

# Record

September 2010

Federal Election Commission

Volume 36, Number 9

## Table of Contents

- Court Cases**
- 1 CREW v. FEC
- 1 Advisory Opinions**
- Reports**
- 5 Illinois Special Election Reporting: Senate Vacancy
- 6 Indiana Special Election Reporting: 3rd District
- 7 Nonfilers**
- Outreach**
- 8 Roundtable on Pre-Election Communications
- 8 FEC to Host Reporting and E-Filing Workshops
- 8 Index**
- 9 *Legal History of the Presidential Election Campaign Fund Act*  
Available from the FEC

## Court Cases

### CREW v. FEC

On August 11, 2010, Citizens for Responsibility and Ethics in Washington (“CREW”) filed suit against the Commission for declaratory and injunctive relief in the U.S. District Court for the District of Columbia, challenging as contrary to law the Commission’s dismissal of a complaint that was filed by CREW and CREW Executive Director Melanie Sloan. CREW argues that the Commission’s actions were improper because it did not provide a Statement of Reasons or explanation for its dismissal of the complaint. 5 U.S.C. §706 and 2 U.S.C. §437g(a) (8). CREW further requests declaratory and injunctive relief under the Administrative Procedure Act (APA) and the Federal Election Campaign Act (the Act), challenging as arbitrary, capricious and contrary to law the Commission’s alleged failure to provide Statements of Reasons or any other explanation for the dismissal of some administrative complaints within the 60-day period for filing petitions of review. 5 U.S.C. §706 and 2 U.S.C. §437g(a).

### **Background**

CREW is a non-profit corporation “committed to ensuring the integrity of government officials and to protecting the right of citizens to

(continued on page 4)

## Advisory Opinions

### AO 2010-12

### **Payroll Deduction from Directors’ Compensation for Voluntary SSF Contributions**

Because Procter & Gamble Company (P&G) directors are compensated on a salary rather than hourly basis, they are considered part of P&G’s restricted class, and thus eligible to be solicited by the corporation’s separate segregated fund (SSF). P&G may extend its payroll deduction program to include the deduction of pre-authorized SSF contributions from board members’ quarterly retainer payments.

### **Background**

P&G operates a corporate payroll deduction system for its SSF, the Procter & Gamble Company Good Government Committee (P&G PAC). Employees in P&G’s restricted class may elect to contribute to P&G PAC by pre-authorizing periodic deductions from their salary payments. P&G would like to extend the payroll deduction program to the members of its board of directors who are not full-time P&G employees, but who receive a salary of quarterly retainer payments from P&G as compensation for their board service. Under P&G’s plan, P&G

(continued on page 2)

## Advisory Opinions

(continued from page 1)

PAC would send a written solicitation to the director informing him or her of the choice to have P&G automatically deduct a portion of each quarterly retainer payment as a contribution to P&G PAC. Directors wishing to participate would return a signed authorization form.

### Analysis

The basic question asked was whether P&G, with prior authorization from a P&G board member, may deduct a contribution to P&G PAC from the board member's quarterly retainer payments. Under the

**Federal Election Commission**  
999 E Street, NW  
Washington, DC 20463

800/424-9530 (Toll-Free)  
202/694-1100 (Information Div.)  
202/501-3413 (FEC Faxline)  
202/219-3336 (TDD for the  
hearing impaired)

**Matthew S. Petersen,**  
Chairman

**Cynthia L. Bauerly,**  
Vice Chair

**Caroline C. Hunter,**  
Commissioner

**Donald F. McGahn II,**  
Commissioner

**Steven T. Walther,**  
Commissioner

**Ellen L. Weintraub,**  
Commissioner

**Alec Palmer,**  
Acting Staff Director

**Christopher Hughey,**  
Acting General Counsel

Published by the Information  
Division of the Office of  
Communications

**Greg J. Scott,**  
Assistant Staff Director

**Amy L. Kort,**  
Deputy Assistant Staff Director

**Myles G. Martin,**  
Editor

<http://www.fec.gov>

Federal Election Campaign Act (the Act) and Commission regulations, corporations are prohibited from making contributions in connection with federal elections and are generally prohibited from facilitating the making of contributions.

11 CFR 114.2(b)(1) and 114.2(f)(1). However, a corporation's use of general treasury funds to establish and administer its SSF and to solicit contributions to the SSF from the corporation's restricted class is not a contribution and does not facilitate the making of a contribution. 11 CFR 114.1(a)(2)(ii); 114.5(b)(1). The restricted class includes the corporation's executive and administrative personnel, stockholders and the family members of each. 11 CFR 114.5(g)(1). The "executive and administrative personnel" are employees who are paid on a salary rather than hourly basis and who have policymaking, managerial, professional or supervisory responsibilities. 11 CFR 114.1(c). Members of a corporation's board of directors are not automatically considered members of the corporation's restricted class. 11 CFR 114.5(g)(1) and 114.1(c)(1)-(3); AO 2000-10. "[A] director must be paid a salary or stipend in order to be solicited (assuming the director is not otherwise solicitable as a stockholder or as an executive employee of the corporation)." AO 2000-10.

