



THE FEDERAL ELECTION COMMISSION

RECORD

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

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Under this heading, the **Record** periodically summarizes new developments of general interest to candidates for Federal office and committees which support such candidates.

CONTRIBUTIONS FROM UNREGISTERED ORGANIZATIONS

The Federal Election Campaign Act and Commission Regulations permit candidates and committees to accept contributions from an unregistered organization which has not made contributions or expenditures in excess of \$1,000 during the calendar year in connection with Federal elections. In accordance with procedures adopted by the Commission on February 8, 1979 (Directive No. 19), candidates and committees are reminded of their responsibility to determine whether or not a contribution from an unregistered organization is permissible. Any candidate or committee accepting contributions from unregistered organizations must assume the responsibility for determining that:

1. The contributions originally came from permissible sources (i.e., not union or corporate treasuries, etc.); and
2. The contributions to the unregistered organization were:
 - a. Designated for the Federal account of that organization; or
 - b. Received as a result of a solicitation which expressly stated that the contributions would be used for Federal elections; or
 - c. Received from contributors who had been informed that all contributions are subject to the contribution and expenditure limitations of 2 U.S.C. §441a.

Further information can be obtained by calling the Reports Analysis Division in Washington 202/523-4048 or, toll free, 800/424-9530.

ILLEGIBLE REPORTS

On January 18, 1979, the Commission approved a procedure which would require the refiling of all illegible or barely legible reports. Filers must submit legible reports, so they can be reproduced clearly -- a necessary requirement for public disclosure of campaign finance information.

In the future, if an illegible report is received, the Commission will contact the filer by telephone or telegram, and request the immediate refiling of a legible copy of the report. Candidates and political committees are urged to respond quickly. If a legible report is not refilled promptly, the Commission will make a formal Request for Additional Copy (RFAC).

The Commission adopted this procedure after periodic staff checks revealed an increase in the filing of second or third generation photocopies, telecopies, computer print-outs and other non-reproducible reports.

Candidates and committees can obtain all FEC forms, for registration and reporting purposes, by contacting the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, or by telephoning 202/523-4068 in Washington or, toll-free, 800/424-9530.

NEW FORMS FOR PRESIDENTIAL CANDIDATES

The FEC has prescribed a new form for Presidential and Vice-Presidential candidates and their committees. They must report campaign finance activity on FEC Form 3P and its appropriate accompanying schedules. In addition, Presidential principal campaign committees must use FEC Form 3Pb to consolidate reports by any authorized committees, and FEC Form 3Pc to allocate expenditures by State, if they use public funds.

continued

Copies of Form 3P will be mailed to all registered Presidential candidates and their committees. Questions on the new form or requests for copies of Form 3P and all other FEC forms should be directed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or telephone toll free 800/424-9530 or in Washington call 202/523-4068.

OPINIONS

PENDING 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
1979-1	Personal liability for campaign debts.	1/8/79	1
1979-2	Reimbursement for expenditures by political committee.	1/15/79	2
1979-3	Use of contributor lists for solicitations.	1/12/79	2
1979-4	Transfer of unidentifiable funds to separate segregated fund.	1/16/79	4

ADVISORY OPINIONS: SUMMARIES

Designated as AO's, Advisory Opinions discuss the application of the Act or Commission's 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 sanction 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 1978-86: Conversion to Multicandidate Committee

The Church for President Committee (the Committee), the principal campaign committee of Frank Church, in his bid for the Presidency, will become a qualified multicandidate committee as soon as it has made contributions to five or more candidates for Federal office. Upon satisfaction of that requirement, the Committee may contribute up to \$5,000 per election to any candidate (and/or his/her authorized committees combined).

The Commission based its conclusion on the fact that the Committee has already fulfilled the other two (of the three) prerequisites for qualification as a multicandidate committee under 2 U.S.C. §441a(a)(4) since:

1. It has been registered with the FEC for more than six months; and
2. It has received contributions from more than 50 persons. (Length: 2 pages)

AO 1978-89: Use of Slate Card Exemption

Two publications distributed respectively by two Republican town committees in New York (the Town Committees) are not permissible under the slate card exemption, 2 U.S.C. §§431(e)(5)(E) and 431(f)(4)(G). Payments by the Town Committees for the publications (a pamphlet and a letter) would constitute, in part, an in-kind contribution to the Withers for Congress Committee (the Withers Committee).

