



# THE FEDERAL ELECTION COMMISSION

# RECORD

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

Volume 5, Number 8

August 1979

## REGULATIONS

### PROPOSED REGULATIONS ON CANDIDATE DEBATES

As part of its general planning and preparation for the 1980 Presidential elections, the Commission sent proposed regulations governing the funding, sponsorship and structure of candidate debates to Congress on June 28, 1979. Because candidate debates are designed to educate and inform voters rather than influence elections, the proposed regulations provide that funds received and spent to sponsor nonpartisan debates are not considered contributions or expenditures under the Act. The proposed regulations would also permit unions and corporations to use treasury funds to contribute to the sponsorship of nonpartisan debates, in much the same way that unions and corporations may use treasury funds for nonpartisan registration and get-out-the-vote activities. The proposed regulations stipulate that the debate sponsor must be a tax-exempt, nonprofit organization which has a history of neither supporting nor endorsing candidates or political parties. The proposed regulations would require that the debates be structured in the following manner:

#### General Election (Presidential, Senate or House):

Debates involving candidates in the general election follow a *party standard*. For any given office, a sponsor of debates must invite all candidates nominated by all parties within a given type of party (major, minor or new party). For example, if a sponsor invites one general election candidate who is nominated by a major party to participate in a debate, then the sponsor must invite the candidate nominated for the same office by all other major parties. If only one major party candidate agrees to participate, then the sponsor is required to invite all minor party candidates; if no major and only one minor party candidate agrees to participate, then the sponsor must invite all new party candidates. In any debate held for general election candidates, the sponsor has the discretion to include any minor party, new party, independent or write-in candidate.

#### Primary Election (Presidential, Senate or House):

For the primary election, the sponsor may choose one of the following options:

1. *Ballot standard*: The sponsor of the debate must invite all candidates seeking party nomination for the same office who are qualified to appear on the ballot. In caucus or convention States, each recognized and active candidate must be invited to participate.
2. *Party type standard*: The sponsor must invite all candidates for the same office nominated by all parties within a given type of party (major, minor or new).
3. *Single party standard*: The sponsor may restrict the debate to candidates seeking nomination of one party in a specified region. If this option is chosen, the sponsor must invite candidates seeking the nomination by each of the other parties within the type of party (major, minor and new) to a similarly restricted debate. For example, if the sponsor holds a debate for all the Republican candidates for a specific Senate seat, the sponsor would have to invite all Democratic candidates for the same Senate seat to participate in a similarly restricted debate. This option is available only when each party of the same type has at least two candidates seeking nomination to the same office.

The proposed regulations were published, in their entirety, in the *Federal Register* on July 5, 1979. In accordance with the Act, the proposed regulations will become effective unless the House or Senate disapproves them within thirty legislative days of their submission.

### COMMISSIONER HARRIS RECONFIRMED

On June 19, 1979, the Senate reconfirmed Commissioner Thomas E. Harris for a six-year term on the Federal Election Commission. Mr. Harris, who served as Commission Chairman from 1977 to 1978, was originally appointed to the Commission in 1975. When the FEC was reconstituted in 1976, he received a three-year appointment.

Before serving on the Commission, Mr. Harris was Associate General Counsel to the AFL-CIO in Washington, D.C., from 1955 to 1975. He had held that same position with the CIO from 1948 until it merged with the AFL in 1955. Prior to that, he was an attorney in private practice and with various

Government agencies, A native of Little Rock and a 1932 graduate of the University of Arkansas, Mr. Harris is a 1935 graduate of Columbia University Law School, where he was on the *Law Review* and was a Kent Scholar. After graduation, he clerked one year for Supreme Court Justice Harlan F. Stone.

sion will provide the Clerk and the Secretary with a periodic listing of House and Senate candidates.

The appropriate forms are not available from the FEC, but may be obtained from:

Office of Government Ethics  
 1900 E Street, N.W.  
 Room 5315  
 Washington, D.C. 20415  
 Telephone: 202/632-7642

For additional information, contact the Office of Government Ethics at the number listed above.

