



THE FEDERAL ELECTION COMMISSION

RECORD

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REPORTS

LOCAL PARTY COMMITTEES: REGISTRATION AND REPORTING REQUIREMENTS

During the last week of July 1980, the Commission sent a notice to some local party committees registered with the FEC, informing them that it may be possible for them to stop reporting to the Commission. Those committees that received the notice had not made contributions or expenditures exceeding \$1,000 per year during 1977-79. The notice alerted the committees to recent amendments to the election law that might affect their status as "political committees."

The notice explained that local party committees are required to register and report with the Commission only if they:

1. Receive contributions in excess of \$5,000 a year to influence federal elections; or
2. Make contributions or expenditures in excess of \$1,000 a year to influence federal elections; or
3. Make payments, exempted from the definition of contribution or expenditure, in excess of \$5,000 a year. These exempted payments are defined by Commission Regulations at 11 CFR 100.7(b)(9), (15) and (17) and 100.8(b)(10), (16) and (18).

NOTE: A local party committee may unknowingly be making "expenditures to influence federal elections" if it transfers funds to a political committee registered with the FEC which, in turn, deposits the funds in an account used for federal elections. Local committees may avoid making this type of "expenditure" if the recipient committee (registered with the FEC) either: 1) deposits the transfer (if not intended for federal elections) in a separate account to be used for nonfederal elections or 2) reports the funds (if intended for federal elections) as contributions from the original donors who actually contributed the funds to the local party committee.

The notice advised that local party committees that did not exceed any of these thresholds could terminate their report-

ing obligations under the Act. (See the June 1980 *Record* for more detailed information on terminating reporting obligations.) The notice also explained that local party committees would be required to re-register with the Commission if future activity exceeded the registration and reporting thresholds listed above.

REPORTS DUE

During the coming months, several reports are required under the **Federal** Election Campaign Act. The following paragraphs give an overview of the reporting requirements. For detailed information, committees should consult the notices sent to them directly or contact the Office of Public Communications (see below).

Third Quarterly Report

All political committees* (other than monthly filers, see below) must file a quarterly report by October 15 regardless of the amount of funds received or expended by the committee during the quarter. (FEC Form 3a, the postcard waiver, is no longer an acceptable filing.) The quarterly report must include all reportable transactions occurring since the last full report filed or (if the committee is new) from the date of registration through September 30, 1980.

Monthly Reports

All committees not authorized by a candidate, which file on a monthly basis, must file their monthly report by October 20.

In addition, each principal campaign committee of a Presidential candidate which has received contributions or made expenditures aggregating \$100,000 or more (or anticipates doing so) must file the monthly report.

The reports of monthly filers must cover all transactions that occurred between September 1 and September 30, 1980. In the event a monthly report was not filed in September, the report must cover all transactions since the last report filed or (if the committee is new) from the date of registration through September 30.

continued

*For an explanation of who qualifies as a political committee, consult FEC Regulations (11 CFR 100.5).

NOTE: Committees filing on a monthly basis are not required to file monthly reports covering the months of October, November and December. Instead, these committees must file a pre-general election report in October 1980, a post-general election report in December 1980 and a year-end report in January 1981 (see below).

Pre-General Election Reports

Committees authorized by candidates running in the general election are required to file a pre-general election report by October 23. The report must cover all reportable transactions between the last report filed and October 15.

All monthly filers must file a pre-general election report. All other political committees which have made contributions or expenditures on behalf of federal candidates on or before October 15, 1980, and which have not previously reported these transactions, are also required to file a pre-general election report.

Last Minute Contributions

A committee authorized by a candidate that receives a contribution of \$1,000 or more between October 15 and November 2 must, within 48 hours, disclose the contribution in writing to the FEC, the Secretary of the Senate or the Clerk of the House, as appropriate. This notification must identify the name of the candidate and the office he or she seeks, the name of the contributor, the amount of the contribution and the date it was received. These contributions are then disclosed as usual on the post-general election report (see below).

Post-General Election Reports

All political committees (except authorized committees of candidates not in the general election) are required to file a post-general election report by December 4, 1980. The report should cover all transactions between the last report filed and November 24, 1980.

Year-End Reports

All political committees must file a year-end (fourth quarter) report by January 31, 1981. The year-end report must include all reportable transactions occurring since the last full report filed or (if the committee is new) from the date of registration through December 31, 1980.

Where Reports Are Filed

Political committees must file their reports with the appropriate federal and state offices. Correct filing procedures are described in the instructions on the back of the reporting forms (Form 3, 3P or 3X).

NOTE: Each authorized committee of a candidate must file its report with the principal campaign committee, which in turn must file a consolidated report on FEC Form 3Z (or 3Pb) with the appropriate federal and state offices.

Reporting Forms

Political committees must use the following forms, with appropriate schedules, to file their quarterly, monthly or pre-general election reports:

1. *Form 3* must be used by all political committees authorized by a candidate for the House or Senate.