The Commission concluded that the two publications do not fall within the slate card exemption because:

1. They contain biographical information on the various local, State and Federal candidates other than that allowed under the statute;
2. They outline the candidates' positions on specific issues;
3. They include statements of party philosophy;
4. The letter solicits contributions on behalf of the named Federal candidate, which is not permissible under the slate card exemption.

Since Commission regulations preclude the Town Committees from making independent expenditures in connection with the campaign of a Federal candidate (11 CFR 110.7(b)(4)) and because the expenditures for the publications do not appear to have been "coordinated party expenditures" made pursuant to 2 U.S.C. §441a(d), an allocable portion of the payments for the publications would be considered an in-kind contribution to the Withers Committee. (Length: 4 pages)

AO 1978-97: Solicitations for Separate Segregated Fund

A magazine published by the National Association of Postal Supervisors (NAPS), which is circulated to NAPS members and approximately 1,000 nonmembers (representing three percent of the circulation), may contain solicitations for, and articles about, NAPS' separate segregated fund. This conclusion is based on the fact that NAPS intends:

1. To publish, along with each solicitation or article about its separate segregated fund (the Supervisors Political Action Committee), an explicit caveat stating that contributions from nonmembers are not acceptable and will be returned; and
2. To screen and return contributions received from anyone not solicitable under 2 U.S.C. §441b(b)(4).

Under these circumstances, the proposed communications will not be viewed as solicitations directed to persons who may not be solicited. (Length: 4 pages)

**AO 1978-98: Clearing Account for
Separate Segregated Funds**

Plumbers Union Local 690 Political Action and Social Fund (the Fund) may use a clearing account for the deposit and negotiation of checks which combine employees' union dues with their political contributions.

Under the Fund's procedures, union members make both voluntary contributions to the Fund and payments to the union (e.g., dues, pension, etc.) through payroll checkoff plans administered by employers. Employers remit payroll deductions to the union in a single check issued monthly. The union maintains a clearing account to receive and separate the proceeds of the checks, as follows: political contributions are segregated from other union monies and sent to the Fund; union monies are forwarded to the union.

The Commission based its approval of the clearing account procedure on the following assumptions:

1. For reporting purposes, the Treasurer of the Fund is considered to have **received contributions** at the moment an employee or representative of the union receives the checks combining dues payments and voluntary contributions to the Fund.
2. The 10-day deposit period begins to run when the union representative receives the check from the employer. By the tenth day after the union's receipt of the employer's check, a separate check must be drawn on the clearing account and deposited into a separate checking account maintained by the Fund at a bank depository designated by the Fund. (Length: 2 pages)

**AO 1978-99: Allocation of Debt Between
Primary and General Elections**

The Citizens for Dale Sprik Committee (the Committee) may treat the entire debt for printed campaign materials as a primary debt, even though they were used during both the primary and general elections. This conclusion is based on the fact that the materials in question were ordered and received before the August 8 primary and the invoice for the materials also predated the primary.

The Commission noted that the invoice constitutes an expenditure in the nature of a "written contract, promise or agreement... to make an expenditure." 2 U.S.C. §431(f)(2).

If the Committee chooses to treat the debt as a primary election debt, it may accept contributions designated for the primary to liquidate the debt from those who may have exhausted their contribution limit with respect to the general election, but have not yet exhausted their limit with respect to the primary. (The fact that the candidate was unopposed in the primary is irrelevant for contribution

purposes.) In this case, however, the debt must be identified on Schedule C of Form 3 as a primary election debt. (Length: 3 pages)

AO 1978-100: Excess Campaign Funds

The Committee to Reelect Senator Case may use excess campaign funds to assist Rutgers University in the establishment of a professorship in public affairs in the Senator's name. The contribution of excess campaign funds to qualified charitable organizations is expressly made lawful by 2 U.S.C. §439a.

