



THE FEDERAL ELECTION COMMISSION

RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 4, Number 10

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REPORTS

THIRD QUARTERLY REPORT

All candidates for Federal office and political committees supporting such candidates must file a third quarterly report of receipts and expenditures by October 10, 1978, if total contributions received or total expenditures made during the third quarter exceeded \$1,000. In addition, those candidates or committees whose debts extinguished or debts incurred exceeded \$1,000 during the quarter are required to file the quarterly report. If campaign finance activity did not exceed this reporting threshold during the quarter, candidates and committees are eligible for the quarterly report exemption. They may file FEC Form 3a (postcard form), or a letter containing the same information, instead of the full report of receipts and expenditures.

Candidates and committees who filed FEC Form 3a for the first or second quarterly report and whose campaign finance activity during subsequent quarters did not exceed the \$1,000 threshold, continue to be exempt from the quarterly report. They need not file a second postcard form.

Candidates who have requested a personal reporting waiver need not file a personal candidate report on October 10. A political committee filing on a monthly basis (instead of quarterly) must file its report for the month of September on October 20.

The quarterly report, filed on FEC Form 3 or 6 (with supporting schedules), is due on or before October 10, 1978, and covers the period July 1, 1978, through September 30, 1978. However, in the case of candidates and committees who filed pre- or post-primary election reports after July 1, the third quarterly report should cover the period from the last report filed through September 30. All reports are filed with the Clerk of the House, the Secretary of the Senate, or the Federal Election Commission, as appropriate.

A packet of additional information will be sent to all registered candidates and committees. Questions or

requests for forms may be addressed to the Commission by writing the Office of Public Communications or by calling in Washington, D.C. 202/523-4068 or toll-free 800/424-9530.

PRE-GENERAL ELECTION REPORT

All candidates for Federal office in the November general election and all political committees supporting such candidates must file a pre-election report of receipts and expenditures no later than October 28, 1978. This report must be filed regardless of the amount of financial activity. **FEC Form 3a (postcard form) will not be considered an adequate filing and should not be used for this pre-election report.**

Political committees which file monthly reports, but which have supported (i.e., made contributions or expenditures on behalf of) candidates in the general election, must also file the pre-election report. (This report, together with the post-general election report and the year-end report, is filed in lieu of the November, December and January monthly reports.) Candidates who have a personal reporting waiver, however, need not file a personal candidate report.

The report is due on or before October 28, 1978. If sent registered or certified mail, the report must be postmarked no later than midnight, October 26, 1978. The report should disclose all transactions (not previously reported) since the closing date of the last full report (Form 3 or 6) through October 23, 1978. A previously filed postcard form is **not** considered a full report. Therefore, candidates and committees who previously filed a postcard form in lieu of a quarterly report must now disclose any transactions occurring in that prior quarter which were not reported.

For details on where to file or for other information, see article above.

IN THE EVENT OF A MAIL STRIKE

Any delay or interruption of mail services does not alter the reporting requirements of the Act. The Commission has no authority to waive the quarterly, pre- or post-election reports required of candidates for Federal office and political committees supporting such candidates.

continued

Pre-election reports sent registered or certified mail are considered timely filed if postmarked no later than midnight 12 days before the election. Post-election and quarterly reports are timely filed if postmarked registered or certified mail on their respective filing dates. However, in the event of a breakdown of mail delivery, the Commission urges all candidates and committees to make every possible effort to use alternative means to insure that their reports arrive in a timely manner at the filing offices. Among the options candidates and committees may wish to consider are:

- Package express services;
- Hand-delivery by someone traveling to Washington, D.C. and the State capital;
- Telephone copier services.

The Commission also urges candidates and committees, in the spirit of public disclosure, to make their reports available to the public and media in their headquarters and local offices.

FREQUENT REPORTING ERRORS

Errors most frequently found in random audits were presented in a report approved by the Commission on August 10, 1978. The **Report on the Random Audits Conducted of Congressional Elections**, compiled from 106 audits of Congressional candidates and their committees, summarizes the findings of the audits and describes the areas which posed particular problems for the candidates and committees. (For a summary of the Commission's policy used to select candidates for the random audits, see the September 1977 issue of the **Record**, p. 6.)

The Report revealed that the highest rate of error occurred for the most part with regard to some of the least complicated requirements of the Act. It further concluded that candidates and committees frequently accepted prohibited contributions from labor or corporate sources as well as contributions in excess of the limitations.