2. *Form 3P* must be used by Presidential campaigns.
3. *Form 3X* must be used by all political committees which are not authorized by a candidate.

Forms and additional information have been sent to all registered committees. Questions and requests for forms should be addressed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or telephone 202/523-4068; toll free 800/424-9530.



FEC EXTENDS HOURS

To accommodate the public's increased need for information during the 1980 general elections, the Commission is extending its office hours between October and election day (November 4).

Information Specialists in the Office of Public Communications will be available between 8 a.m. and 8 p.m. (Eastern Standard Time) on weekdays, beginning October 1, to answer calls on the FEC's toll-free line: **800/424-9530**. Individuals may request forms and publications and obtain information needed to comply with the federal election law. When the Office is closed, individuals may still call and leave a message on the recording device. Their calls will be returned on the next business day.

The Office of Public Records will be open from 9 a.m. to 7 p.m. on weekdays, 10 a.m. to 4 p.m. on Saturdays and 12 p.m. to 4 p.m. on Sundays, beginning October 15. Those visiting the office may review and copy campaign finance reports filed by political committees, as well as other documents such as closed compliance cases, statistical summaries of campaign finance reports and computer indexes.

ADVISORY OPINION INDEX AVAILABLE

An updated edition of the Commission's cumulative *Index to Advisory Opinions* is now available. The *Index* includes three parts: a subject index and an index by U.S. Code, both covering all opinions issued from April 1975 through mid-August 1980; and an index by FEC Regulations covering opinions from 1977. In addition, a transfer table indicates numerical changes in the Regulations after enactment of the 1979 Amendments to the Act.

Requests for the *Index to Advisory Opinions* should be addressed to the Public Records Office, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Purchase price (for duplication costs) is \$12.75, payable in advance. Checks, made payable to the United States Treasurer, should be sent to the FEC.

OPINIONS

ADVISORY OPINION REQUESTS

Advisory Opinion Requests (AOR's) pose questions on the application of the Act or Commission Regulations to specific factual situations described in the AOR. The following chart lists recent 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
1980-101	Publication and sale of political action committee directory using FEC campaign finance information.	8/22/80	1
1980-102	Corporate separate segregated fund's solicitation of family members of executive and administrative personnel.	8/25/80	5
1980-103	State party's distribution to Congressional candidates of funds collected through state tax check-off.	8/25/80	6
1980-104	Local party committee's newspaper ad requesting volunteers for Presidential campaign.	8/27/80	2
1980-105	Authorization/nonauthorization notice for independent expenditure activity.	8/29/80	3
1980-106	Summary of Presidential candidates' positions on issues published by unincorporated association.	9/3/80	4
1980-107	Senior law partner's volunteer services to Presidential campaign.	9/16/80	2

ALTERNATE DISPOSITION OF ADVISORY OPINION REQUESTS

- AOR 1980-82 was withdrawn by its requester on August 22, 1980.
- AOR 1980-85 was closed as incomplete in a letter issued by the General Counsel on September 12, 1980.
- AOR 1980-91 was withdrawn by its requester on August 20, 1980.
- AOR 1980-104 was withdrawn by its requester on September 9, 1980.

STATUS OF 1980 ADVISORY OPINIONS

Requests for advisory opinions (AOR's) and advisory opinions (AO's) issued by the Commission have substantially increased during the first eight months of 1980. When reading the chart below, keep in mind that an opinion is not necessarily issued in the year it is requested. An opinion requested in December 1979, for example, would not have been issued until 1980.

	1978 (1/1-12/31)	1979 (1/1-12/31)	1980 (1/1-8/31)
AOR's Received	73	52	105*
AO's Issued	60	44	86
AOR's Pending			23

*Thirteen of these AOR's were withdrawn or closed without issuance of an opinion.

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR's. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1980-51: Volunteer Services Provided by Bank Employees During Work Hours

Volunteer services provided by an employee of the First Farmer and Merchants National Bank (the bank) to a political organization during work hours would not result in an in-kind contribution by the bank, as long as the volunteer activities involved only an "... occasional, isolated or incidental use" of the bank's facilities. 11 CFR 114.9(a)(1)(iii).

An employee of the bank could use up to one hour per week of regularly scheduled work time to provide services to a political committee and to act as its official treasurer (including lending his or her name to authorization notices for political advertising) because the volunteer activities would not prevent the employee from completing his or her normal amount of work. 11 CFR 114.9(a)(1)(i). However, the bank would have to be reimbursed for any additional overhead or operating costs the bank incurred as a result of the volunteer activities. 11 CFR 114.9(a). If paid by the employee, this reimbursement would be considered an in-kind contribution to the political organization. 2 U.S.C. §434.