The Commission noted that it was unable to express an opinion regarding possible tax ramifications or the applicability of Senate Rules since those issues are not within its jurisdiction. (Length: 2 pages)

**ALTERNATIVE DISPOSITION OF
ADVISORY OPINION REQUESTS**

Since January 1979, the Commission has responded to the following Advisory Opinion Requests in a manner other than the issuance of an Advisory Opinion.

-- AOR 1978-103 was withdrawn by its requester.



**AUDITS RELEASED
TO THE PUBLIC**

The Federal Election Campaign Act requires the Commission "... to make from time to time 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 is approved by the Commission, the report is made public and is available in the Office of Public Records and the Press Office. The following is a chronological listing of audits released between January 2, 1979, and February 2, 1979.

Audits	Date Made Public
1. Arkansas Republican Party Federal Campaign Committee	1/15/79
2. David Crane for Congress Committee, IN/6	2/2/79
3. Fund for a Conservative Majority	2/2/79

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**NEIL STAEBLER et al. v.
JIMMY CARTER et al.**

On January 8, 1979, the U.S. District Court for the District of Columbia granted defendant Jimmy Carter's motion for summary judgment and upheld the President's recess appointment of John McGarry to the Federal Election Commission.

The action against President Carter was filed last October by former FEC Commissioner Neil Staebler. Mr. Staebler, whose term of office expired in April 1977, still held the seat (under the holdover provisions of 2 U.S.C. §437c(a)(2)(B)) to which Carter appointed Mr. McGarry on October 25, 1978. After the Senate had twice failed to act on Mr. McGarry's nomination, the President appointed him to the Commission during last year's congressional recess.

Mr. Staebler challenged the appointment on the grounds that:

- A vacancy occurs on the Commission, not at the close of the statutory term, but upon the lawful appointment of a successor.
- A successor is lawfully appointed only when he is nominated by the President and confirmed by the Senate.

The Court determined that neither the statutory language nor the legislative history of the Act supported these premises.

- The Court interpreted 2 U.S.C. §437c(a)(2)(C) to mean that "a vacancy shall occur upon the expiration of the term of office." In the case of Mr. Staebler, then, a vacancy existed since April 30, 1977, the date upon which his term expired.
- In the view of the Court, moreover, there is no support for the argument that Congress intended to prohibit some or all recess appointments to the FEC.

The Court concluded that a vacancy did exist, the President had the authority to make the McGarry appointment, and that Mr. McGarry is a lawful member of the Federal Election Commission.

This case, the Court noted, involved not only the interests of the defendant and plaintiff, but also the proper distribution of power between the branches of government. Under the plaintiff's interpretation, it would be possible for a member of a Commission, once appointed and confirmed, to remain in office indefinitely. As long as the Senate did not act, either to confirm the nomination of a successor or to bring a nomination to a vote, the President would be powerless to protect the powers of appointment granted to him by Article II, Section 2 of the Constitution.

This argument is "especially compelling," the decision pointed out, when applied to the "politically sensitive" FEC. By providing the Senate with *de facto* authority to retain appointed officeholders long beyond the expiration of their statutory terms, plaintiff's interpretation would facilitate the legislative domination of the FEC, which the Supreme Court condemned in *Buckley v. Valeo*. The Court pointed out, however, that had the Senate rejected Mr. McGarry's nomination, the President would have been "unable to grant a recess appointment to McGarry."

Mr. Staebler appealed the decision.

**SOCIALIST WORKERS
PARTY v. FEC**

On January 2, 1979, a three-judge panel in the U.S. District Court for the District of Columbia approved a consent decree in a suit by the Socialist Workers Party (SWP) against the FEC and Common Cause (which had intervened as co-defendant). In the consent decree the three parties agreed that, for a limited time, SWP would not be required to comply with certain disclosure provisions of the Act. Until the close of the FEC's reporting period for 1984, SWP will not be required to report the names, addresses and occupations of individuals who contributed \$100 or more to SWP, or to identify recipients of SWP expenditures.

