

RECORD

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REGULATIONS

ALLOCATION RULES: FEC SEEKS COMMENTS ON PETITION TO AMEND RULES

The Commission recently made available for public comment a Notice of Availability concerning a rulemaking petition on the FEC's allocation rules. The petition, which was filed by the Association of State Democratic Chairs (ASDC), requests reconsideration of several aspects of the allocation rules, which became effective January 1, 1991.

For copies of the petition, call the FEC's Public Records Office (800/424-9530 or, locally, 202/376-3140). The Commission plans to send the notice to all registered party committees and to those who submitted comments on the FEC's allocation rule-making.

Public comments are due by the end of May and must be submitted in writing to Susan E. Propper, Assistant General Counsel, 999 E Street, NW, Washington DC, 20463.

In its petition for rulemaking, ASDC specifically addresses the rules for state and local party committees that maintain separate federal and nonfederal accounts. ASDC asks the Commission to consider changes in the following areas:

- o **Calculation of the Ballot Composition Ratio.** This is the ratio used by state and local party committees to allocate administrative and generic voter drive expenses. 11 CFR 106.5(d). ASDC recommends that the Commission reconsider the number of statewide and local offices that may be included in the ratio. ASDC also suggests that partisan statewide judicial offices and ballot questions be included in the ratio.
- o **Payment Procedures.** Under the allocation rules, all payments for allocated expenses must be paid from the federal account (or a federal allocation account). The nonfederal account must transfer the nonfederal portion of an expense to the federal account. 11 CFR 106.5(g). ASDC recommends two alterna-

tive payment procedures for state party committees, one involving separate payments from each account, and one authorizing payment from the nonfederal account and reimbursement by the federal account. ASDC also recommends state parties be allowed to pay fundraising expenses from the nonfederal account, with one reimbursement from the federal account made after the event.

- o **Allocation of Administrative Expenses.** Under the allocation rules, party committees with federal and nonfederal accounts must allocate all their administrative expenses. 11 CFR 106.5(d). ASDC recommends that state party committees be required to allocate administrative
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expenses only during the second half of the federal election year.

- o **Recordkeeping and Reporting Requirements.** ASDC recommends various changes to the recordkeeping and reporting requirements for allocated expenses found at 11 CFR 104.10.

FEC SUSPENDS RULEMAKING ON PUBLICLY FINANCED PRESIDENTIAL NOMINATING CONVENTIONS

On March 28, 1991, the Commission decided to suspend taking further action on proposed revisions to the Presidential nominating convention regulations until after the 1992 conventions have taken place. The agency published a Federal Register Notice to this effect on April 9, 1991 (56 FR 14319).¹

In the meantime, the current convention rules remain in effect. Additionally, the Commission will rely on advisory opinions that have been issued since these rules were promulgated and on policy decisions made through the audit process for past convention committees.

In letters to the Republican and Democratic National Committees, the Commission urged them to comply on a voluntary basis with the magnetic media rules found at 11 CFR 9003.6 and 9033.12. Right now, these rules apply only to publicly funded candidates, but convention committees' compliance with them will help expedite the audit process. The Commission also requested that the national committees file copies of the signed contracts between the convention committees and the cities chosen to host the 1992 conventions.

¹The original Notice of Proposed Rulemaking was published in the Federal Register on August 22, 1990. See 55 FR 34267; see also the October 1990 Record.

SPECIAL ELECTIONS

**TEXAS SPECIAL RUNOFF:
CHANGE IN MAILING DATE**

The Commission has changed the postmark date for the pre-election report for the May 18 Texas special runoff. The new postmark date--May 6--applies only if the report is sent by registered or certified mail. (Reports not sent by registered or certified mail must be received in the filing office by May 6.) Formerly, the FEC had published the registered/certified mailing date as May 3.

The date was changed because the decision to hold a runoff will be made after the results of the May 4 special election are counted. The runoff will be held only if no candidate wins a majority of the votes in the May 4 election. Committees will therefore not know if they need to file the pre-runoff report until May 5, when the election results will be available.

The other reporting dates for the Texas special elections that were published in the April 1991 Record have not been changed.

¹Note, however, that the coverage dates for filing 48-hour notices on contributions made in connection with the runoff election have been adjusted. Contributions of \$1,000 or more received by authorized committees in connection with the special runoff between May 5 through May 15 are subject to the 48-hour notice requirement. Authorized committees must file notices on such contributions within 48 hours of the committee's receipt of the contribution. For further information on 48-hour notices, see 11 CFR 104.5(f) and the April 1991 Record, page 3.