The following list identifies all FEC documents which appeared in the *Federal Register* between June 11, 1979, and July 5, 1979:

Notice	Title	Federal Register Publication Date	Citation
1979-7	Index of Multicandidate Political Committees; Notice of Publication and Availability	June 12, 1979	44 FR 33797
1979-8	Public Records and Freedom of Information Act; Correction	June 27, 1979	44 FR 37491
1979-9	Funding and Sponsorship of Candidate Debates	July 5, 1979	44 FR 39348

### PRIMARY ELECTION MATCHING FUNDS

On June 14, 1979, the Commission adopted an Audit Division recommendation that the accounting firm of Ernst and Ernst be engaged, on a consultant basis, to refine the aggregation sampling techniques used to verify contributions submitted by Presidential candidates for public matching funds. A cumulative sampling technique, developed by Ernst and Ernst, may be used to check a campaign's aggregation of multiple contributions from the same contributor to ensure that no single individual's contributions are matched in excess of \$250.

### REPORTS REQUIRED UNDER ETHICS ACT

The Ethics in Government Act of 1978 requires all Presidential and Vice Presidential candidates to file personal financial disclosure reports with the Federal Election Commission. Presidential and Vice Presidential candidates must file the Ethics Act report with the Commission within thirty days after becoming a candidate under the Act, and on or before May 15 of each successive year in which the individual continues to be a candidate. William Oldaker, FEC General Counsel, has been designated "agency ethics official." As requested by the Office of Government Ethics, he will review all reports filed with the Commission by Presidential and Vice Presidential candidates for apparent compliance with the Federal Election Campaign Act. Certain FEC personnel, as Federal employees, are also required to file reports under the Ethics Act. Financial disclosure statements filed by Presidential and Vice Presidential candidates, as well as those of FEC personnel, are available to the public in the Commission's Office of Public Records. House and Senate candidates must file financial disclosure reports with the Clerk of the House or the Secretary of the Senate, as appropriate. The Commis-

### CONVENTION FINANCING

#### CERTIFICATION PROCEDURES

On June 28, 1979, the Commission adopted procedures for the certification of public funds for national party committee nominating conventions (Directive 23). To establish eligibility to receive public funds for their conventions, national committees must submit letters of agreement, as required under the Act. The Audit Division and the Office of General Counsel will review all letters of agreement for compliance with the Act and Commission Regulations before recommending certification.

#### FEC APPROVES FIRST CERTIFICATION

In another action on June 28, 1979, the Commission certified the first payment of public funds for the 1980 Presidential election. After reviewing a request from the Republican National Committee, the Commission certified to the Secretary of the Treasury that the Committee was entitled to an initial payment of \$750,000 for its national nominating convention.

*The RECORD is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Robert O. Tiernan, Chairman; Max L. Friedersdorf, Vice Chairman; Joan D. Aikens; Thomas E. Harris; John W. McGarry; Vernon W. Thomson; J.S. Kimmitt, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.*



### ADVISORY OPINION REQUESTS

The following chart lists 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	No. of Pages
1979-33	Reimbursement from union local's treasury funds to union's separate segregated political fund.	6/13/79	3
1979-34	Preelection public funding payments for new party Presidential candidate.	6/21/79	1
1979-35	Allocation of proceeds of joint fundraising effort conducted by Democratic Senatorial Campaign Committee and Democratic Senate candidates.	6/21/79	2
1979-36	Revolving account arrangement between committee and its direct mail fundraiser.	6/26/79	6
1979-37	Donations to defray Federal officeholders legal expenses.	7/6/79	2
1979-38	Solicitation of administrative and executive personnel of corporation's licensees by corporation's separate segregated fund.	7/9/79	1

### 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. The opinion may also be relied upon 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 1979-15: Solicitation in Trade Association's Magazine

The Independent Insurance Agents of America, Inc. (IIAA) may not publish a solicitation for its separate segregated fund, the National Agents Political Action Committee (NAPAC), in IIAA's magazine. IIAA is a federation of trade associations comprised of individual and corporate members. Approximately 50.6 percent of the magazine's total circulation is to personnel of corporate members which have not given IIAA the prior solicitation approval required

by 11 CFR 114.8. Although IIAA proposed publishing, with the solicitation, an explicit caveat stating that contributions from nonsolicitable persons would be screened and returned, the plan is not permissible because:

1. Circulation to nonsolicitable persons (56 percent) is not incidental. Of the nonsolicitable group, 5.5 percent could never be solicited; the remaining 50.6 percent is not currently solicitable, but could be if their corporate agencies granted prior solicitation approval to IIAA.
2. IIAA's proposal indicates that if a contribution from an individual in the presently nonsolicitable class were received simultaneously with corporate solicitation approval, that contribution would not be returned. This practice does not conform with Commission Regulations which require prior and not simultaneous approval (11 CFR 114.8).
3. The proposed solicitation requests contributions from the families of individual members of IIAA. While Commission Regulations permit the solicitation of families of personnel of corporate members who have given prior solicitation approval, families of individual (noncorporate) members may not be solicited.