The Commission expressed no opinion on the application of rules of the Comptroller of the Currency to the volunteer services since those rules are not within its jurisdiction. (Date Issued: September 3, 1980; Length: 3 pages)

continued

AO 1980-68 Supplement: Post-Dated Contributions to Primary Runoff Election

Post-dated checks received by the Zell Miller for U.S. Senate Committee (the Committee) for a primary runoff election are considered contributions to the Committee as of the date the Committee receives them. They are subject to a separate contribution limit for the runoff election. A post-dated check must be reported as a memo entry for the reporting period during which it is received, but the amount should not be included in cash totals until after the check has been deposited. (Banks will not permit the deposit of post-dated checks until the date written on the check.) 2 U.S.C. §434(b); 11 CFR 102.9(a)(1) and (2). (Date Issued: August 28, 1980; Length: 2 pages)

AO 1980-81: Application of 1980 Annual Limit to Individual's 1979 Contributions to Draft Committees

Contributions amounting to \$12,000 made in 1979 to three "Draft Kennedy" committees by Mr. Mark B. Dayton count against his \$25,000 annual contribution limit for 1979 — not 1980. Mr. Dayton's contributions do not count against his 1980 contribution limit because they were not donated to a "single candidate" committee (i.e., a committee supporting Edward Kennedy only) or to committees authorized by Edward Kennedy; nor were they designated for a particular election. 11 CFR 110.5(b)(2). At the time Mr. Dayton made the contributions, Mr. Kennedy had not yet announced his candidacy for the Presidency or authorized any of the three draft committees.

The Commission noted that this opinion did not constitute a determination of when Mr. Kennedy became a Presidential candidate or whether the draft committees were affiliated or unaffiliated. (Date Issued: September 11, 1980; Length: 3 pages)

AO 1980-83: Reporting by Inactive Presidential Committee

The Crane for President Committee, Inc. (the Committee), the principal campaign committee of former Presidential candidate Philip Crane, must continue to file reports on a monthly basis during 1980. The Act and Commission Regulations require monthly reporting during an election year for principal campaign committees of Presidential candidates that have received contributions or made expenditures aggregating \$100,000. Mr. Crane's committee has exceeded this threshold and, therefore, may not change to a quarterly reporting schedule even though Mr. Crane is no longer a candidate. 2 U.S.C. §434(a)(3)(A); 11 CFR 104.5(b). (Date Issued: September 10, 1980; Length: 2 pages)

AO 1980-84: Continued Use of Authorized Committee's Former Title

Congressman Richard C. White's authorized campaign committee (the Committee) must use its official title, the Richard C. White Congressional Club of the Permian Basin, on the Committee's statement of organization, on all reports filed by the Committee and on all authorization/nonauthorization notices required by 2 U.S.C. §441d. (The Committee had recently amended its former title, Congressional Club of the Permian Basin, to include the candidate's name, as required by 2 U.S.C. §432(e)(4) and 11 CFR 102.14(a).)

The Committee may, however, use stationery imprinted with its former title for mailings that solicit contributions or advocate his election, provided the Committee includes a statement giving its full official title and indicating it has authorized and paid for the mailing. 2 U.S.C. §441d (a)(1). When the old stationery is used for communications that do not require the authorization notice, the Committee's official title does not have to be included. Nor does the former title of the Committee's checking account have to be amended since the account is not subject to the authorization/nonauthorization notice required by 2 U.S.C. §441d. (Date Issued: August 28, 1980; Length: 2 pages)

AO 1980-86: Abbreviated Title for Separate Segregated Fund

The American Natural Resources, Inc. Political Action Committees (the Committees), the separate segregated funds of American Natural Resources, Inc., may not continue using the abbreviated title "ANR" on Committee checks and letterhead. "ANR" is not an acceptable acronym because it is not a clearly recognized abbreviation by which the corporation is commonly known and it does not adequately inform the public that American Natural Resources, Inc. sponsors the Committees. 2 U.S.C. §432(e) (5); 11 CFR 102.14(c). (Date Issued: August 28, 1980; Length: 2 pages)

AO 1980-88: Personal Services Donated to Presidential Campaign Committee

Bookkeeping services donated by an individual to the Citizens for Election of Harry Davis as President Committee would not be considered a contribution under the Act; nor would the services be reportable. 2 U.S.C. §§431(8)(B)(i) and 431(8)(A)(i). The individual would not, therefore, have violated the Act's contribution limits when the value of the uncompensated services exceeded \$1,000. (Date Issued: September 16, 1980; Length: 2 pages)

AO 1980-89: Donation of Food and Beverage to Congressman's District Office Receptions

Food and beverage donated by corporations, partnerships, sole proprietorships and individuals to receptions hosted by Congressman Tony Coelho at his district offices would not constitute "contributions" or "expenditures" under the Act.

The receptions will be held for members of an Arts Committee (and other interested parties) who advise Congressman Coelho on federal legislation related to the arts. Since the purpose of the receptions is to help Congressman Coelho carry out his duties as a federal officeholder, and not to support his reelection campaign, donations to the receptions would not be subject to the Act's limits and prohibitions on contributions or reporting requirements. 2 U.S.C. §§431(8) and (9), 441b.