Federal Election Commission, 999 E Street, NW, Washington, DC 20463
800/424-9530 202/376-3120 202/376-3136 (TDD)

John Warren McGarry, Chairman
Joan D. Aikens, Vice Chairman
Lee Ann Elliott
Thomas J. Josefiah
Danny L. McDonald
Scott E. Thomas

Walter J. Stewart, Secretary of the Senate,
Ex Officio Commissioner
Donald K. Anderson, Clerk of the House of
Representatives, Ex Officio Commissioner

LEGISLATION

FEC TESTIFIES THAT LEGISLATIVE ACTION NEEDED TO SAVE PUBLIC FUNDING PROGRAM

In testimony before the Senate Committee on Rules and Administration, FEC Chairman John Warren McGarry said that the Presidential public funding program will collapse if Congress does not take action to amend the law. In his March 6, 1991, testimony, Chairman McGarry said that the public funding program should survive the 1992 race but will definitely run out of money in the 1996 contest, unless Congress acts. The FEC projects a shortfall of well over \$100 million in 1996.

Chairman McGarry pointed to a "structural flaw" in the public funding law: payouts from the Presidential Fund made to qualifying candidates and party committees are adjusted for inflation, while the one-dollar tax checkoff has remained the same since 1974. "The structural flaw is so fundamental that even if participation [in the checkoff program] increased to its highest previous rate, the Fund would still run short in 1996. In the long run, the Fund was doomed to insolvency. The long run will come to pass in 1996 unless the statutory flaw is corrected."

The Chairman mentioned three possible actions Congress could take to correct the problem: adjust the dollar checkoff for inflation; authorize traditional appropriations for the program; or treat the Fund as a nondiscretionary account. (In its 1991 legislative recommendations, the FEC reiterated these remedies and suggested one more; see next article.)

COMMISSION RECOMMENDS CHANGES IN ELECTION LAW

On March 28, 1991, the FEC submitted to the President and the Congress its annual list of recommendations for changes in the federal campaign finance laws. The Commission believes that the recommendations, if adopted, would enhance the agency's ability to administer and enforce the Federal Election Campaign Act and the Presidential public funding statutes.

Included in the package of 38 recommendations were three new proposals suggesting that Congress:

- o Clarify that the public funding statutes prohibit both the making and acceptance of contributions by Presidential candidates who receive full public financing in the general election;

- o Clarify whether authorized committees of candidates may make independent expenditures on behalf of other candidates; and
- o Require that contributions solicited by unauthorized committees be made payable to the name of the committee, rather than to the name of a fundraising project.

Of the remaining recommendations, which the agency also submitted in 1990, several sought changes in the Presidential public funding program. One proposal suggested ways Congress could resolve the projected shortfall in the Presidential Election Campaign Fund. (FEC Chairman McGarry offered a similar proposal in his recent testimony; see previous article.) A 1991 modification to the proposal suggested a new remedy: Reducing disbursements from the Fund by matching a smaller amount of money in the primaries or by not increasing the convention and general election payouts by the full inflation rate.

The Commission is required by law to submit recommendations each year "for any legislative or other action the Commission considers appropriate..." 2 U.S.C. §438(a)(9). The recommendations will be included in the 1990 Annual Report, which will be published in June 1991. In the meantime, copies of the recommendations are available from the Public Records Office. Call 800/424-9530 (please ask for Public Records) or, locally, 202/376-3140.

FEC PRESENTS FISCAL YEAR 1992 BUDGET REQUEST

Vice Chairman Joan D. Aikens testified in support of the FEC's \$18.8 million budget request for Fiscal Year 1992 in her March 1991 appearances before Congressional committees. Mrs. Aikens stressed that the request "represents the minimal level of funding necessary to enable the FEC to properly address the upcoming workload related to the 1992 Congressional and Presidential elections." The Commission's \$18.8 million request is a 9.6 percent increase over the agency's FY 1991 funding (\$17.15 million). Mrs. Aikens cited four major areas of concern in the FY 1992 budget:

- o The need to conduct timely audits of committees receiving public funding, as required by law;
- o The increased demand on the FEC's disclosure operations because of the projected growth in committees' financial activity;
- o The additional workload generated by increased financial activity and new

(continued)

regulations and reporting requirements; and

- o The need to maintain effective enforcement as the Commission encounters higher workloads and increasingly complex cases.

Vice Chairman Aikens noted the agency's interest in maintaining its information and disclosure programs, including the computerized disclosure data base used by the media, academia and the political community. The Commission also needs funds to begin replacing its outdated and failing microfilm equipment.

She testified before the Subcommittee on Elections of the Committee on House Administration and the House Committee on Appropriations' Subcommittee on Treasury, Postal Service and General Government.

ADVISORY OPINIONS

ADVISORY OPINION REQUESTS

Recent requests for advisory opinions (AORs) are listed below. The full text of each AOR is available for review and comment in the FEC's Public Records Office.

