is publicly distributed for the first time, provided that the \$10,000 threshold has been reached. The Commission must receive notices of subsequent disbursements for additional airings of the same electioneering communication and/or for other electioneering communications by 11:59 p.m. Eastern Standard/Daylight Time of the days that follow the dates of public distribution of later electioneering communications, whenever the costs of such communications bring subsequent aggregate disbursement totals to more than \$10,000. These later aggregations must include any previously unreported disbursements for electioneering communications that have been publicly distributed since the most recent notice was filed.

Notices of electioneering communications may be filed by fax to (202)219-0174, by electronic mail to 2022190174@fec.gov or by online

webform available on the Commission's web site at <http://www.fec.gov/electfil/online.shtml>.

Where To File

File all notices of electioneering communications with the Federal Election Commission, 1050 First Street, N.E., Washington, DC 20463.

Filers are no longer required to file copies of this form in states and territories that have qualified for a filing waiver. Currently, only filers based in Guam, Northern Mariana Islands or Puerto Rico must routinely file copies with the appropriate office in those territories. Other filers must file a copy of any portion of their notice of electioneering communications applicable to candidates who seek or sought election in those territories. For notices of electioneering communications made in Guam, Northern Mariana Islands or Puerto Rico referencing a candidate for President or Vice President, submit a copy to the territory in which the expenditure is made.

Persons filing notices of electioneering communications must retain copies of their notices for a period of not less than 3 years from the date of filing.

Line By Line Instructions

LINE 1. Person Making the Disbursements/Obligations. Provide the requested information. A "person" may be an individual, unincorporated organization, corporation or labor organization.

LINE 2. Individual filers: provide the name of your employer and your occupation.

LINE 3. FEC Identification Number. First time filers—leave this line blank. Previous filers with an identification number—enter that number.

LINE 4. Covered Period. Enter the first and last dates of financial activity covered by the statement; these dates

should begin with the date of the first related disbursement and end with the date of public distribution.

LINE 5. New or Amended. Check "Amended" if you are filing an amendment to a previous notice. Otherwise, check "New."

LINE 6.

a) **Date of Public Distribution.** Enter the public distribution date of the electioneering communication for which disbursements have exceeded \$10,000 or whose related costs together with earlier disbursements for electioneering communications have exceeded \$10,000, thereby triggering the 24-hour notice requirement. If this is the first notice filed with regard of a particular electioneering communication by the maker, enter the date that the communication was first publicly distributed. If this is not the first notice filed with regard to a particular electioneering communication by the maker, enter the date on which the previously reported electioneering communication was publicly distributed an additional time, provided that costs related to the additional public distribution have exceeded \$10,000 or the costs of the additional distribution plus disbursements related to other electioneering communications aired since the last notice was filed have exceeded \$10,000. For subsequent, new electioneering communications, enter the date on which the communication was first aired whenever related and/or aggregated costs exceed \$10,000. See the definitions above and under 11 CFR 104.20(a) of "Date of Public Distribution" and "Direct Costs of Producing or Airing Electioneering Communications."

b) **Communication Title.** List the title of the communication as

named by the media vendor or producer of the communication. (Titles of individual communications should remain the same throughout their various public distributions unless the content changes.)

LINE 7. Filer Type. Check the box that identifies the type of person making the electioneering communication. A corporation or labor organization making electioneering communications under 11 CFR 114.10 must check box (b).

LINE 8. Account for Donations. Check "Yes" if the disbursements for the electioneering communication were made exclusively from donations to a "segregated bank account" as described above. 11 CFR 104.20(c) and 11 CFR 114.10(d). Otherwise, check "No."

LINE 9. Name of Custodian of Records. Provide the requested information about the individual who controls the books and records that support this filing.

LINE 10. Total Donations This Statement. Provide the sum total of donations itemized on Schedule 9A. If no donations required itemization (see instructions for Schedule 9-A below), enter "0" (zero).

LINE 11. Total Disbursements/Obligations This Statement. Provide the sum total of disbursements itemized on Schedule 9B.

LINE 12. List of Persons Sharing/Exercising Control. Provide the requested information for each person who shared or exercised control of making the disbursement/obligation for the electioneering communication. This means officers, directors, executive directors or their equivalents, partners, and, in the case of unincorporated organizations, owners of the entity or persons making disbursements for the electioneering communication. The senior staff position in

an organization, whatever its title, that functions as an executive director is the equivalent of an executive director.

Verification

FEC Form 9 must be signed by the person making the electioneering communication, who is making a verified certification under penalty of perjury that the statement is correct.

Instructions for Schedule 9A (Donations Received) FEC FORM 9

Who Must File Every individual and unincorporated organization making electioneering communications must file Schedule 9-A disclosing each donor who donated an amount aggregating \$1,000 or more since the first day of the preceding calendar year. 11 CFR 104.20(c)(7) and (8). Likewise, corporations and labor organizations making communications exclusively from a segregated bank account must file Schedule 9-A disclosing each donor who donated an amount aggregating \$1,000 or more since the first day of the preceding calendar year. 11 CFR 104.20(c)(7). If a corporation or labor organization did not pay for communications exclusively from a segregated bank account, Schedule 9-A must be filed only if the donations received for the purpose of furthering electioneering communications aggregate \$1,000 or more per donor since the first day of the preceding calendar year. In this case, Schedule 9-A must disclose each donor whose donations to further electioneering communications aggregated \$1,000 or more. 11 CFR 104.20(c)(9).

After itemizing the donations, subtotal each Schedule 9A. (You may use multiple pages.) Add the subtotals on the last page of Schedule 9A, and carry the total to Line 9.

Instructions for Schedule 9B (Disbursement(s) Made or Obligations)

For each disbursement made or contract executed, including each disbursement made or contract executed prior to exceeding the \$10,000 threshold, provide the requested information. If the payee is an individual, list that individual's occupation and employer. Additionally, list each federal candidate clearly identified in the communication, including the office sought and the election that the disbursement/obligation is made for. Along with listing the specific purpose of the disbursement (e.g., radio ad, television ad), list the title of the communication as named by the media vendor or producer of the communication. (Titles of individual communications should remain the same throughout their various public distributions unless the content changes.) Also list the communication date for the electioneering communication. In most instances, this date will be the Date of Public Distribution. If the maker of the electioneering communication is also required to report disbursements related to other electioneering communications (e.g., electioneering communications with costs below the \$10,000 threshold), the disbursements listed on Schedule 9B must indicate the other electioneering communication's title in the purpose line, the date the electioneering communication was publicly distributed and the federal candidate that was clearly identified in the communication.

After itemizing the disbursements/obligations, subtotal each Schedule 9B. (You may use multiple pages). Add the subtotals on the last page of Schedule 9B, and carry the total to Line 10.