Such donations could, however, result in prohibited contributions from corporations or in-kind contributions from individuals, sole proprietorships and partnerships if:

1. Any communication made in connection with the receptions expressly advocated the election or defeat of Congressman Coelho or any other candidate for federal office; or
2. Contributions were solicited, made or accepted for Congressman Coelho's campaign.

This opinion supercedes those portions of AO 1975-14 and OC 1975-125 that held that donations received and spent by federal officeholders to defray expenses related to their office are reportable contributions and expenditures.

The Commission expressed no opinion on the application of Rules of the U.S. House of Representatives or of the Internal Revenue Code to the donations. (Date Issued: September 5, 1980; Length: 3 pages)

**AO 1980-90: Public Affairs Program
Produced and Distributed by Corporation**

The Public Affairs Division of the Atlantic Richfield Company (the Company) may not produce a videotape of interviews with the major Presidential candidates on energy-related topics for use on commercial and cable television because the communication would result in a prohibited in-kind contribution to each of the candidates. Commission Regulations permit corporations to distribute nonpartisan communications to the general public only if the communications:

1. Do not favor one candidate or political party over another; and
2. Are obtained from a civic or other nonprofit organization which does not endorse or support, or is not affiliated with, any candidate or political party. 11 CFR 114.4(c)(3).

Although nonpartisan in nature, the proposed videotape would still result in a prohibited in-kind contribution to each of the participating candidates since it was prepared by the Company — not a civic or other nonprofit organization. Nor would the program be considered a news story exempt from the Act's definition of expenditure since that exemption applies only to election-related news stories, commentaries and editorials sponsored by broadcasters, newspapers or other public media. 2 U.S.C. §431(1)(B)(i). Chairman Max L. Friedersdorf and Commissioner Joan D. Aikens will file dissenting opinions. (Date Issued: September 9, 1980; Length: 3 pages)

AO 1980-93: Coin as Campaign Item

Richard Bozzuto, a Senate candidate from Connecticut, may distribute a United States penny as a campaign item. All costs related to the distribution must be reported pursuant to 2 U.S.C. §434. The Commission expressed no opinion on the possible application of other federal statutes to the item. (Date Issued: September 10, 1980; Length: 2 pages)

**AO 1980-96: Post-Election Public Funding for
New Party Presidential Candidate**

John B. Anderson will not be excluded from receiving post-election public funding as the Presidential candidate of a new party, provided:

1. Mr. Anderson receives five percent or more of the total popular votes cast in the 1980 Presidential general election (including votes cast for him as an independent candidate); and
2. Mr. Anderson satisfies all other eligibility requirements for public funding stipulated in the Presidential Election Campaign Fund Act.

Mr. Anderson will not be excluded from receiving post-election public funding because his campaign efforts for the Presidency have qualified him as a "candidate," and the various organizations supporting him have qualified as newly established "political parties" for purposes of the Presidential Election Campaign Fund Act and relevant Commission Regulations.

Mr. Anderson qualifies as a "candidate" under the Presidential Election Campaign Fund Act because he is presently certified to be on the ballot (or has met all requirements for ballot access) in 10 or more states as either an independent candidate or the candidate of a political party.* 26 U.S.C. §9002(2)(B).

A number of the organizations supporting Mr. Anderson's candidacy qualify as "political parties" because they meet the three criteria established in Commission Regulations for a "political party." Specifically, each of these political organizations constitutes: "1) an association, committee, or organization 2) which nominates or selects an individual for election to any federal office, including the office of President or Vice President of the U.S. 3) whose name appears on the general election ballot as the candidate of such association, committee or organization" (numbers added for emphasis). 11 CFR 9002.15.

The National Unity Campaign, headquartered in Washington, D.C., and various state organizations supporting Mr. Anderson satisfy the second criteria of a political party, i.e., that of "nominating" or "selecting" a candidate, because they have met the requirements in their respective states for obtaining ballot access for a candidate. In some states, the Anderson organizations have conducted successful petition drives while in other states the organizations have obtained ballot access by holding caucuses to select delegates to state conventions which, in turn, have selected Mr. Anderson as their Presidential candidate.

The organizations which have nominated Mr. Anderson will fulfill the third criteria of "political party" when the FEC receives verification from appropriate state election officials that Mr. Anderson will appear on the ballot in their respective states as the candidate of one of these organizations.

The Commission did not decide whether the National Unity Campaign or any of the other organizations which have nominated Mr. Anderson constitute a "national committee of a political party" as defined by 2 U.S.C. §431(14). Vice Chairman John Warren McGarry filed a dissenting opinion. Commissioners Frank P. Reiche and Robert O. Tiernan filed concurring opinions. (Date Issued: September 4, 1980; Length: 21 pages, including dissenting and concurring opinions)

*In AO 1980-50, the Commission concluded that a new party candidate would be eligible to receive post-election public funding based on all the popular votes received by the candidate in the 1980 Presidential general election, including those votes cast for the candidate as an independent candidate.