AOR 1991-9

Retroactive interest charged on personal loans made by candidate to his campaign. (Date Made Public: March 26, 1991; Length: 11 pages)

AOR 1991-10

Candidate's use of assets jointly held with spouse to obtain campaign funding. (Date Made Public: March 26, 1991; Length: 10 pages)

AOR 1991-11

Application of FECA to activities undertaken to determine viability of an environmental political party. (Date Made Public: April 2, 1991; Length: 15 pages)

AOR 1991-12

Affiliation between candidate's former Presidential exploratory committee and current Congressional committee. (Date Made Public: April 5, 1991; Length: 6 pages)

AOR 1991-13

Affiliation between labor organization PAC and PACs of two other labor organizations that formed the first organization. (Date Made Public: April 9, 1991; Length: 8 pages plus attachments)

ADVISORY OPINION SUMMARIES

AO 1991-1: Credit Card Contributions to Nonconnected PAC of Federal Contractor Partnership

The Deloitte & Touche Federal Political Action Committee, a nonconnected committee, may request that the firm's partners charge contributions to the Committee on their personal credit cards. Although the partnership is a federal government contractor, this proposal will not result in prohibited contributions from the firm because neither the contributions nor the related solicitation costs will be paid from partnership funds or accounts.

Proposal

The Committee is an American Express "establishment" for purposes of accepting credit card contributions. The Committee plans to send an annual solicitation to all partners requesting that they charge their contributions on their American Express cards. The solicitation will ask each partner to sign and return a card authorizing the charge to his or her account. The authorization will remain effective until revoked in writing by the contributor, which he or she may do at any time.

(Through a separate arrangement between American Express and Deloitte & Touche, partners may obtain an American Express card imprinted with the name of the firm; these accounts, however, are personal--not partnership--accounts, and Deloitte & Touche is not responsible or liable for bills charged to them.)

Contributions will actually be charged to contributors' American Express accounts in December of each year (although an individual may elect to have installments charged on a monthly basis). Because of this, the contributor authorization may be signed and returned some months before the charge to the contributor's account.

In addition to the partners, the Committee may decide to solicit firm employees below the partner level by informing them, probably through a newsletter, that they may charge contributions on their American Express cards.

Federal Contractor Prohibition

Although federal government contractors are prohibited from making contributions, individual partners and employees of a partnership that is a federal contractor may make contributions in their own names from their personal assets. 2 U.S.C. §441c(a)(1); 11 CFR 115.2, 115.4(b) and (c). In this case, a prohibited

contribution from a federal contractor will not result because:

- o The Committee's funds--not the accounts of the partnership--will be used to pay charges, fees and other costs related to the proposed solicitation;¹ and
- o The partners and employees must use their own non-partnership accounts to pay their American Express bills.

Contributions Made by Credit Card

In the past, the Commission has determined that contributions made by credit card are permissible. AOs 1990-4 and 1978-68. In this case, the Committee will avoid a prohibited corporate contribution from American Express because the agreement between the Committee and the corporation complies with the usual and normal practice of American Express. 2 U.S.C. §441b(a); 11 CFR 114.2(b); see also 11 CFR 100.7(a)(1)(iii)(A).

Deferral of Charge

The possible delay of several months between a contributor's authorization of the contribution and the actual charge to his or her account is permissible because the contributor may revoke the authorization at any time. See AOs 1989-26, 1986-7 and 1981-14. However, because of the delay, the date the contribution is made by the contributor--and received by the Committee--is the date the Committee transmits to American Express the documentation that authorizes the credit to the Committee's account and the charge to the cardholder's account. See 11 CFR 110.1(b)(6). This differs from the situation in AO 1990-4, which provided that a credit card contribution was received when the committee received the donor's authorization to charge it to his or her account. In that case, however, the charges were not deferred.

(Date Issued: March 18, 1991; Length: 6 pages)

¹Corporations--including federal contractors--are permitted to use treasury funds to pay for the establishment, administrative and solicitation costs of their separate segregated funds. 11 CFR 114.1(a)(2)(iii) and 115.3. This exemption does not, however, apply to partnerships, whose payments for such costs on behalf of a committee would be contributions. AO 1990-20 and opinions cited therein; see also California Medical Association v. FEC, 453 U.S. 182 (1981).

AO 1991-2: Disposition of Possibly Illegal Funds Raised Through 900-Line Telephone Calls

MCI Telecommunications Corporation (MCI) may forward proceeds of 900-line calls to Fourth Media, a telephone service bureau, and ultimately to the David Duke for U.S. Senate campaign, even though the funds may not have been raised in compliance with provisions of the Federal Election Campaign Act (the Act) and FEC regulations. As a common carrier, MCI is not responsible for ensuring that the funds are in compliance with the law; that obligation rests with the campaign and the service bureau. MCI may not, however, forward proceeds of calls that have not actually been billed. These funds may not be used in connection with a federal election at this time, pending further developments in a court case.