Commissioners Joan D. Aikens and Max L. Friedersdorf filed a dissenting opinion. (Date Issued: July 16, 1979; Length, including the dissenting opinion: 8 pages)

#### AO 1979-16: Temporary Fundraising Through Trust Arrangement

A single political committee may temporarily solicit members of both the National Association of Women's and Children's Apparel Salesmen Guild (NAWCAS) and the National Association of Men's and Boy's Apparel Clubs, Inc. (NAMBAC) prior to the contemplated merger of those two sponsoring corporations. Until the merger is completed, funds will be collected, segregated and held by the NAWCAS/NAMBAC Political Action Trust, which is currently registered as a multicandidate political committee. The proposed arrangement is permissible since both corporations could currently establish their own separate segregated funds, and then consolidate both funds upon completion of the merger.

Approval of the arrangement is conditioned on the corporations' compliance with the following procedures and restrictions, which they have proposed:

1. Each corporation will solicit its own individual members, pay its own administrative and fundraising expenses and fully segregate all collected funds until the merger is completed; at that time, the two funds will be merged into a single multicandidate committee.
2. Prior to completion of the merger, the Trust will not use the collected funds to contribute to any candidate or campaign, or to make any other contributions or expenditures as defined by the Act.

The Commission emphasized that the Trust, as a currently registered political committee, is subject to all provisions of the Act. (Date Issued: June 14, 1979; Length: 3 pages)

**AO 1979-17: Sponsorship of  
Credit Card Program**

The Republican National Committee (the RNC) may not accept funds or services from national or State chartered banks in return for the RNC's endorsement of the banks' credit card programs (except in specifically permissible circumstances described at the end of this opinion). Under the 3 options suggested by the RNC, bank funds would be considered prohibited contributions — not, as the RNC suggests, a commercial exchange between the RNC and the banks.

Under an "affinity group" plan proposed by the RNC, the banks would solicit the RNC's membership, using RNC membership lists, and a letter signed by the Chairman of the RNC. The banks would expect to increase their card holders; in return, the RNC would be compensated under one of the following options:

*Option A:* The RNC would receive no direct compensation, but periodically it would have the exclusive right to include RNC educational/promotional materials with regular monthly statements sent to Republican sponsored card holders by the bank.

*Option B:* The RNC would receive a direct payment of \$2.50 for each card issued as a result of the RNC solicitation letter, and would have periodic use of the monthly statement described above.

*Option C:* The RNC would receive direct payment, on a monthly basis, of a percentage of the total sales volume, or a percentage of the finance charge balance on Republican credit card accounts; it would also have periodic use of monthly statements.

There is no explicit exception under 2 U.S.C. §441b which would permit a political party to view payments from a corporation or national bank (not made as loans in the ordinary course of business) as consideration for services rendered, rather than as political contributions. Therefore, such payments or valuable services (e.g., use of the monthly statement to mail RNC political materials without charge) would constitute contributions. National banks are prohibited from making contributions or expenditures in connection with any election (11 CFR 114.2(a)), while State banks (chartered as corporations under State law) are prohibited from making any contributions or expenditures in connection with Federal elections (11 CFR 114.2(b)). Since the contributions (payments and services) would be made by prohibited sources, the plan as proposed by the RNC would not be permissible.

The RNC may, however, receive bank funds under options A, B or C, if they are separately accounted for and deposited in separate bank accounts maintained exclusively for the activities described below:

1. The RNC may accept funds from national banks and corporations for the construction or purchase of an office facility not acquired to influence a Federal election. Although such funds are considered receipts rather than contributions, they must be reported. 2 U.S.C. §431(e)(5)(H).