The Report highlighted the four most frequent errors or omissions noted during the audits:

1. Inadequate Supporting Documentation for Expenditures (11 CFR 102.9(c))

Many committees audited had not obtained and/or kept receipted bills, stating the particulars for expenditures in excess of \$100 (or those which aggregated in excess of \$100 to the same payee) during the calendar year. Where a receipted bill was not available, the committees had failed to keep, as an alternative, the canceled check showing payment, together with one of the following:

- The bill;
- The invoice; or
- A contemporaneous memorandum of the transaction supplied by the payee.

2. Failure to Itemize Contributions and Expenditures

(2 U.S.C. §434(b)(2) & (9))

The committees frequently failed to itemize contributions from and expenditures to the same person which exceeded \$100 during a calendar year. The lack of itemization generally occurred when several transactions with the same person collectively exceeded the \$100 threshold. For example, a committee failed to itemize its second and third expenditures of \$50 and \$75 to the same vendor after having made an initial expenditure to the vendor of \$100.

3. Failure to Itemize All Transfers Received Or Made

(2 U.S.C. §434(b)(4))

Committees did not always itemize all transfers, despite instructions on the reporting forms and schedules. Most of the undisclosed transfers were in amounts of \$100 or less, suggesting that the committees were unaware of the requirement to itemize any transfer, regardless of amount.

4. Acceptance of Prohibited Contributions

A substantial number of committees accepted contributions from corporate and labor sources (2 U.S.C. §441b). Committees also accepted contributions in excess of dollar limitations (2 U.S.C. §441a).

In an effort to encourage voluntary compliance with the Act, the Commission will send a special notice to all Congressional candidates and committees outlining the Report's findings and highlighting the major errors. The substance of that special notice has been summarized here to benefit all political committees.

OPINIONS

PENDING ADVISORY OPINION REQUESTS

The following chart lists pending Advisory Opinion Requests (AOR's), with a brief description of the subject matter, the date the requests were made public and the number of pages of each request. The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject	Date Made Public	Number of Pages
1978-62	Application of the Act to activities of consumer organization.	8/18/78	4
1978-63	Contributions to deceased candidate's campaign.	8/21/78	2

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AOR	Subject	Date Made Public	Number of Pages
1978-64	Limitations on contributions to Senate candidates.	8/24/78	1
1978-65	Reporting obligation of unopposed candidate.	8/28/78	2
1978-66	Preemption of California law prohibiting contributions by registered lobbyists.	8/28/78	2
1978-67	Headquarters shared by Federal and non-Federal candidates.	8/28/78	1
1978-68	Contributions made by credit card.	8/29/78	1
1978-69	Designation of 1976 committee for 1982 election.	8/29/78	1
1978-70	Solicitation of pledges for possible Presidential campaign.	9/8/78	7
1978-71	Transfer of excess campaign funds.	9/8/78	2
1978-72	Distribution and sale of pamphlet.	9/8/78	5

ADVISORY OPINIONS: SUMMARIES

Designated as AO's, Advisory Opinions discuss the application of the Act or Commission regulations to specific factual situations. Any qualified person requesting an Advisory Opinion, who in good faith acts in accordance with the opinion, will not be subject to any sanctions under the Act with regard to the activity in question. The opinion may also be relied on by any other person involved in a specific transaction which is indistinguishable in all material aspects from the activity discussed in the Advisory Opinion. Those seeking guidance for their own activity should consult the full text of an Advisory Opinion and not rely only on the summary given here.

AO 1978-10 (Part A): Allocation of Party Expenses

The Republican State Committee of Kansas (the Committee) should allocate expenses of registration and get-out-the-vote drives between Federal and non-Federal elections in the same manner as other general party expenditures (11 CFR 106.1(c) & (e)). The portion of the expenses allocable to Federal candidates must be paid from funds contributed in accordance with the Act. Those costs which are allocated to non-Federal elections may be paid out of funds contributed in accordance with Kansas State law, including, if applicable, funds contributed by corporations or labor

organizations. **NOTE: This conclusion modifies and supercedes the Commission's responses to Advisory Opinion Requests 1976-72 and 1976-83.**

Expenditures made for the Committee's drives need not be considered contributions to a particular candidate for Federal office unless the drives are made specifically on behalf of such candidate.