In this case, the Commission concluded that since P&G pays the directors quarterly retainers on a salary rather than hourly basis, the directors are members of P&G's restricted class and may be solicited by P&G PAC.

Commission regulations provide that facilitating the making of contributions does not include "[e]nrolling members of a corporation's . . . restricted class in a payroll deduction or check-off system which deducts contributions from dividend or payroll checks to make contributions" to the corporation's SSF. See 11 CFR 114.2(f)(4)(i). The Commis-

sion has issued a number of advisory opinions approving corporate payroll deduction or checkoff plans. See, e.g., AOs 2001-04 and 1999-03. It has also approved other similar arrangements. See AOs 2009-31 and 1999-06.

The Commission determined that P&G's proposal to provide for pre-authorized deductions from board members' quarterly retainer payments is analogous to such previous proposals and is thus permissible under the Act and Commission regulations. The Commission conditioned its approval upon P&G's compliance with the voluntariness requirements of 11 CFR 114.5(a), including the right of contributors to revoke their authorizations or to modify their contribution amounts at any time. In addition, P&G may not forward any contributions to P&G PAC until the quarterly retainer payments are paid to the contributors. This is to avoid advancing corporate funds, which is prohibited by 2 U.S.C. §441b(a). 11 CFR 114.1(a)(1).

Date Issued: August 13, 2010;

Length: 4 pages.

—Zainab Smith

### AO 2010-13

## Libertarian Party of Florida Qualifies as State Party Committee

The Libertarian Party of Florida (the LPF) qualifies as a state party committee under the Federal Election Campaign Act (the Act) because: (1) the national Libertarian Party qualifies as a political party; (2) the LPF is part of the official Libertarian Party structure; and (3) the LPF is responsible for the day-to-day operations of the Libertarian Party at the state level in Florida.

### Background

The Act defines a "state committee" as an organization that, by virtue of the bylaws of a "political party," is part of the official party

(continued on page 3)

## Advisory Opinions

(continued from page 2)

structure and is responsible for the day-to-day operations of the political party at the state level, as determined by the Commission. 2 U.S.C. §431(15); 11 CFR 100.14(a). A “political party” is an “association, committee, or organization which nominates a candidate for election to any federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.” 2 U.S.C. §431(16); 11 CFR 100.15.

The determination of a state party organization’s status as the state committee of a political party depends on three elements. First, the national party of which the state party organization is a part must itself be a “political party.” Second, the state party organization must be part of the official structure of the national party. Third, the state party organization must be responsible for the day-to-day operations of the national party at the state level. See AOs 2009-16, 2008-16 and 2007-06.

### Analysis

The Commission must first assess whether the national party qualifies as a “political party” under the Act and Commission regulations. 2 U.S.C. §431(15) and (16); 11 CFR 100.14 and 100.15. In advisory opinions from 1975 forward, the Commission has recognized the Libertarian Party as a political party and the Libertarian National Committee as the national committee of the Libertarian Party. See AO 1975-129; see also AOs 2009-16 and 2008-16. The Commission is aware of no changes that would alter that conclusion.

Second, the LPF must qualify as part of the official structure of the national party. 2 U.S.C. §431(15); 11 CFR 100.14(a). In past advisory opinions, the Commission has con-

sidered supporting documentation indicating that the state party is part of the official party structure. In this case, the memorandum from Robert S. Kraus, Director of Operations of the Libertarian National Committee, provides sufficient documentation to establish the LPF as part of the Libertarian Party’s official party structure.

Third, the LPF must maintain responsibility for the day-to-day operations of the national party at the state level. 2 U.S.C. §431(15); 11 CFR 100.14(a). In previous advisory opinions, the Commission has evaluated this element by considering two criteria:

- Whether the organization has placed a “candidate” on the ballot (thereby qualifying as a “political party”); and
- Whether the bylaws or other governing documents of the state party organization indicate activity commensurate with the day-to-day functions and operations of a political party at the state level.

Placing a “candidate” on the ballot is required because the requesting organization’s existence as a political party is prerequisite for state committee status. A state party organization must actually obtain ballot access for one or more “candidates,” as defined in the Act. See 2 U.S.C. §431(2), §431(15) and §431(16); 11 CFR 100.3(a), 100.14(a) and 100.15. The LPF has satisfied this criterion by placing Alex Snitker on the 2010 Florida general election ballot as the Libertarian Party’s candidate for U.S. Senate. Reports filed with the Commission confirm that Mr. Snitker’s principal campaign committee received contributions or made expenditures in excess of \$5,000, thus satisfying the Act’s definition of a “candidate.” See 2 U.S.C. §431(2); 11 CFR 100.3(a). Accordingly, the

LPF qualifies as a “political party” under the Act.

The Commission also determined that the LPF Constitution, Bylaws and Standing Rules establish specific responsibilities for the LPF’s officers and committees and, taken together, delineate activity commensurate with the day-to-day functions and operations of a political party on the state level, thus satisfying the second criterion.