2. The RNC could accept funds from incorporated State banks if the funds were deposited in separate segregated bank accounts and used exclusively in connection with non-Federal elections. Contributions from national banks would not be permissible, since that prohibition extends to non-Federal as well as Federal elections. Similarly, Option A, which does not include a direct payment, is nevertheless impermissible for national banks, although incorporated State banks may mail RNC materials pertaining exclusively to non-Federal elections. Under the Act, national banks may not do so even if the mailings are limited to non-Federal elections.

The Commission expressed no opinion as to the applicability of the Internal Revenue Code or State law to the proposed plan. Commissioners Joan D. Aikens and Max L. Friedersdorf filed a dissenting opinion. (Date Issued: July 16, 1979; Length, including the dissenting opinion: 14 pages)

**AO 1979-22: Legal Services Provided  
to Presidential Candidate Committee**

Certain legal services provided to the Carter/Mondale Presidential Candidate Committee (the Committee) by Timothy G. Smith do not count as either contributions or expenditures as long as the Committee follows certain conditions, as indicated below. According to a letter of understanding between the Committee and Mr. Smith's regular employer, Rogers and Wells (the Firm), Mr. Smith receives one-third of his compensation from the Firm; the Committee pays the rest of his compensation for services he renders involving "primarily FECA compliance and campaign public financing matters," in addition to "some other legal and political duties."

1. *Compliance with the Act:* Committee payments for legal services which Mr. Smith provides solely to ensure the Committee's compliance with the Act are exempt from the definitions of "contribution and expenditure." 2 U.S.C. §§431(e)(4) and (f)(4)(J). Hence, they are not subject to the Committee's overall expenditure limitations. Nevertheless, all such payments to Mr. Smith and his support staff for these services must be reported.
2. *Other Legal Services:* With regard to Committee payments for other legal and political duties performed by Mr. Smith on behalf of the Committee, the compensation schedule established by Smith and the Firm precludes the Firm from making an in-kind contribution to the Committee. However, the Committee must periodically reevaluate the schedule to ensure that it continues to accurately reflect the relative amounts of time Mr. Smith devotes to the Firm and the Committee. Committee payments for any "other legal and political duties" which are not rendered for compliance purposes are reportable expenditures under the Act and are subject to the Committee's overall expenditure limitations.
3. *Reimbursement Schedule:* Expenses which are incurred by the Firm as a result of Mr. Smith's work on behalf of the Committee (e.g., occasional use of telephone, support staff and other Firm resources) must be reimbursed by the committee in accordance with a pre-determined schedule which reflects the actual cost of the goods and services provided. Amounts paid by the

Committee to the Firm for such reimbursement would be reportable expenditures subject to the Committee's overall expenditure limitations. However, if use of Firm resources was incident to legal and accounting services to assure compliance with the Act, reimbursements would be reportable but not subject to expenditure limitations. (Date Issued: June 19, 1979; Length: 6 pages)

#### AO 1979-23: Reporting Debt Payments

The Neil Wallace for Congress Committee (the Committee) must report its payment to extinguish a Committee debt on both Schedule C (as retirement of the debt) and Schedule B (as an expenditure), of FEC Form 3. The Act requires continuous reporting of all debts and obligations until they are extinguished. 2 U.S.C. §434(b)(12). (Date Issued: June 7, 1979; Length: 2 pages)

#### AO 1979-25: Payment of Intern Expenses

The Wisconsin Education Association Council (the Council) may pay the expenses of teacher interns working in the mobile district office of Congressman Les Aspin. The teacher interns will not participate in any political activity connected with Congressman Aspin's reelection. They will, however, assist constituents who visit his office and otherwise support his activities as a Federal officeholder. Therefore, since the nature of the interns' work is constituent service rather than political electioneering, Council payment of intern expenses would not constitute "contributions" under the Act.

Council payments would, however, constitute "funds donated" to support the activities of a Federal officeholder. Such funds must be disclosed on a special report as receipts (from the Council) and corresponding disbursements (to the interns). 11 CFR 113.4.