THE LAW IN THE COURTS

COURT DENIES FEC'S MOTION FOR SUMMARY JUDGMENT IN INDEPENDENT EXPENDITURES SUIT

On August 28, 1980, the U.S. District Court for the District of Columbia issued an expedited order in the suit *FEC v. Americans for Change, et al.* (Civil Action No. 80-1754) with an opinion to follow at a later date. In its order, the Court denied the FEC's motion for summary judgment while granting defendants' motion for summary judgment.

The FEC had sought a ruling from the Court that:

1. Expenditures defendants proposed to make on behalf of a publicly funded Presidential nominee of a major party were in violation of 26 U.S.C. §9012(f)(1); and
2. 26 U.S.C. §9012(f), which limits expenditures made by unauthorized political committees on behalf of a Presidential nominee receiving public funds, is constitutional as applied to defendants' expenditures.

Defendants, on the other hand, had sought a ruling that:

1. This provision of the Presidential Election Campaign Fund Act did not apply in cases where a committee's activities were independent of the candidate's campaign; and
2. Alternatively, if the statute were applied as suggested by the Commission, it would be unconstitutional.

COURT DISMISSES JOHN B. ANDERSON ET AL. v. FEC

On September 9, 1980, the U.S. District Court for the District of Columbia dismissed the suit, *John B. Anderson et al. v. FEC* (Civil Action No. 80-1911). The Court determined that there was no longer a need for a decision either on the FEC's motion to dismiss the suit or on the substantive issues raised in the suit.

In the suit, plaintiffs had sought an expedited ruling by the Court that John B. Anderson would be eligible as an independent candidate for the same post-election public funding as that provided Presidential candidates of "new parties," if he received five percent or more of all popular votes cast in the 1980 Presidential general election and met other requirements of the Act. Such a ruling, plaintiffs told the Court, would immediately make large bank loans available to the Anderson campaign.

The FEC had consistently argued that plaintiffs should have requested an advisory opinion from the FEC on the application of the Act and the Commission's new regulations to the Anderson campaign before seeking a Court ruling. On August 13, plaintiffs did file an advisory opinion request (AOR 1980-96) with the FEC, and on September 4 the Commission issued an opinion declaring Mr. Anderson eligible for post-election public funding as the candidate of a new political party. (See summary of AO 1980-96, page 5.)

After issuing the Anderson opinion, the FEC filed a supplement to its motion to dismiss the suit, submitting the opinion and arguing that it fully supported its consistent position that the case should be dismissed. Plaintiffs, who had opposed the FEC's motion to dismiss, also filed their own motion to dismiss the case as moot.

NEW LITIGATION

John B. Anderson et al. v. FEC (Second Suit)

Plaintiffs seek declaratory and injunctive relief to declare unconstitutional those provisions of the Act which entitle a national party committee to receive contributions of up to \$20,000 per year from individuals (2 U.S.C. §441a(a)(1)(B)) and to make special limited expenditures on behalf of its Presidential nominee (2 U.S.C. §441a(d)(1)). Plaintiffs ask the District Court of Maine to certify the questions of constitutionality to the U.S. Court of Appeals for the First Circuit and to grant a preliminary injunction directing the FEC to permit the "National Unity Campaign 441a(d) Committee," a committee which registered the day before suit was filed, to:

1. Receive contributions of up to \$20,000 from individuals during 1980, as provided by 2 U.S.C. §441a(a)(1)(B); and
2. Make special "coordinated" expenditures on Mr. Anderson's behalf, as provided by 2 U.S.C. §441a(d)(1).

On September 22, the Commission filed a motion to dismiss the case and opposed plaintiffs' motion for a preliminary injunction.

(U.S. District Court for the District of Maine, Docket No. 80-0272P and Supplement, September 8, 1980, and September 11, 1980.)

REGULATIONS

REVISED GENERAL ELECTION REGULATIONS PRESCRIBED

On September 5, 1980, the Commission prescribed revised regulations governing the public financing of Presidential general election campaigns. The revised regulations contain refinements based on the Commission's experience in administering the public funding program for the 1976 general election. They also reflect the 1979 Amendments to the Act.

These regulations, which were renumbered to conform with the section of the U.S. Code on which they are based (26 U.S.C. §9001, *et seq.*), were published in their entirety in the *Federal Register* on June 27, 1980 (45 FR 43371). Highlights of major modifications in the regulations appeared in the August 1980 *Record*.