Background

MCI entered into agreement with Fourth Media that permitted the service bureau to use MCI's network for 900-line calls. MCI also agreed to bill callers and collect proceeds for 900-line calls through arrangements with local exchange carriers (LECs). MCI would provide the LEC with a list of the telephone numbers from which 900-line calls were placed, and the LEC would use this information to prepare its monthly customer billing statements. South Central Bell (SCB), the LEC servicing 900-line calls to the Duke campaign, would pay MCI for amounts receivable (i.e., charges for 900-line calls) after deducting uncollectible calls and making other adjustments. SCB usually paid MCI before the related telephone bills had actually been paid by the callers. MCI would deduct its charges from the funds forwarded by SCB and then remit the remaining proceeds to the service bureau. The service bureau, in this case Fourth Media, would then forward the funds to its customer after deducting its charges.

The Duke campaign became a customer of Fourth Media in June 1990. In mid-August 1990, however, SCB decided to stop providing billing and collection services for calls made to Duke campaign 900-line numbers, based on a company policy against providing 900-line service for political campaigns or charitable fundraisers. (The service was discontinued for all calls placed after mid-August.)

SCB has paid MCI for 900-line calls that were apparently billed between June 23 and August 22, 1990. MCI has not yet forwarded the proceeds attributable to the Duke campaign because of its concern that

(continued)

Fourth Media and the campaign may not have complied with certain legal requirements (such as screening calls from prohibited sources and including the proper disclaimer on 900-line advertising).

FEC Response

Under the advisory opinion process, the Commission cannot respond to questions raised about the activities of third parties. 11 CFR 112.1(b). Therefore, the Commission could not determine whether Fourth Media or the Duke campaign had violated the Act or FEC regulations. If MCI wished to seek such a determination, it would have to file a complaint with the Commission. See 2 U.S.C. §437g and 11 CFR Part 111.

MCI may, however, forward proceeds for calls that have already been billed, regardless of whether Fourth Media and the Duke campaign have complied with the Act and regulations in their fundraising venture. In AO 1990-14, which pertained to AT&T, the Commission concluded that common carriers are only required to follow their usual and normal procedures at their usual and normal charges when providing 900-line services for political fundraising. Other compliance obligations rest with the committee and the service bureau.

(The Commission cautioned that AT&T had to safeguard against situations in which an adverse event would prompt a large number of callers to refuse to pay the 900-line charges. By forwarding funds that would never be paid, AT&T would be in the position of advancing corporate funds rather than contribution proceeds.)

With respect to any proceeds held by MCI that have not yet been billed by SCB, MCI may not forward these funds to Fourth Media or use them in connection with a federal election at this time. Further developments may occur as a result of a court suit filed by the Duke campaign against SCB, MCI and Fourth Media to recover the funds. However, the breach of contract issues presented in the court case are outside the Commission's jurisdiction. AOs 1984-58 and 1981-42.

(Date Issued: March 26, 1991; Length: 6 pages)

AO 1991-4: Payment to Senate Employee for Two-Week Teaching Appointment

A \$7,500 payment to Dr. Paul Offner, a legislative assistant to Senator Moynihan, for a two-week appointment as lecturer at the University of California, Santa Barbara, is considered a stipend, rather than an honorarium, and is therefore not subject to the \$2,000 honorarium limit.

Under the Federal Election Campaign Act, a U.S. Senator or an officer or employee of the Senate may accept not more than a \$2,000 honorarium for a speech, appearance or article. 2 U.S.C. §441i, as amended by section 601(b)(1) of the Ethics Reform Act of 1989, Pub. L. No. 101-194.¹ Under FEC rules, however, a stipend—that is, a payment for services provided on a continuing basis—is not considered an honorarium and is not subject to the \$2,000 limit. 11 CFR 110.12(c)(3).

In past advisory opinions, the Commission has concluded that compensation paid to Senators for university teaching performed over an academic term or year represented a stipend rather than an honoraria. AOs 1989-30 and 1985-4. Although Dr. Offner will be performing services for only two weeks, his compensation nevertheless represents a stipend, based on the circumstances described in his request:

- o The university followed an established application and formal review process in appointing him; and
- o He is required to assume specific teaching and lecturing assignments under the direction of an academic department.

(Date Issued: March 18, 1991; Length: 4 pages)

PUBLIC APPEARANCES

5/19-23 The International Institute
of Municipal Clerks
Grand Rapids, Michigan
Janet C. McKee, Clearinghouse
on Election Administration

¹As a result of the 1989 amendments, the Members of the House of Representatives and all other federal officers and employees except those from the Senate, are prohibited from accepting honoraria.