The Commission expressed no opinion on the possible application of House Rules to this situation. (Date Issued: June 19, 1979; Length: 3 pages)

#### AO 1979-26: "Testing-the-Waters"

Congressman Charles Grassley is not considered a candidate with reporting obligations under the Act, provided that all funds raised and spent by his Exploratory Committee (the Committee) are used exclusively for "testing-the-waters." The sole function of the Committee, which is registered with the Commission, is to determine the feasibility of Mr. Grassley's candidacy for the Senate from the State of Iowa. Under the Act, funds used solely to determine political support for a potential candidacy are not considered contributions or expenditures, unless the individual subsequently becomes a candidate. 11 CFR 100.4(b)(1) and 100.7(b)(2). The Committee's activity, therefore, does not trigger 1980 Senate candidate status or the registration and reporting requirements of the Act. Consequently, Congressman Grassley need not file a FEC Form 2 as a 1980 Senate candidate, and the Committee may terminate its registration with the Commission if its activities are limited to "testing-the-waters" for a possible 1980 Senate candidacy. (Date Issued: June 18, 1979; Length: 3 pages)

#### AO 1979-27: Administrative Expenses of Separate Segregated Fund

The Associated Milk Producers, Inc. (AMPI), a corporation without capital stock, may use general treasury funds to pay the administrative expenses of its separate segregated fund, the Committee for Thorough Agricultural Education (C-TAPE). 2 U.S.C. §441b(b)(2)(C). (Date Issued: June 19, 1979; Length: 2 pages)

#### ADVISORY OPINION REQUESTS WITHDRAWN

Since May 1979, the following Advisory Opinion Requests were withdrawn by their requesters:

- AO 1978-71
- AO 1979-4
- AO 1979-20

## COMPLIANCE

#### SUMMARY OF MUR'S

In June, the *Record* began to summarize the files of selected compliance cases which have been closed and put on the public record. Compliance matters stem from possible violations of the Act, which come to the Commission's attention either through formal complaints originating outside the Commission or by the FEC's own monitoring procedures. The Federal Election Campaign Act of 1971, as amended (the Act) gives the FEC exclusive primary jurisdiction for the civil enforcement of the Act. Potential violations are assigned case numbers by the Office of General Counsel and become "Matters Under Review" (MUR's). All MUR investigations are kept confidential by the Commission, as required by the Act.

MUR's may be closed at any one of several points during the enforcement process, including when the Commission:

- Determines that no violation of the Act has occurred;
- Determines that there is no reason to believe, no reasonable cause to believe or no probable cause to believe a violation of the Act has occurred;
- Enters into a conciliation agreement with the respondent;
- Finds probable cause to believe a violation has occurred and decides to file suit; or
- Decides at any point during the enforcement process to take no further action.

After the MUR is closed and released by the Office of General Counsel, the Commission makes the MUR file available to the public. This file contains the complaint, the findings of the General Counsel's Office and the Commission's actions with regard to the case, including the full text of any conciliation agreement. The Commission's actions are not necessarily based on, or in agreement with, the General Counsel's analysis.

*continued*



Selection of MUR's for summary will be made only from MUR's closed after January 1, 1979. The *Record* article will not summarize every stage in the compliance process. Rather, the summary will provide only enough background to make clear the Commission's final determination. The full text of these MUR's and those which were closed between 1976 and 1978 are available for review and purchase in the Commission's Public Records Office.

#### **MUR 503: Disclosure Violations**

On November 21, 1978, the Commission entered into a conciliation agreement with a multicandidate committee which had been in violation of 2 U.S.C. §434(a), §434(b)(9) and (13) and 2 U.S.C. §434(b)(2).

*Complaint:* During an audit of the Committee, the Audit Division discovered that:

1. The Committee had failed to identify as independent expenditures almost \$40,000 in expenditures made on behalf of a Federal candidate during the 1976 campaign, a violation of §434(b)(9) and (13). (On September 9, 1977, the Committee filed the required Schedule E's reflecting the independent nature of the expenditures and the identity of the candidate on whose behalf they were made.)
2. The Committee had failed to make reasonable best efforts to report the occupations and principal places of business of 53.5 percent of its itemizable contributors, a violation of §434(b)(2).

*General Counsel Reports:* Upon notification that the Commission had found reason to believe the Committee was in violation of the Act, the Treasurer of the Committee assured the Commission, on three separate occasions, that the required information on contributors was being collected. The missing information was not provided. Furthermore, the Committee had been cited for nonfiler violations because it had failed to file five consecutive monthly reports and a year-end report in a timely fashion, a violation of §434(a). Therefore, the General Counsel recommended that the Commission merge the nonfiler violations with the violations in this MUR, and find reasonable cause to believe the Committee was in violation of the Act.