The Committee may use printed materials (such as slate cards or sample ballots) in connection with the drives, which identify candidates for Federal office. The costs of such materials would not be considered contributions or have to be allocated to candidates provided the materials were prepared in accordance with the slate card or sample ballot exemption in the Act (2 U.S.C. §431(e)(5)(E) and §431(f)(4)(G)).

Commissioner Thomas E. Harris filed a dissenting opinion. A response to additional questions posed in AOR 1978-10 will be issued by the Commission at a future date. (Length, including dissenting opinion: 7 pages)

AO 1978-32: Payments for Appearances By Officeholder

Senator Herman Talmadge may accept, as honoraria, payments from individuals or separate segregated funds for appearances he makes before them. Such payments would not be considered contributions to Mr. Talmadge's campaign for reelection. As honoraria, however, the payments would be subject to the limitations in 2 U.S.C. §441i.

As a general rule, payments made to Senator Talmadge's principal campaign committee (the Committee) "... may be treated as contributions when the sponsor making the contribution states that it is for the purpose of supporting Senator Talmadge's reelection and is not a payment (honorarium) for the Senator's appearance." As contributions, the payments are subject to the limitations and reporting provisions of the Act.

Without specific facts, the Commission would not conclude categorically that all receipts regarded by the Committee as contributions are not honoraria. The Commission has no jurisdiction over any possible application of Senate Rules or tax laws to the situations described. (Length: 4 pages)

AO 1978-37: Use of Excess Campaign Funds

Congressman Bruce Caputo may use contributions received by the Committee to Reelect Congressman Bruce Caputo (1978 Committee) to retire 1976 general election debts incurred by the Caputo for Congress Committee (1976 Committee). The funds transferred by the 1978 Committee would not be considered contributions to the 1976 Committee (and, therefore, not subject to 1976 contribution limitations) provided:

- The contributions were originally made to influence Mr. Caputo's 1978 election to Federal office; and
- The contributions were received by the 1978 Committee before the date on which Mr. Caputo ceased to be a candidate for Federal office in 1978; and

-- If the contributions were received after the date on which Mr. Caputo ceased to be a candidate, they were received before Mr. Caputo had sufficient funds to retire 1978 campaign debts of his campaign for Federal office.

Contributions which do not meet the above criteria must be regarded either as contributions made for the purpose of retiring the 1976 debt or as contributions for Mr. Caputo's campaign for State office. Contributions to retire the 1976 debt would be subject to the contribution limitations for the 1976 general election. Contributions to a campaign for State office would not be subject to limitations under the Act.

Mr. Caputo may also transfer excess campaign funds from the 1978 Committee to his campaign for State office. Such a transfer is not subject to limitation under the Act. However, any applicable State election laws would not be preempted or superceded in these circumstances.

The Commission has no jurisdiction over any application of State or Federal tax laws or the Rules of the House of Representatives to the situations described. (Length: 5 pages)

AO 1978-38: Solicitation and/or Authorization Statements on Envelopes

The Paula Unruh for Congress Committee (the Committee must include solicitation and/or authorization statements on envelopes used to mail contribution solicitations or on envelopes used for the return of contributions only if:

- The envelope contains on its face or back a solicitation for contributions; and/or
- The envelope contains on its face or back a communication which expressly advocates the election or defeat of a clearly identified candidate.

In the first case, the statement regarding availability of reports (2 U.S.C. §435(b)) must appear on the envelope. In the second case, the statement of authorization (2 U.S.C. §441d) must appear. If the envelope has a contribution solicitation and expressly advocates, then it must contain both statements. The mere printing of "... the Committee's mailing address would under no circumstances be considered a communication that needed to include either the statement of authorization or the availability of campaign finance reports." (Length: 3 pages)

AO 1978-40: Loans for Candidate's Personal Living Expenses

Loans received by Ray Kogovsek, candidate for the U.S. House of Representatives, during the period when he was considering becoming a candidate for Federal office are considered contributions under the Act, even though the loans were used only to defray the personal living expenses of Mr. Kogovsek and his family.