SWP had filed suit against the Commission in July 1976, alleging that specific sections of the Act deprived SWP and its supporters of certain First Amendment rights. The decree noted that SWP and those connected with it "have been subjected to systematic harassment." Citing the standard for the potential unconstitutional application of the disclosure provisions set forth in a 1976 Supreme Court decision (*Buckley v. Valeo*, 424 U.S. 1), the decree states that SWP had demonstrated at least "a reasonable probability that the compelled disclosure" of names of its contributors and recipients of its expenditures would continue to "subject them to threats, harassment, or reprisals from either government officials or private parties." (*Buckley v. Valeo*, 424 U.S. at 74). Consequently, the defendants concurred, without necessarily agreeing to all the facts presented, that SWP should not constitutionally be compelled to comply with the reporting requirements of the Act which require identification of individuals.

The decree also provided that:

- SWP must file all reports required by the Act, except that contributors and recipients of expenditures need not be identified.
- SWP must maintain all records required by the Act so that all information normally required to be reported is available. If the FEC has reason to believe that SWP has violated any provision of the Act other than the disclosure requirements and that the nondisclosed information is needed to investigate the suspected violation, the FEC may apply to the Court for an order to require SWP to produce the information.

continued

- In addition to the notice required on all literature and advertisements under 2 U.S.C. §435(b), SWP may add the following: "A Federal court ruling allows us not to disclose the names of contributors in order to protect their First Amendment rights."

The procedural disagreement between defendants and plaintiff, focusing on the duration of the decree and the mechanism by which it could be extended, was resolved so that:

- The provisions of the decree will remain in force until the end of the reporting period for 1984.
- Six months prior to that date, SWP can file for an extension.
- If SWP does request an extension, the FEC must respond to the request three months prior to the expiration date of the current decree.



MINORITY LANGUAGE REPRESENTATIVES ADDED TO ADVISORY PANEL

On January 25, 1979, the Commission approved the addition of two minority language representatives to the full Advisory Panel of the Clearinghouse. The two new representatives, nominated by the Bilingual Advisory Committee and recommended by Clearinghouse Director Gary Greenhalgh, are Mr. Al Perez and Mr. Henry Der.

Mr. Der, Executive Director of Chinese for Affirmative Action (the largest Asian language group in the U.S.), has worked closely with local elections officials in New York and San Francisco. Mr. Perez, General Counsel of the Mexican American Legal Defense Fund, has dealt extensively with elections officials in Texas, California, Arizona and New Mexico.

ADVISORY PANEL MEETS, SPONSORS SEMINAR

Between January 29-31, 1979, the FEC's National Clearinghouse on Election Administration sponsored a seminar to discuss regional workshops and projects dealing with State and local election administration. FEC Chairman Joan Aikens, Vice Chairman Robert O. Tiernan and Staff Director Orlando B. Potter addressed the opening session of the seminar, which was held in Washington, D.C.

During the course of the meeting, the 22 members of the Advisory Panel discussed plans for regional workshops, which will include Statewide Voter Registration Systems, Redistricting and Reprecincting, Training Election and Poll Workers, and Bilingual Election and Registration Services, among others. The Committee also reviewed the progress of several ongoing projects including the Registration File Maintenance and Verification Advisory Board, and the Training Election Officials Advisory Board. All sessions were open to the public.

This was the first meeting of the Clearinghouse Advisory Committee this year, and the seventh since its creation by the FEC in 1975.

