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NEWS FROM...

FEDERAL ELECTION COMMISSION



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FEC FILES SUIT AGAINST THREE CANDIDATES

WASHINGTON - OCTOBER 27 - The Federal Election Commission today revealed that it has filed civil suits this week in two United States District Courts to compel three Federal candidates to comply with reporting requirements of the Federal Election Campaign Act.

In separate suits involving two candidates for U.S. Senate and one for the U.S. House of Representatives, the FEC asked the District Courts to order each candidate to file the July 10, 1976 quarterly report and subsequent quarterly reports, and to file the report required 10-days prior to a recent primary election. The FEC also asked the Courts to assess a penalty, of not more than \$5,000 against each candidate "for failing and refusing to comply with [these] requirements of the Act."

The following are the candidates, the Congressional District/State, the date of the candidate's primary election, and the U.S. District Court in which the suits were filed, (alphabetically, by state):

Robert O. Flynn.....(9th District - Massachusetts).....
(September 14, 1976).....(District Court, Massachusetts)

Bernard Shannon(Sen. - Massachusetts).....
(September 14, 1976)(District Court, Massachusetts)

Edward Brown(Sen. - Tennessee).....
(August 5, 1976)(Middle District Court, Tennessee)

The Commission stated in its court complaints that prior to filing civil suits, it had sent two notices to each candidate concerning the failure to file the pre-primary report.

Subsequent to the primary election, the FEC also published each candidate's name publicly, as required by the statute, as having failed to file the pre-election report.

In the case involving an August 5 primary (Brown), the FEC sent pre-election report filing notices to the candidate on July 28 and August 9, and published the non-filer list on September 1.

In the cases involving a September 14 primary (Flynn and Shannon), the FEC sent pre-election report filing notices to each candidate and his principal campaign committee on September 7 and September 10, and published the non-filer list on September 23.

In each case, under FEC compliance procedures, the first notice informed the candidate that the Commission found "reason to believe" a violation of the Act may have occurred, and the second notice informed the candidate that the Commission found "reasonable cause to believe" a violation of the Act may have occurred. Prior to filing suit, the Commission voted to find "probably cause" to believe a violation of the Act may have occurred.