Funds provided to a candidate solely to defray personal living expenses are contributions unless the funds are the candidate's "personal funds" as defined in the Commission's regulations (11 CFR 110.10). The loans given to Mr. Kogovsek do not meet this definition and, therefore, are

contributions subject to the limitations of the Act. The loans must also be reported by the Ray Kogovsek for Congress Committee. (Length: 5 pages)

AO 1978-44: Intern Program Sponsored by Senator

An annual summer intern program sponsored by Senator Ted Stevens of Alaska is educationally oriented and not campaign related. Therefore, funds donated to pay for travel expenses of the interns to Washington, D.C. are not considered contributions to Senator Stevens.

Because the funds donated for air fare are not contributed to Mr. Stevens to support his activities as a Federal officeholder, they are not subject to and need not be reported under Part 113 of the Commission's regulations.

The funds are not considered to be donated for the purpose of supporting Mr. Stevens' activities as a Federal officeholder because:

- The funds are at no time under the dominion or control of Senator Stevens or his staff;
- The funds are donated specifically to defray the expenses of intern travel;
- A travel agency in Alaska coordinates and disburses the funds from a separate account established specifically for the purpose. (Length: 3 pages)

AO 1978-45: Rate of Payment for Billboard

The North Kansas City Development Company (the Company) will be considered to have made a contribution in-kind if it rents billboard space to Citizens for Coleman (Citizens), the principal campaign committee of a candidate for the House of Representatives, for less than the commercial rate for similar space. Because the rate proposed by the Company for Citizens is lower than the "normal and usual charge" of the billboard space and because the Company does not routinely offer a similar discount to commercial vendors, the difference between the normal and usual rental charge and the discounted rate would be considered a contribution in-kind to the candidate. The Act prohibits contributions of any amount from corporations. (Length: 2 pages)

AO 1978-46: Corporate Advertising in Connection With State Party Activities

The Republican Party of Texas (the Party) may use corporate treasury funds (assuming such funds are permissible under State law) to defray expenses of the Republican State Convention (the Convention) which are not allocable to Federal election purposes. If any activities at the Convention are in connection with Federal elections, the Convention expenses allocable to Federal election purposes must be paid from the separate Federal campaign committee of the Party, established in accordance with the Commission's regulations at 11 CFR 102.6. Activities would be considered in connection with Federal elections if they involved:

- Soliciting, making or accepting contributions to influence the results of Federal elections; or
- Communications expressly advocating the election or defeat of a clearly identified candidate for Federal office.

Convention expenses allocable to Federal elections would not generally have to be further allocated to specific candidates for Federal office. However, allocation to specific candidates would be required if the expenditure was "made on behalf of a clearly identified candidate for Federal office to whom it could be directly attributed."

The Party may also accept corporate funds for advertisements to be placed in a monthly party newsletter, provided such funds are permissible under State law. However, if any portion of the material published in the newsletter relates to Federal elections, then the newsletter expenses must be allocated between Federal and non-Federal elections. The Federal portion of the expenses must be paid from the Federal campaign committee of the Party. Such expenses would not constitute a contribution to specific candidates.

If, however, the newsletter contains communications which expressly advocate the election of clearly identified Federal candidates, "... the expenses of the newsletter attributed to those communications... must be treated as general election expenditures of the Party under 2 U.S.C. §441a (d)." Such expenditures must be paid from the Federal campaign committee of the Party.

Commissioner Thomas E. Harris filed a dissenting opinion. (Length, including dissenting opinion: 6 pages)

AO 1978-47: Contribution Limitations

Since the Commission is still in the process of securing facts as to whether the Pennsylvania Medical Political Action Committee (PMPAC) and the American Medical Political Action Committee (AMPAC) are affiliated, the Commission cannot issue an advisory opinion concluding that the Don Bailey for Congress Committee may lawfully accept general election contributions totaling \$8,000 from PMPAC and AMPAC. (Length: 2 pages)

AO 1978-48: Use of Electrical Car in Campaign

Senator James A. McClure may personally lease an electric car from the General Electric Company to commute from his Virginia residence to his office in Washington, D.C. However, if Mr. McClure ships the car to Idaho for use in his campaign for reelection, the cost of shipping the vehicle would be considered a contribution in-kind by Mr. McClure to his campaign committee. In addition, a reasonable portion of the cost of leasing this vehicle must be allocated as a campaign expense, and be considered a contribution in-kind from Mr. McClure. (Length: 3 pages)