STATUS OF FEC REGULATIONS

Regulations*	Date Sent to Congress	Federal Register Publication	Date Prescribed** by the Commission
11 CFR 9033.9 Suspension of Primary Matching Fund Payments	4/10/80	4/15/80 (45 FR 25378)	7/3/80
11 CFR Part 4 Public Records and the Freedom of Information Act	Not applicable	5/13/80 (45 FR 31291)	6/12/80
11 CFR Part 5 Access to Public Disclosure Division Documents	Not applicable	5/13/80 (45 FR 31292)	6/12/80
11 CFR, Parts 100 and 110 Contributions to and Expenditures by Delegates to National Nominating Conventions	5/14/80	5/23/80 (45 FR 34865)	8/7/80
11 CFR, Parts 100, 106, 110, 140-146 and 9001-9007 Public Financing of Presidential General Election Campaigns	6/13/80	6/27/80 (45 FR 43371)	9/5/80
<p>*The chart is cumulative, listing all amendments to the FEC Regulations proposed after the April 1980 edition of 11 CFR was published, including any technical amendments.</p> <p>**The Commission may prescribe its regulations 30 legislative days after it has transmitted them to Congress, provided neither the House nor the Senate disapproves them during this period.</p>			

PUBLIC FINANCING

FEC CERTIFIES DEMOCRATIC GENERAL ELECTION FUNDS

On August 21, 1980, the Commission approved payment of \$29,440,000 in federal funds for the general election campaign of Democratic Presidential nominee Jimmy Carter and his Vice Presidential running mate, Walter Mondale. President Carter and Vice President Mondale had requested the funding in an August 15 letter to the Commission. In that letter, the candidates agreed to abide by the overall spending limit, to use only public funds for the campaign and to comply with other legal requirements. They designated the Carter/Mondale Reelection Committee, Inc., based in Washington, D.C., as the recipient of the funds.

By law, the Presidential nominee of each major party is entitled to full public financing of the general election

campaign (\$20 million plus a cost-of-living adjustment). Major party candidates accepting public financing for their general election campaigns are subject to a spending limit of \$29,440,000 (the amount of the grant). In addition, the use of the nominees' personal funds is limited to \$50,000. (All expenditures made by or on behalf of a Vice Presidential candidate are considered to be made on behalf of the Presidential candidate.) Private contributions from individuals and groups may not be accepted. Presidential candidates may, however, solicit private funds, subject to monetary limits, to cover legal and accounting expenses incurred to ensure compliance with the Act. These legal and accounting costs are exempt from the overall spending limit for each of the Presidential candidates.

As of August 21, 1980, the Commission had also certified \$29,440,000 to the Republican Presidential and Vice Presidential nominees, \$8,832,000 in Presidential nominating convention payments to the Democratic and Republican National Committees (\$4,416,000 each) and \$29,624,936.78 in Presidential primary matching funds to ten Presidential primary candidates.

800 LINE

May an individual file a complaint with the FEC if he or she believes a candidate or committee has violated a provision of the election law or FEC Regulations?

Yes. A complaint should be filed with the FEC's Office of General Counsel. It must contain the name, address and telephone number of the person making the complaint; a clear statement of facts; and any evidence concerning the violation. The complaint must be sworn to by the person making the complaint, and it must be signed and notarized. (For information on how the FEC processes a complaint, see the April 1980 *Record*, page 6.)

How can an individual obtain information on election-related topics over which the FEC has no jurisdiction, such as tax deductible contributions?

Topics that are related to federal elections, but which do not come under the FEC's jurisdiction, are listed below with the appropriate agency to contact for more information:

Ballot Access. State election office in state where candidacy is desired.

Communications Issues (equal time provisions, equal access to media and editorial replies). Federal Communications Commission, Complaints/Political Broadcast Branch, 1919 M Street, N.W., Washington, D.C. 20554; Telephone: 202/632-7586.

Political Activity and the Hatch Act (federal employees). Office of Personnel Management, Office of General Counsel, 1900 E Street, N.W., Washington, D.C. 20415; Telephone: 202/254-3230.

Tax Issues (tax deductible contributions and federal taxation of political committees). Internal Revenue Service (IRS), Information Office, 1201 E Street, N.W., Washington, D.C. 20226; Telephone: 202/488-3100. In addition, each state IRS office has an 800 line. Call the local operator for the number.

Tabulation of the Popular Vote. State election office in each state.

Voter Fraud or Violation of Voting Rights. State election office in each state. For alleged violations of federal law: Justice Department, Public Integrity Unit, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530; Telephone: 202/724-7062.

FEDERAL REGISTER NOTICES

The list below identifies all FEC documents which appeared in the *Federal Register* between August 7, 1980, and September 5, 1980. Copies of these notices are not available from the FEC.

Notice	Title	Federal Register Publication Date	Citation
1980-26	11 CFR, Parts 100 and 110: Contributions to and Expenditures by Delegates to National Nominating Conventions (Notice of final rule-making)	8/7/80	45 FR 52356
1980-27	11 CFR, Chapter 1: Nonpartisan Communications by Corporations or Labor Organizations (Notice of proposed rulemaking)	8/25/80	45 FR 56349
1980-28	11 CFR, Parts 100, 106, 110, 140-146 and 9001-9007: Public Financing of Presidential General Election Campaigns; Effective Date Confirmation	9/5/80	45 FR 58820

COMPLIANCE

FEC PUBLISHES NAMES OF NONFILERS

From July 23 through August 22, 1980, the Federal Election Commission published five separate listings of nonfilers who failed to file campaign finance reports required by the Federal Election Campaign Act (the Act). On July 23, August 1 and August 4, 1980, the Commission published the names of six campaign committees authorized by Senate and House candidates which had failed to file their pre-election reports for primaries held in Connecticut, Georgia, Michigan, Missouri and Tennessee. On July 31, 1980, the Commission published a list of campaign committees authorized by five Senate and 28 House candidates which had failed to file their second quarterly reports. This list included committees based in 14 states. On August

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22, the Commission published the names of two campaign committees authorized by House candidates which had failed to file their pre-election reports for a Georgia primary runoff.