COURT CASES

FEC v. WORKING NAMES, INC. (90-1009-GAG and 87-2467-GAG)

On February 28, 1991, defendants Working Names, Inc., and Meyer T. Cohen agreed to pay \$15,000 to settle two suits the FEC had filed against them. The agreement was incorporated into an order issued by the U.S. District Court for the District of Columbia.

In the more recent suit (Civil Action No. 90-1009), the FEC asked the court to find that defendants knowingly and willfully violated 2 U.S.C. §438(a)(4)—the "sale and use restriction" that makes it illegal to use names copied from FEC reports for commercial purposes. The Commission contended that defendants were aware of the prohibition against the "sale and use restriction" because Mr. Cohen, as President of Working Names, Inc., had previously signed a conciliation agreement in MUR 1472 in which he admitted to past violations of the provision.

The FEC had sought enforcement of that conciliation agreement in the earlier suit (Civil Action No. 87-2467). In a May 1988 default judgment, the court ordered defendants to pay the \$2,000 civil penalty included in the conciliation agreement and an additional \$2,000 penalty, plus court costs. In May 1990, after defendants had paid only \$100 toward the penalties, the court held Working Names, Inc., and Mr. Cohen in contempt of court and assessed late charges of \$150 per day.

The current order declared that Working Names, Inc., and Defendant Cohen knowingly and willfully violated 2 U.S.C. §438(a)(4), as the FEC had alleged in Civil Action No. 90-1009. The order permanently enjoined them from further violations of the "sale and use" restriction and assessed a \$15,000 penalty to be paid in installments ending January 1992. The Commission agreed to waive the accumulated contempt penalties and additional costs awarded by the court in May 1990. If defendants fail to comply with the current order, all contempt fines accruing under the May order, as well as interest charges and court costs, will be immediately due.

FEC v. DENNIS SMITH FOR CONGRESS

On March 1, 1991, the U.S. District Court for the Western District of Missouri, Southern Division, approved a final consent order and judgment requiring Dennis Smith for Congress and Terry E. Brown, as treasurer, to pay a \$4,000 civil penalty for filing the committee's 1988 quarterly report almost two years late. The order permanently enjoined defendants from future violations of the reporting provision (2 U.S.C. §434(a)(4)(A)(iii)).

FEC v. POLITICAL CONTRIBUTIONS DATA, INC.

On March 7, 1991, by agreement of both parties, the U.S. District Court for the Southern District of New York entered a judgment ordering the defendant to pay a \$5,000 civil penalty for violating 2 U.S.C. §438(a)(4) by using information copied from FEC reports for commercial purposes. (Civil Action No. 89-CIV-5238(SWK).) The judgment permanently enjoined the defendant from violating that provision. By agreement of the parties, the court stayed payment of the penalty pending the disposition of defendant's appeal, which was filed on March 20. For a summary of the court's memorandum opinion issued in December 1990, see the February 1991 Record.

FEC v. MANN FOR CONGRESS COMMITTEE

On March 21, 1991, the U.S. District Court for the District of Columbia granted the FEC's motion for default judgment against Mann for Congress Committee and its treasurer, Terry L. Mann, for violating the terms of a conciliation agreement. (Civil Action No. 90-2419(LFO).) (Under the terms of the agreement, the committee and Mr. Mann had agreed to refund \$17,746 in excess contributions, disclose the refunds on FEC reports and pay a \$5,000 civil penalty.)

The court ordered defendants to comply with the agreement's terms within 10 days and pay the FEC an additional \$5,000 civil penalty for violating the agreement. The court also permanently enjoined defendants from future violations of the conciliation agreement.

(Court Cases continued next page)

FAKIER AND MAINE RIGHT TO LIFE COMMITTEE, INC. v. FEC (90-1832)

On March 21, 1991, the U.S. Court of Appeals for the First Circuit affirmed a district court decision, ruling that an FEC regulation on corporate voter guides, 11 CFR 114.4(b)(5)(i), was invalid because of its focus on "issue advocacy" rather than "express advocacy."

Background

Plaintiffs Maine Right to Life Committee, Inc. (MRLC), a nonprofit membership organization, and Sandra Faucher, an MRLC board member, filed suit in April 1990. Plaintiffs sought a ruling that 11 CFR 114.4(b)(5)(i) was beyond the FEC's authority.