AO 1978-49: Contribution In-Kind

Congressman Ted Risenhoover need not consider a magazine advertisement expressly advocating his defeat as a candidate for Federal office as a contribution in-kind to his campaign, if the expenditure for the advertisement was made without the "cooperation or consultation" of Mr. Risenhoover, his campaign committee or any of his authorized agents. In this case, even though Mr. Risenhoover considered the advertisement as "good publicity" for his campaign, the expenditure for the advertisement would be regarded as an "independent expenditure" (by the person

placing the advertisement) not subject to limitation and not reportable by Mr. Risenhoover's campaign committee. (Length: 2 pages)

AO 1978-51: Contributions from American Indian Tribe

The Friends of Eldon Rudd, a political committee, may accept a contribution from the Ak-Chin Indian Community (the Community). As a non-incorporated entity with no corporate members, the Community is considered a "person" as defined in the Act (2 U.S.C. §431(h)), permitted to make contributions. Contributions from persons may not exceed \$1,000 to any single candidate per election. If, during a calendar year, the Community contributes more than \$1,000 to various candidates for Federal office (or political committees supporting such candidates), the Community would then be considered a "political committee" subject to the registration and reporting requirements of the Act. (Length: 2 pages)

AO 1978-52: Participation in Corporate Educational Activities

Congressman Allen E. Ertel may, under certain circumstances, receive written materials prepared by the Sun Company (a corporation) without being considered to have accepted a prohibited corporate contribution. The Sun Company may lawfully prepare and distribute the materials as internal communications to Sun executives and stockholders. The materials could also be prepared for lobbying purposes which are outside the Act and jurisdiction of the Commission.

Receipt of the materials by Mr. Ertel would not be a "contribution" or "expenditure" because:

- "... There is no apparent purpose to influence [Mr. Ertel's] nomination or election to Federal office. . ."; and
- The materials "are not things of value which may be 'consumed' or utilized by [Mr. Ertel's] campaign in a manner that might benefit or influence [his] candidacy."

The Commission also based its conclusion on the fact that only a single copy of the materials would be given to Mr. Ertel. (Length: 3 pages)

AO 1978-53 (A-E): Contributions from Separate Segregated Fund

Contributions received by five Congressmen from the National Education Association's Political Action Committee (NEA-PAC) in 1975 and 1976 do not have to be returned as a result of the recent District Court decision in *FEC v. National Education Association, et al.* (For a summary of the decision, see the September 1978 issue of the *Record*, p. 4.)

The decision held that a system of collecting political contributions used by NEA-PAC (the "reverse check-off system") is prohibited by the Act (2 U.S.C. §441b). The Court's decision did not, however, address the question of the status of contributions already received by candidates or committees from NEA-PAC.

continued

The Commission will not require the return of 1975 and 1976 contributions, provided they are otherwise lawful under the Act, "... since the Commission has no evidence that [the candidates and committees] had any knowledge when NEA-PAC contributions were received that such contributions had, at least in part, been collected by a procedure which has now been held to be illegal. . . ."

This Advisory Opinion responds to requests submitted by five Members of the U.S. House of Representatives: Henry J. Nowak, Butler Derrick, John J. LaFalce, Edward Madigan and Ronald A. Sarasin. (Length of each opinion: 2 pages)

AO 1978-54: Preemption of Alabama State Law

The Federal Election Campaign Act preempts and supercedes the requirements of an Alabama Law (Chapter 22 of Title 17, Code of Alabama 1975) regarding the designation of political committees by candidates for Federal office. The Act and the Commission's regulations provide that State law is preempted and superceded with respect to: "the organization and registration of political committees supporting Federal candidates, the reporting and disclosure of political contributions and expenditures to and by candidates to Federal office and political committees supporting them, and limitations on contributions and expenditures regarding Federal candidates and political committees." 11 CFR 108.7(b). (Emphasis added.) (Length: 3 pages)

AO 1978-58: National Party Committee

The Pyramid Freedom Party is not considered to be a "national committee," as defined in the Act, because it has not yet demonstrated sufficient activity on a national level. 2 U.S.C. §431(k). Therefore, because it supports only a candidate for the office of President, it will be regarded as a single candidate committee for purposes of the reporting requirements and contribution limitations of the Act.

FEC PUBLIC APPEARANCES

In keeping with its objective of making information available to the public, the Federal Election Commission regularly accepts invitations for its representatives to address public gatherings on the subject of campaign finance laws and the Commission itself. This regular column lists scheduled Commission appearances, the location of the event and the Commission's representative.