*Commission Determinations:* On November 21, 1978, the Commission and the Committee entered into a conciliation agreement which included the nonfiler violations. In accordance with the terms of the agreement, the Committee

filed all missing monthly reports, submitted an amended report concerning the occupations and places of business of contributors and paid a civil penalty. The MUR file was closed on January 5, 1979.

#### **MUR 891: Contributions by National Banks**

On April 4, 1979, the Commission entered into a conciliation agreement with a national bank which had been in violation of 2 U.S.C. §441b(a).

*Complaint:* This investigation began after the Comptroller of the Currency informed the Commission that a national bank examiner had discovered a number of apparent violations of the Act during a recent bank examination. The ensuing Commission investigation revealed that the national bank had made payments totaling \$415 to five local political organizations and candidates' committees for tickets to political dinners. The Act prohibits national banks from making contributions or expenditures in connection with any election to any political office (§441b(a)). Since payments to political organizations and committees are included in the definition of "contribution or expenditure," the bank's purchase of the tickets constituted a violation of §441b(a). Upon notification that the Commission had found reason to believe it was in violation of the Act, the bank admitted that the violations had occurred, but denied it had knowingly and willfully violated the Act. At the Commission's suggestion, the bank tried to obtain refunds of the illegal contributions. Two of the five recipient committees were defunct; the other three claimed insufficient funds to provide the bank with the requested refunds.

*General Counsel Reports:* The General Counsel recommended that the Commission find reasonable cause to believe that the bank had violated the Act, and assess a civil penalty as part of the conciliation agreement. With regard to the recipient committees, the General Counsel pointed out that the illegal contributions had been made more than a year before the Commission investigation, and had been distributed among the five groups in amounts ranging from \$40 to \$200. Therefore, rather than pursuing them, the General Counsel recommended that they be notified that any committee's acceptance of a contribution from a national bank constitutes a violation of the Act.

*Commission Determination:* On March 7, 1979, the Commission found reasonable cause to believe the bank had violated the Act. On April 4, 1979, the Commission and the

## **CHANGE OF ADDRESS**

*Record* subscribers, when calling or mailing in a change of address, are asked to provide the following information: 1) Name of person to whom the *Record* is sent; 2) Old address; 3) New address; 4) 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. 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.

bank entered into a conciliation agreement which provided that the bank would pay a civil penalty. The officers of the recipient committees were notified that the Act prohibits national banks from making political contributions in any election, and prohibits candidates and political committees from accepting such contributions.

### FEC PUBLISHES NAMES OF NONFILERS

On June 12, 1979, the FEC published the names of 409 nonfilers who failed to file the required April 10 quarterly campaign finance report. Nonfilers included Federal candidates, their principal campaign committees and other political committees from 46 States, the District of Columbia and the Virgin Islands. Exemptions from filing quarterly reports are granted **only** if the candidate or political committee notifies the Commission on FEC Form 3a (postcard) or by letter that it has not exceeded the quarterly reporting threshold. (For a discussion of reporting thresholds, see the *Record*, July 1979, p. 1.) Quarterly reports or a 3a postcard are also required of all candidates except those who have received a personal reporting waiver.

### AUDITS RELEASED TO THE PUBLIC

The Federal Election Campaign Act requires the Commission to periodically conduct audits and field investigations with respect to reports and statements filed under the Act. The Commission is also required to conduct audits of all campaigns of Presidential candidates who receive public funds. Once an audit is completed and an audit report has been discussed in open session by the Commission, the interim audit report is made available to the public through the Office of Public Records and the Press Office. An audit report becomes a final report only after it has been approved by the Commission. Upon approval, the final report replaces the interim report as the final public document. In the list below, interim reports are designated by an asterisk (\*). If no asterisk appears, the report has been approved by the Commission and is a final report. The following is a chronological listing of audits released between May 7, 1979, and July 5, 1979:

Audit Report	Date Made Available
1. Ohio Republican Finance Committee	5/10/79
2. Ohio Democratic Party Federal Campaign Account	5/11/79
3. Nevada Republican State Central Committee/Federal Account	5/14/79
4. Kansas Democratic State Committee	5/14/79
5. Delaware Democratic Party 1976 Statewide Voter Registration Task Force	5/16/79
6. Vermont State Democratic Federal Campaign Committee	5/31/79
7. 1976 Democratic Presidential Campaign Committee	6/4/79
8. Vermont Republican Federal Elections Committee	6/13/79
9. Business-Industry Political Action Committee	6/13/79
10. AFL-CIO COPE PAC	6/13/79
11. Udall '76 Committee	6/18/79
12. Harris for President Committee	6/21/79
13. Shriver for President Committee	6/21/79
*14. Federal Campaign Committee of Nevada	6/28/79
*Interim Report	

### FEC v. SERVICE STATION DEALERS PAC AND THOMAS ANDERSON

On May 7, 1979, the Commission and the Service Station Dealers PAC agreed to a consent judgment issued by the U.S. District Court for the Eastern District of Pennsylvania. The Commission had filed suit on September 22, 1978, alleging that the defendant had violated the Act by:

- Not maintaining a detailed and exact account of the committee's contributions and expenditures, as required by 2 U.S.C. §432;
- Not filing a Statement of Organization, as required by 2 U.S.C. §433;
- Not filing periodic disclosure reports for three years and not disclosing the information required on those reports, as required by 2 U.S.C. §434;
- Making excessive contributions to the Green for Senate Committee in violation of 2 U.S.C. §441a; and
- Not reporting the original source and the intended recipient of the funds contributed to the Green for Senate Committee, as required by 2 U.S.C. §441a.

The defendant assured the Court of its intention to comply with the Act in the future. The Court levied a civil penalty of \$2,500 and retained jurisdiction over the case for three years to ensure compliance with the judgment.

## INDEX TO MULTICANDIDATE COMMITTEES

On June 12, 1979, the Federal Election Commission published a notice in the *Federal Register* on the availability of a comprehensive *Index of Multicandidate Political Committees*. A multicandidate committee is permitted to contribute up to \$5,000 to each Federal candidate during an election. Contributions made by any political committee affiliated with a multicandidate committee count against that multicandidate committee's \$5,000 limit. To qualify as a multicandidate committee, under the Act, a political committee must be registered for at least six months, have received contributions from more than 50 persons and, except in the case of State party organizations, have made contributions to five or more candidates for Federal office.

The Index, which includes the date upon which a committee qualified as a multicandidate committee, may be used to verify a contributing committee's status as a multicandidate committee qualified to make contributions up to \$5,000.

Copies of the Index are available for \$5 per copy in advance by writing to the Office of Public Records at the Commission, or by calling 202/523-4181 or toll-free 800/424-9530.

**NOTE:** Any information copied from reports or statements may not be sold or utilized by any person for the purpose of soliciting contributions or for any other commercial purpose. 2 U.S.C. §438(a)(4).

## CLEARINGHOUSE

### DIRECTORY OF ELECTION OFFICIALS AVAILABLE

The Clearinghouse recently announced that an updated directory of election officials has been published and is

available for purchase. The *Election Directory '79* consists of two parts: Part I lists each State's election offices and functions, and election officials and their duties; Part II identifies all election personnel for both the Federal and State levels of government, as well as contacts at the Bureau of Census and Department of Justice. The Clearinghouse revises and updates the *Directory* annually. Any corrections or suggestions should be addressed to the Clearinghouse at the FEC. Call 202/523-4183 or toll-free 800/424-9530. To purchase copies of the *Directory*, send a check or money order for \$4.75 payable to:

Superintendent of Documents  
Stock Number 052-006-00002-3  
U.S. Government Printing Office  
Washington, D.C. 20402

### FEC PUBLIC APPEARANCES

In keeping with the 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, detailing the name of the sponsoring organization, the location of the event and the Commission's representative.

8/19-21 Clearinghouse Regional Seminar  
Far West Regional Workshop  
Conference on Election Administration  
Woodlake Inn  
Sacramento, California  
Gary Greenhalgh, Director,  
National Clearinghouse

8/20 FEC Campaign Finance Seminar  
Workshops: Reporting Requirements  
Separate Segregated Funds  
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