Under the regulation in question, a corporation may use its treasury funds to distribute a voter guide to the general public only if the guide is "nonpartisan." Included among the factors that "the Commission may consider in determining whether a voter guide is nonpartisan" is that the wording does not favor any position or express an editorial opinion on the issues presented. 11 CFR 114.4(b)(5)(i)(C) and (D). The district court ruled that "[t]his approach ignores the clear language of FEC v. Massachusetts Citizens for Life (MCFL) that issue advocacy by a corporation cannot be constitutionally prohibited and that only express advocacy...is constitutionally within the statute's prohibition." The court found that the Supreme Court's decision in MCFL limited the scope of the prohibition on corporate expenditures (2 U.S.C. §441b(a)) to expenditures that "expressly advocate" the election or defeat of a clearly identified candidate. Because, in the district court's view, the regulation focused on issue advocacy, the court concluded that the regulation was beyond the power of the FEC.¹

Court of Appeals

The appeals court affirmed this decision. The court first examined the scope of the statutory prohibition, section 441b(a). (The provision prohibits "any corporation whatever" from making "a contribution or expenditure in connection with any [federal] election...") The court acknowledged that "the statute appears to allow for a very broad application," but stated that the Supreme Court in

Buckley v. Valeo narrowed the scope of the prohibition: "The Supreme Court, recognizing that such broad language as found in section 441b(a) creates the potential for first amendment violations, sought to avoid future conflict by explicitly limiting the statute's prohibition to 'express advocacy.'" The court went on: "This express advocacy test was again embraced by the Supreme Court in the more recent case of Massachusetts Citizens for Life."

The appeals court rejected the FEC's argument that the language in the Supreme Court's MCFL opinion which appeared to limit section 441b(a) was dictum and therefore not binding. The court also rejected the FEC's alternative argument that even if section 441b(a) were restricted to express advocacy expenditures, the FEC's voter guide rules were properly directed at advocacy of candidates and did not appreciably infringe upon a corporation's ability to advocate its position on issues. The court stated: "In our view, trying to discern when issue advocacy in a voter guide crosses the threshold and becomes express advocacy invites just the sort of constitutional questions the Court sought to avoid adopting the bright-line express advocacy test in Buckley."

STATISTICS**SPENDING DROPS IN 1990
HOUSE AND SENATE ELECTIONS**

Spending by House and Senate campaigns dropped to \$445 million in the 1990 election cycle, the lowest point in six years, according to FEC figures released on February 22, 1991. When compared with the 1988 races, Senate campaign spending dropped \$21 million, or 10.3 percent, while House campaign spending increased by \$9 million, or 3 percent.

PACs contributed \$150.6 million to 1990 House and Senate candidates, representing a slight increase (2 percent) over PAC contributions in the 1988 cycle. Overall, PAC contributions made up 38 percent of total receipts in 1990 House campaigns and 22 percent in the Senate races. Senate and House campaigns received \$249.4 million from individuals.

To order a copy of the press release, which provides statistics on House and Senate races in past election cycles, call the FEC's toll free number (800/424-9530) and ask for the Public Records Office or dial the office directly (202/376-3140).

¹A detailed summary of the district court decision appeared in the September 1990 Record.

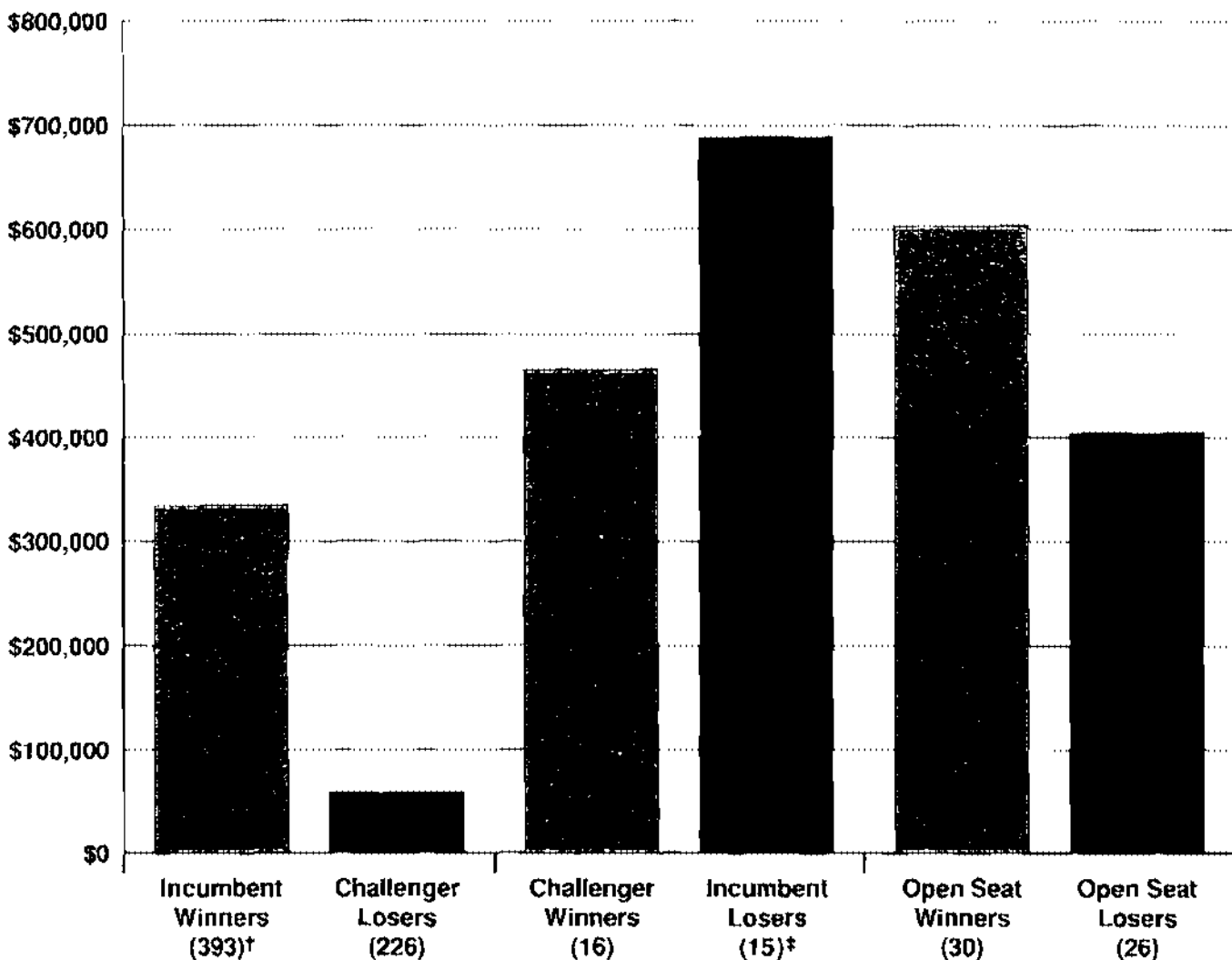
The table to the right lists total funds raised and spent by House and Senate candidates during the past three election cycles. The graph below depicts data on 1989-90 spending by general election House candidates.