10/3 Cornell Club of Washington
Washington, D.C.
Chairman Joan Aikens

10/20 President's Forum
American Paper Institute
Pebble Beach, California
Chairman Joan Aikens

Examples of activity on a national level noted by the Commission included:

- Nomination of Presidential and Vice Presidential candidates;
- Nomination of numerous candidates for the Senate and House of Representatives in various States;
- Activities outside of those directly involved in a specific election (e.g., voter registration or get-out-the-vote drives, organization of volunteer workers, publicizing issues of importance to the party, etc.) (Length: 2 pages)

AO 1978-60: Use of Network Television Tape

Use of a NBC videotape by Congressman Harold S. Sawyer in connection with his campaign for reelection to Federal office would constitute a prohibited contribution in-kind by a corporation, because the videotape was made and then given to him free of charge by NBC.

Congressman Sawyer may, however, use a copy of the videotape for campaign-related activities if he first pays NBC the usual and normal charge for such film. "Usual and normal charge" would be "the amount which NBC regularly charges for videotape copies to any person who, having appeared in an NBC newscast, requests a copy of the videotape segment." On the other hand, if NBC's established policy and practice is to provide such videotape segments free of charge to any individual who appeared in a newscast, the free film given to Congressman Sawyer would not constitute a contribution in-kind and could be used in connection with campaign-related activities. (Length: 3 pages)

AO 1978-64: Contributions by Party Committee

The National Republican Senatorial Committee may give up to its limit of \$17,500 to the 1978 Senate campaign of John Warner, even though the Committee had previously given that amount to the 1978 Senate campaign of the late Richard Obenshain. Mr. Warner was selected as the new Republican nominee for the Senate in Virginia upon the death of Mr. Obenshain. The limitations "relate to a particular candidate for the Senate rather than a particular Senate seat." 2 U.S.C. §441a(h). (Length: 2 pages)

STAFF

FISCAL YEAR 1980 BUDGET

On August 24, 1978, the Commission approved its proposed budget for Fiscal Year 1980. The budget request of \$10,697,620 contains 41 program packages presented to the Commission's Budget Task Force by the division heads and provides for 303 permanent employees.

The Commission is required to submit its proposed budget to the Office of Management and Budget by September 1, 1978. It concurrently submits its proposed budget to the Congress.

THE LAW IN THE COURTS

LITIGATION STATUS INFORMATION

The following is a list of new litigation involving the Commission, together with the date the suit was filed, the Court involved, the Docket Number and a brief description of the major issue(s) involved in the case. Persons seeking additional information on a particular case should contact the Court where the suit is filed or the Federal Election Commission.

Martin Tractor Company, et al. v. FEC, et al., U.S. District Court for the District of Columbia, Docket Number 78-1250, July 7, 1978.

Suit challenging constitutionality of 2 U.S.C. §441b, which limits corporate solicitations of contributions to separate segregated funds.

National Chamber Alliance for Politics, et al. v. FEC, et al., U.S. District Court for the District of Columbia, Docket No. 78-1333, July 20, 1978.

Suit challenging constitutionality of 2 U.S.C. §441b, which prohibits separate segregated funds from soliciting political contributions from other separate segregated funds.

FEC v. James E. Cunningham, et al., U.S. District Court for the Eastern District of Louisiana, Docket No. 78-2519, July 31, 1978.

The Commission alleges that the defendant violated the Act by making illegal contributions.

FEC v. Hall-Tyner Election Campaign Committee, et al., U.S. District Court for the Southern District of New York, Docket No. 78 CIV 3508, August 1, 1978.

The Commission alleges that the defendant violated the Act by failing to obtain and report required contributor information.

FEC v. Central Long Island Tax Reform Immediately Committee, et al., U.S. District Court for the Eastern District of New York, Docket No. 78 C 1658, August 1, 1978.

The Commission alleges that the defendant violated the Act by failing to report independent expenditures and by failing to place required statements on publications.

FEC v. The Spotlight, et al., U.S. District Court for the District of Columbia, Docket No. 78-1544, August 17, 1978.

The Commission alleges that the defendant violated the Act by failing to report independent expenditures, by failing to place required statements on publications, and by making illegal corporate contributions.