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

- 3/5 International Franchise Association
Washington, D.C.
Peggy McCormick, Executive Assistant
to Commissioner Harris
- 3/7 15th Annual Washington Nonprofit
Tax Conference
Washington, D.C.
Chairman Joan Aikens
- 3/7 Association of Counties
Austin, Texas
Gary Greenhalgh, Director,
National Clearinghouse
- 3/9 Practising Law Institute
San Francisco, California
Chairman Joan Aikens
Jan Baran, Executive Assistant
to the Chairman
William Oldaker, General Counsel
- 3/9 State Elections Board Regional
Planning Committee
Madison, Wisconsin
Gary Greenhalgh, Director,
National Clearinghouse
- 3/20 American Farm Bureau
Denver, Colorado
Jan Baran, Executive Assitant
to Chairman Aikens
- 3/22 American Farm Bureau
Memphis, Tennessee
Chairman Joan Aikens
- 3/27 American Farm Bureau
Pittsburgh, Pennsylvania
Chairman Joan Aikens

FEC REPORTS ON FINANCIAL ACTIVITY OF NONPARTY POLITICAL COMMITTEES

On January 24, 1979, the FEC released updated figures detailing the financial activities of 1,910 nonparty political committees. These committees are separate segregated funds established by labor organizations, corporations, corporations without stock, cooperatives, trade, membership or health associations, and political committees with no connected (parent) organization.

The interim summary covering a 23-month period from January 1, 1977, through November 27, 1978, includes receipts and disbursements as well as debt status and cash-on-hand figures. While summary or gross information is complete through the closing date of the 30-day post-

general election period (November 27, 1978), itemized information (including contributions to candidates and transfers between affiliated committees) is complete only through the closing date of the 10-day pre-general election period (October 23, 1978). Thus, adjusted disbursements (gross disbursements minus transfers out to affiliated political committees) are neither true gross nor true net figures, since transfers out to affiliated committees made after October 23, 1978 are not included.

The current summary supersedes figures contained in four previous interim releases of March, April, September and November 1978 and summarized, respectively, in the April, June, November and December 1978 issues of the Record. The table below, based on the interim summary, outlines the financial activity of six major types of political committees. All figures, with the exception of the number of active committees, represent millions of dollars.

NOTE: The figures contained in the release are not final, but are subject to change after all the 1977-78 related reports and amendments have been received.

NONPARTY POLITICAL COMMITTEES' FINANCIAL ACTIVITY, JANUARY 1, 1977 - NOVEMBER 27, 1978

COMMITTEE TYPE (Number Active)	ADJUSTED DISBURSE- MENTS	By Office		CONTRIBUTIONS TO CANDIDATES			By Status		
		Senate	House	By Party Affiliation	Dem.	Rep.	Incumbent	Challenger	Open Seat
Trade/Membership/Health (529)	\$23.6	\$2.4	\$8.3	\$4.7	\$6.0	\$6.6	\$1.9	\$2.2	
Labor (275)	18.7	2.6	6.7	8.8	.5	5.7	2.0	1.7	
No Connected Organization (257)	16.1	.6	1.6	.6	1.6	.7	.9	.6	
Corporations (812)	14.9	3.2	5.6	3.4	5.4	5.4	1.8	1.6	
Cooperatives (12)	1.9	.2	.6	.6	.2	.6	.1	.1	
Corporations Without Stock (25)	.4	.03	.1	.1	.04	.08	.01	.03	
TOTALS (1,910 committees active in 1977-78)	\$75.6*	\$9.0	\$23.0	\$18.2	\$13.7	\$19.1	\$6.7	\$6.2	

*Spending figures include fundraising and administrative costs in addition to contributions to candidates.

UPDATE ON 1977-78 SENATE AND HOUSE CAMPAIGNS

On January 30, 1979, the Federal Election Commission released figures which show that 1,921 Senate and House candidates raised \$198.5 million and spent \$192.2 million. (NOTE: All gross receipt and disbursement totals have been adjusted to eliminate transfers of funds between filers within the same campaign.) The release summarizes the financial activities of Federal candidates who were registered with the FEC and were certified by appropriate State authorities as official candidates in any 1977-78 election -- primary run-off, convention/caucus, general election and special elections. Also included is a separate summary of 1,078 November 1978 general election candidates.

Data was taken from reports filed by the candidates and their committees covering the period from January 1, 1977, through November 27, 1978. However, itemized information (for example, the categories and levels of contributions received) is complete only through October 23, 1978 -- the ending coverage date of the 10-day pre-general election report. Figures presented in the release are interim and will be updated after all 1977-78 reports and amendments have been received.