The Act specifies that the Commission publish only the names of committees authorized by candidates (i.e., individuals who have received or expended in excess of \$5,000 to influence federal elections). Nevertheless, the Act gives the Commission broad authority to initiate enforcement actions against any type of political committee for failure to file required reports. Enforcement action against non-filers and late filers is based on the level of financial activity, the percentage of total votes received by the candidate, and the degree of lateness of the report.

SUMMARY OF MUR's

Selected compliance cases, which have been closed and put on the public record, are summarized in the *Record*. Compliance matters stem from possible violations of the Federal Election Campaign Act of 1971, as amended, which come to the Commission's attention either through formal complaints originating outside the Commission or by the FEC's own monitoring procedures. The Act gives the FEC the exclusive 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 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 sue; 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.

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

MUR 960: National Political Committee's Failure to Include Notices on General Public Communications

On April 28, 1980, the Commission entered into a conciliation agreement with a national political committee which had violated 2 U.S.C. §441d by failing to display statements of candidate authorization/nonauthorization in communications which were directed to the general public and which expressly advocated the election of clearly identified federal candidates.

Complaint: On April 30, 1979, a national "pro-choice" political committee filed a complaint against a national "pro-life" political committee (registered under the Act) and a state "pro-life" group (not registered under the Act). The pro-choice committee alleged that the pro-life political committee had made significant expenditures during 1978 to influence federal elections, but had failed to report these expenditures to the FEC. Specifically, the pro-choice committee claimed that:

1. The national pro-life committee and the state pro-life group may have violated 2 U.S.C. §434 by failing to report expenditures for the preparation and distribution of brochures and flyers endorsing federal candidates. The complaint noted that the national pro-life committee sponsored newspaper advertisements directed to

continued

FEC PUBLIC APPEARANCES

In keeping with its objective of making information available to the public, the Commission accepts invitations to address public gatherings. This column lists upcoming scheduled Commission appearances, the name of the sponsoring organization, the location of the event and the name of the Commission's speaker. For additional information on any scheduled appearance, please contact the sponsoring organization.

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| 10/14 | Human Factors Society
Los Angeles, California
Dr. Gary Greenhalgh, Director,
Clearinghouse |
| 10/22 | American Society of Women Accountants
Washington, D.C.
Commissioner Joan D. Aikens |
| 10/26 | Bradley Hills Presbyterian Church
Adult Education Seminar
Bethesda, Maryland
Commissioner Frank P. Reiche |
| 10/29 | American University Students
Federal Election Commission
Commissioner Robert O. Tiernan |

the general public costing approximately \$955, widely distributed a brochure costing \$699, and distributed a one-page flyer.

2. The national pro-life committee may have violated 2 U.S.C. §434 by failing to report the liquidation of a debt. The complaint noted that, while the national pro-life committee had reported expenditures for printing the brochure as an outstanding debt to a printing company on its 1978 post-general election report, it did not report the debt (or its liquidation) on any subsequent report.
3. The state pro-life group constituted a "political committee" by virtue of making expenditures in excess of \$1,000 to advocate the election of federal candidates, and should have registered with the Commission and reported pursuant to 2 U.S.C. § 433 and 434.
4. The national pro-life committee and the state pro-life group may have violated 2 U.S.C. §441d by making expenditures for communications expressly advocating the election of clearly identified federal candidates without including the required statements of authorization/nonauthorization by those candidates; and
5. The national pro-life committee may have violated 2 U.S.C. §433 by failing to include the state pro-life group and/or other pro-life groups as affiliated organizations in the statement of organization it had filed with the FEC.

General Counsel Reports: After investigating these allegations, the Office of General Counsel reached the following conclusions:

While the national pro-life committee had failed to report the debt for printed materials on its 1978 year-end report, the committee had responded promptly to the Commission's request for further information (RFAI) concerning this debt. Therefore, since the committee had corrected this reporting error prior to the filing of the complaint, the Office of General Counsel recommended that the Commission take no further action on the committee's failure to report debt liquidation.

Although the national pro-life committee did not refute the fact that certain publications were examples of express advocacy, it maintained that they were exempted from the requirements of 2 U.S.C. §441d since this provision omitted any direct reference to a requirement to print a notice on "hand bills." The General Counsel's report pointed out, however, that §441d exempted only those "small items" which could not bear the notice. In addition, since the national committee distributed more than 15,000 copies of the handbills, the General Counsel concluded they were general public advertisements — not "personal correspondence," as the national pro-life committee had maintained. The Office of General Counsel therefore recommended that the Commission find reasonable cause to believe that the national pro-life committee had violated 2 U.S.C. §441d.