COMPLIANCE

FEC PUBLISHES NAMES OF NONFILERS

The Commission is required by the Federal Election Campaign Act to publish the names of candidates and political committees who fail to file required reports of receipts and expenditures. Before publishing the name of a candidate or committee who has failed to file, the Commission sends them at least two notices. If, following receipt of these notices, a candidate or committee continues not to file the required reports, the name of that "nonfiler" is made public. The following is a list of recent nonfiler actions taken by the Commission:

Publication Date	Report Not Filed	Number of Nonfilers
8/19/78	Oklahoma (Pre-Primary)	3
8/21/78	June 20 (Monthly)	1
8/21/78	Kentucky (Post-Primary)	3
8/21/78	Oregon (Post-Primary)	3
9/2/78	Alabama (Pre-Primary)	1
9/6/78	California (Post-Primary)	23
9/6/78	Mississippi (Post-Primary)	2
9/6/78	Montana (Post-Primary)	1
9/6/78	New Jersey (Post-Primary)	4
9/6/78	Ohio (Post-Primary)	3
9/9/78	Arizona (Pre-Primary)	3
9/9/78	Colorado (Pre-Primary)	1
9/9/78	Florida (Pre-Primary)	2
9/9/78	Minnesota (Pre-Primary)	8
9/9/78	New Hampshire (Pre-Primary)	1
9/9/78	New York (Pre-Primary)	6
9/9/78	Rhode Island (Pre-Primary)	1
9/9/78	Wisconsin (Pre-Primary)	1
9/9/78	Wyoming (Pre-Primary)	1
9/14/78	Louisiana (Pre-Primary)	2

CLEARINGHOUSE

ADVISORY PANEL MEETS

The sixth meeting of the FEC's Clearinghouse Advisory Panel took place in Albuquerque, New Mexico on August 14-15, 1978. Chairman Joan D. Aikens, Vice Chairman Robert O. Tiernan and the Clearinghouse staff met with the 20 Panel members in numerous discussion sessions.

The Panel reviewed several projects being undertaken by the Clearinghouse, including Contested Elections and Recounts, and Bilingual Election Services. Further discussions focused on three major areas of interest:

- The need for regional seminars on election administration;
- Research efforts in the area of redistricting and reprecincting;
- Research efforts on the subject of initiative and referendum provisions.

Concurrent with the Panel sessions, the Clearinghouse conducted several separate meetings on the following projects: Bilingual Registration and Election Services, Registration File Maintenance Procedures, Training of Election Officials, and Registration and Election Statistics.

ELECTION CASE LAW AND ELECTION LAW UPDATES AVAILABLE

The Clearinghouse recently announced that the quarterly editions of **Election Case Law '78** and **Election Law Updates '78**, are now available for purchase. These cumulative publications provide up-to-date information on all State and Federal election case law and legislation.

Election Case Law '78 contains a summary of all litigation decided between January and June of 1978. It includes an alphabetic table of the cases and a comprehensive subject index. The volume is divided into three sections: Supreme Court, Federal Court and State Court decisions.

Election Law Updates '78 contains a summary of all Federal and State legislation enacted in the first two quarters of 1978. The report includes both a State-by-State synopsis of the legislation enacted at the State level and a listing of proposed Federal legislation. The volume further contains an appendix summarizing 1977 legislation.

To purchase a copy of either report, send \$7.50 (or \$15.00 for both) together with the report title (**Election Case Law '78 First and Second Quarters; Election Law Updates '78 First and Second Quarters**) to:

NTIS - Sales Desk
U.S. Department of Commerce
5285 Port Royal Road
Springfield, VA 22161

CHANGE OF ADDRESS

Record subscribers, when calling or mailing in a change of address, are asked to provide the following information:

- Name of person to whom the **Record** is sent;
- Old address;
- New address;
- Subscription number.

The subscription number is located in the upper left hand corner of the mailing label. It consists of three letters and five numbers (e.g., ABC12345). Without this number, there is no guarantee that your subscription can be located on the computer.

Note: Registered candidates and committees are automatically sent the **Record** and do not have this subscription number on their mailing labels. Any change of address by a registered entity, must, by law, be made in writing as an amendment to FEC Form 1 (Statement of Organization for a Political Committee) or FEC Form 2 (Statement of Candidate), and be placed on the public record.

FEDERAL ELECTION COMMISSION
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