Summary of House and Senate Activity
(in millions of dollars)

Election Cycle:	1989-90	1987-88	1985-86
Raised	\$471.2	\$477.6	\$472.0
Spent	\$445.2	\$459.0	\$450.9
Number of Candidates	1,764	1,792	1,873

Median Disbursements of 1990 House Candidates Running in the General Election*

Winners
Losers



*Includes only major party candidates who raised or spent over \$5,000.

†Numbers in parenthesis show number of candidates.

‡The one incumbent who lost in the primary (Ohio, 8th Congressional District seat) is not included here, since this chart covers spending only of those candidates who ran in the general election.

**FEC RELEASES SUMMARY OF
1989-90 PARTY ACTIVITY**

The FEC has released statistics on party activity based on the year-end reports filed by major party committees at all levels--national, state and local. The accompanying table and charts are based on the March 15, 1991, press release that provides detailed information on 1989-90 party statistics as well as historical data covering several election cycles. To order copies of the release, call 800/424-9530 and ask for Public Records or call the office directly (202/376-3140).

Contributions by State Party Committees to Candidates in Other States 1989-90 Election Cycle¹

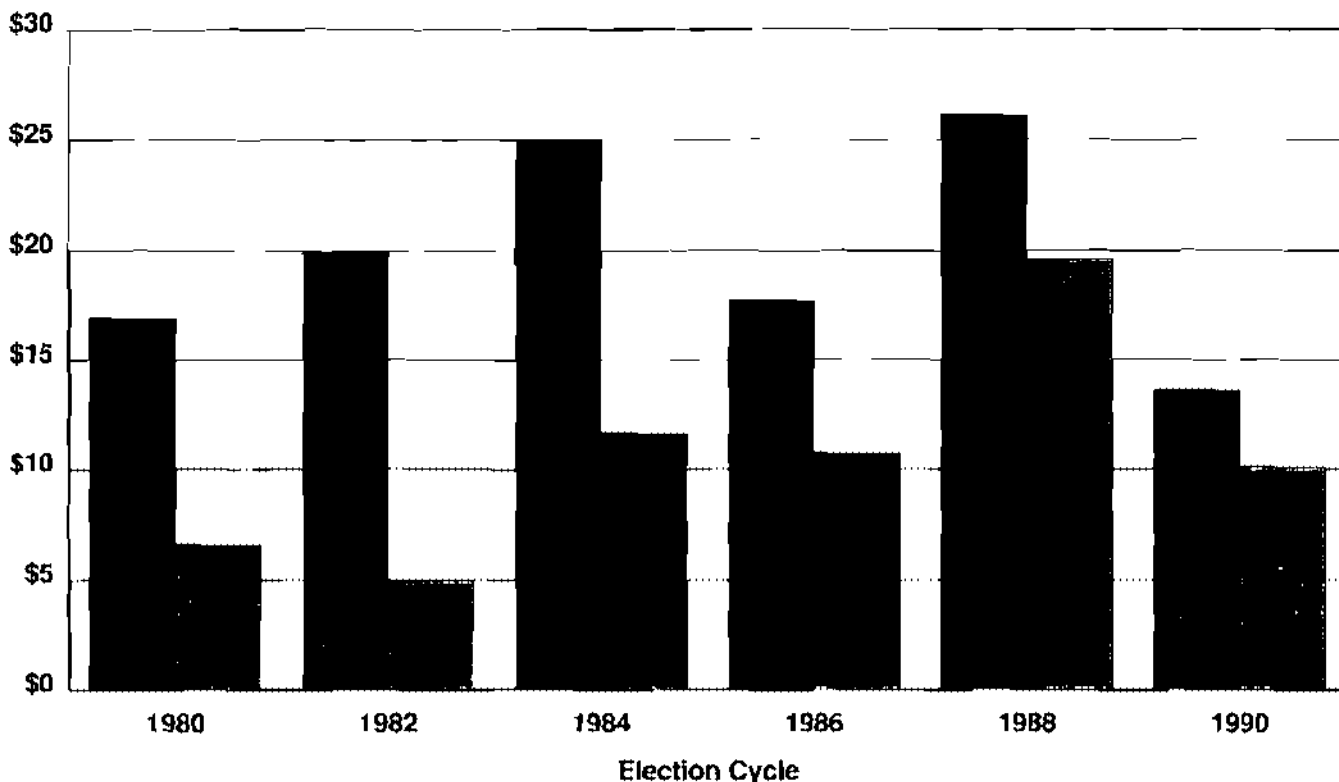
	Contributions to:	
	Out-of State Candidates	Home-State Candidates
Republican State Committees	\$333,850	\$373,868