During its investigation into the state pro-life group's possible failure to include authorization/nonauthorization notices by candidates on express advocacy communications, the Office of General Counsel found that the state

group had neither paid for nor authorized the printing of its name on the communications cited in the complaint. Investigation revealed that the state group's name was used by two individuals representing local pro-life groups, without the authorization or knowledge of the state pro-life group. Therefore, the Office of General Counsel recommended the Commission find no reasonable cause to believe that the state pro-life group had violated 2 U.S.C. §441d. The General Counsel believed that the two individuals representing local pro-life groups may have violated 2 U.S.C. §441d, but, because the publications sponsored by the two individuals were minimal in cost and limited in circulation, the General Counsel recommended that the Commission take no further action. The Office of General Counsel did, however, send certified letters to the two individuals explaining that they should have indicated that they had "paid for" the publication of the communications and stated whether or not the publications were authorized by a candidate.

The Office of General Counsel recommended that no further action be taken with regard to the national committee's failure to report the state pro-life group or other local pro-life groups as affiliated organizations in violation of 2 U.S.C. §433.

Commission Determination: On November 1, 1979, the Commission found reasonable cause to believe that the national pro-life committee had violated 2 U.S.C. §441d by making expenditures for communications expressly advocating the election of clearly identified federal candidates without properly displaying statements of authorization/nonauthorization by those candidates endorsed. On April 28, 1980, the Commission entered into a conciliation agreement with the national committee in which the committee agreed to pay a civil penalty for the violation.

CHANGE OF ADDRESS

Political Committees

Registered political committees are automatically sent the *Record*. Any change of address by a registered committee must, by law, be made in writing as an amendment to FEC Form 1 (Statement of Organization) and filed with the Clerk of the House, the Secretary of the Senate or the FEC, as appropriate.

Other Subscribers

Record subscribers (who are not political committees), 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.

AUDITS

AUDITS RELEASED TO THE PUBLIC

The Federal Election Campaign Act, as amended (the Act) requires candidates and political committees to file financial disclosure reports with the Commission. The Act also gives the Commission authority to audit campaigns of all Presidential candidates who receive public funds, and the reports of other political committees. Final audit reports are available to the press through the Press Office and to the general public through the Office of Public Records. The following is a chronological listing of audits released between May 15, 1980, and September 11, 1980.

Audit	Date Made Public
1. Black Voters For Republican Congress	5/15/80
2. Herman Badillo, NY/21, Committee For the Re-Election of Congressman Herman Badillo and the Friends of Herman Badillo	5/15/80
3. State Republican Executive Committee of Texas	5/28/80
4. Nebraska Republican State Central Committee and the Nebraska Republican Federal Campaign Committee	5/28/80
5. Ohio Democratic State Voter Registration Drive	5/28/80
6. National Democratic Party Affairs Committee of the Arkansas Democratic State Committee	5/28/80
7. American Conservative Union	5/28/80
8. Republican National Committee – Contributions	6/12/80
9. Texas Medical Political Action Committee	6/25/80
10. Honorable Richard H. Austin, Austin For Senate	6/25/80
11. The Carter/Mondale Presidential Committee, Inc. (Threshold Audit Report of Primary Campaign)	7/10/80

Audit	Date Made Public
12. Roger Lea MacBride, The MacBride For President Committee and all Authorized Committees of Roger Lea MacBride	7/16/80
13. Gus Hall, Hall Tyner Election Campaign Committee, Hall Tyner Election Campaign Committee of California and New York Hall-Tyner Aptheker Campaign Committee	7/24/80
14. Gus Hall/Hall-Tyner-Flory Campaign '76	8/1/80
15. Republican State Central Committee of Maryland	8/12/80
16. Regular Hudson County Dinner Committee	9/11/80
17. Idaho Republican Congressional Campaign Committee/Idaho Republican State Central Committee	9/11/80

CLEARINGHOUSE

SUBSCRIPTIONS TO THE ELECTION LAW UPDATES AND THE ELECTION CASE LAW SERIES

The following publications from the FEC's Clearinghouse are now available on a subscription basis from the Government Printing Office:

- *Election Law Updates* is a quarterly series which summarizes all new state and federal election legislation. The series is cumulative through the year, culminating in an annual summary. It is indexed by topic and state. Subscription price: \$11.00 per year.
- *Election Case Law* is a quarterly series which summarizes recent state and federal litigation relating to election matters. The series is cumulative through the year, culminating in an annual summary. It is indexed by topic and case. Subscription price: \$10.00 per year.

You may order these subscriptions by mail from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Identify report title. Enclose a check or money order for subscription price(s) payable to Superintendent of Documents. Please do not send checks or money orders to the Federal Election Commission.

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