The interim summary categorized the campaigns' receipts and disbursements in the following ways:

BY TYPE OF CANDIDATE (SENATE AND HOUSE):

Senate candidates (257) received \$83.3 million and spent \$82.6 million. House candidates (1,664) received \$115.2 million and spent \$109.6 million.

BY STATUS OF CANDIDATE (INCUMBENT, CHALLENGER, OPEN SEAT):

Incumbents (414) raised \$78.6 million and spent \$74 million. Challengers (986) raised \$60.2 million and spent \$59.9 million. Open seat campaigns (521 candidates in races where no incumbent was running) raised \$59.7 million and spent \$58.3 million.

BY PARTY AFFILIATION:

Democratic candidates (998) received \$106 million and spent \$101.3 million. Republican candidates (694) received \$91.1 million and spent \$89.5 million. Minor party candidates and independents (229) raised \$1.4 million and spent that amount.

BY ELECTION:

November 1978 general election candidates (1,078) received \$156.6 million and spent \$150.6 million. Based on available data, the average amount spent during 1977-78 by 111 Senate candidates was \$570,000, while 967 House candidates averaged \$90,000.

The release also provides details on contributions to 1977-78 House and Senate campaigns, categorizing them by amount and source.

The releases on Nonparty Political Committees and the 1977-78 Senate and House Campaigns are available, in their entirety, from the Press Office, 202/523-4065.

800 LINE

With the approach of the 1980 Presidential primary and general elections, the Public Communications Office has been receiving an increasing number of inquiries regarding public financing. Accordingly, the *Record* will publish a series of brief articles summarizing those sections of the Act and Regulations governing public financing. The initial article, reprinted from the Commission's brochure on *The FEC and The Federal Campaign Finance Law*, provides an overview of the public financing provisions.

PUBLIC FINANCING

The FEC administers public financing of Presidential elections by certifying:

- Matching payments to primary candidates;
- Public grants to nominees in the general election; and
- Public grants to the national party committees for their nominating conventions.

Public financing is provided through the Presidential Election Campaign Fund which consists of dollars voluntarily checked off by taxpayers on their Federal income tax returns. (The check-off does not affect the total amount of taxes paid by an individual or any refund received.) Requests for public funds are reviewed for eligibility and certified by the FEC to the Department of Treasury, which in turn disburses the public funds.

PRIMARY MATCHING PAYMENTS

Eligible Presidential primary candidates may receive public funds to match small contributions of money (up to \$250 paid by check or money order) from private contributors. (Loans, in-kind contributions and contributions from committees are not matchable.) To be eligible for matching payments, a candidate must first raise in excess of \$5,000 in contributions of \$250 or less from individuals in 20 different States and must agree to limit expenditures to \$10 million plus a cost-of-living adjustment (COLA).

GENERAL ELECTION GRANTS

Each major party Presidential nominee becomes eligible for a public grant of \$20 million (plus COLA) for campaigning in the general election. The candidate must limit expenditures to that amount and may not accept any private contributions for the general election except for a special account maintained exclusively to pay certain legal and accounting fees. Qualified minor or new party candidates are eligible for proportionate or retroactive payments.

PARTY CONVENTION GRANTS

Each major political party is entitled to up to two million dollars (plus COLA) to finance its national Presidential nominating convention. Qualified minor party conventions are funded on a proportionate basis. Repayment of public funds is required in cases where the amount of public funds received exceeds the amount to which the

continued

candidate or convention committee is entitled; where spending limits are exceeded; where public funds are used for purposes other than "qualified" expenditures; or where public funds remain after debts and obligations have been paid.

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.

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 report, the name of that "nonfiler" is made public.

The Commission recently published the names of candidates and political committees who failed to file a required report. The following list summarizes Commission action:

Publication Date	Report Not Filed	Number of Nonfilers
1/8/79	Hawaii (Post-Primary)	3
1/23/79	December 7 (Post-Primary)	86

FEDERAL ELECTION COMMISSION
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