Democratic State Committees	\$141,800	\$240,370

¹This table shows the contribution activity of the 21 Republican and 20 Democratic state party committees that made out-of-state contributions during the 1990 election cycle.

Party Support of Candidates*

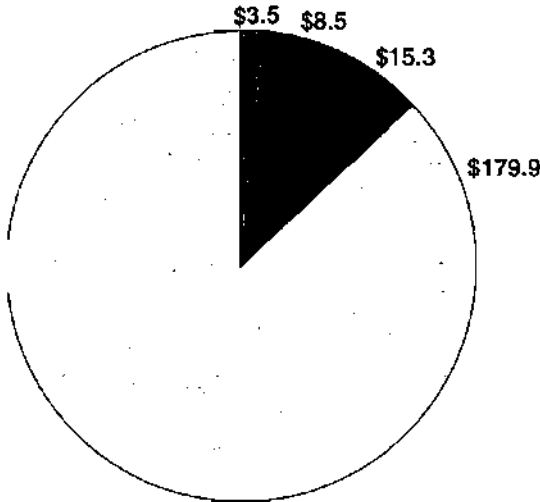
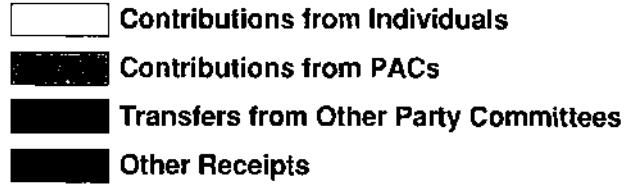
Republican Committees
 Democratic Committees

Millions of Dollars

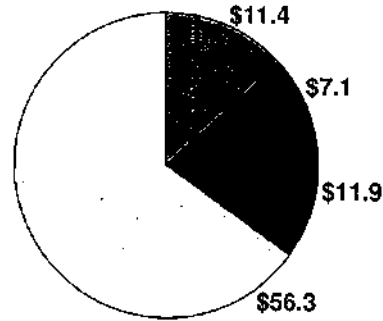


*Support means both contributions and coordinated party expenditures.

Party Committees' Sources of Receipts
1990 Election Cycle
 (in millions of dollars)



Republican Committees
 (Total Raised \$207.2)



Democratic Committees
 (Total Raised: \$86.7)

PUBLICATIONS

1991 DISCLOSURE DIRECTORY

On March 25, 1991, the FEC released the sixth edition of the Combined Federal/State Disclosure Directory, a reference tool identifying where to locate reports or information on:

- o Campaign finance;
- o Personal finances of officials and candidates;
- o Lobbying;
- o Corporate registrations;
- o Public financing;
- o Spending on state initiatives and referenda;
- o Candidates on the ballot;
- o Election results;
- o Voting accessibility; and
- o Election-related litigation.

The directory covers both federal and state government offices. The 1991 edition now includes FAX numbers for numerous offices.

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