Because all three elements of the definition of “state committee” are satisfied, the Commission determined that the LPF qualifies as a state committee of a political party under the Act and Commission regulations.

Date Issued: August 2, 2010;  
Length: 5 pages.

—*Christopher Berg*

## Advisory Opinion Requests

### AOR 2010-18

Transfer or redesignation of excess recount funds to state party committee’s general federal account (Minnesota Democratic-Farmer-Labor Party, July 26, 2010)

### AOR 2010-19

Exemption from full disclaimer requirements of character-limited text ads (Google, August 5, 2010)

### AOR 2010-20

Nonconnected committee’s receipt of corporate or union funds to make independent expenditures and allocation of administrative and operating expenses (National Defense PAC, August 11, 2010)

### AOR 2010-21

Proposed affinity program for recycled cell phones (ReCellular, Inc., August 6, 2010)

## Court Cases

(continued from page 1)

be informed about the activities of government officials.”

On March 14, 2007, CREW and Ms. Sloan filed a complaint with the Commission against Peace Through Strength Political Action Committee (“PTS PAC”) for violations of the Act. PTS PAC was the political action committee of Rep. Duncan Hunter, who was then a Presidential candidate. The complaint alleged that PTS PAC had knowingly received contributions exceeding the Act’s individual contribution limit for “testing the waters” activities; that PTS PAC had failed to register as a candidate committee; that it had made an excessive in-kind contribution; and that it had failed to report disbursements for certain television ads.

The Commission found reason to believe that PTS PAC had violated the Act, but determined on June 29, 2010, to take no further action and closed the file in the matter. The court complaint states that, “to date, CREW has not seen either the documents related to this case or the FEC’s Statement of Reasons explaining its dismissal of CREW’s complaint,” and that without such documents, “CREW cannot ascertain the basis for the FEC’s dismissal of CREW’s complaint.”

The complaint alleges that “the FEC refrains from issuing Statements of Reasons explaining the bases for its dismissal within the 60-day period for filing a petition for review under 2 U.S.C. §437g(a)(8) with the intent and/or effect of depriving complainants of their statutory right to judicial review and preventing the U.S. District Court for the District of Columbia from ruling on the issue on which the FEC has not been able to reach consensus.”

Chairman Petersen and Commissioners Hunter, McGahn, Walther and Weintraub issued a Statement of Reasons on August 23, 2010.

### Statute and Commission Regulations

Under the Act, any person who believes there to have been a violation of the Act may file a sworn complaint with the Commission. Upon receipt of a complaint, the Commission has five days in which to notify the person or persons alleged in the complaint to have violated the Act. 2 U.S.C. §437g(a)(1). Based on the complaint, response and any recommendation of the Commission’s Office of General Counsel, the Commission may then vote on whether there is “reason to believe” a violation of the Act has occurred. If the Commission finds there is “reason to believe” a violation of the Act has occurred, the Commission must notify the respondents of that finding and “make an investigation of such alleged violation.” 2 U.S.C. §437g(a)(2).

After the investigation, the Commission’s General Counsel may recommend that the Commission vote on whether there is “probable cause” to believe that the Act has been violated. 2 U.S.C. §437g(a)(3). If the Commission determines that there is “probable cause,” the Commission must attempt for at least 30 days, but not more than 90 days, to resolve the matter by “informal methods of conference, conciliation and persuasion.” 2 U.S.C. §437g(a)(4)(A)(i). If the Commission is unable to settle the matter through informal methods, it may institute a civil action in the appropriate U.S. District Court. 2 U.S.C. §437g(a)(6)(A).

The Act provides that, if the Commission dismisses a complaint, any “party aggrieved” may seek judicial

review of that dismissal in the U.S. District Court for the District of Columbia within 60 days after the date of dismissal. The district court reviewing the Commission’s dismissal of a complaint may declare the Commission’s actions “contrary to law.” 2 U.S.C. §437g(a)(8)(A)-(C).

### Complaint

The complaint asks the court to declare that the FEC’s dismissal of CREW’s complaint without providing a Statement of Reasons is contrary to law; to remand the matter to the FEC with an order to conform to the declaration within 30 days; to declare that the FEC’s alleged pattern of failing to provide a Statement of Reasons or other explanation for dismissing complaints within 60 days of such dismissals is arbitrary, capricious and contrary to law; and to order the FEC to issue a Statement of Reasons or other explanation for dismissing complaints “sufficiently within 60 days of such dismissals so as to permit a complainant to file” a petition for review.

The full text of the court complaint is available at [http://www.fec.gov/law/litigation/crew\\_complaint.pdf](http://www.fec.gov/law/litigation/crew_complaint.pdf).

U.S. District Court for the District of Columbia: No. 1:10-cv-1350-RMC (D.D.C. filed Aug. 11, 2010).

—Myles Martin

## Reports

### Illinois Special Election Reporting: Senate Vacancy

Illinois will hold a Special Election to fill the remainder of President Obama's original U.S. Senate term, which expires on January 3, 2011. The Special General will be held November 2, 2010.

Candidate committees involved in this election must follow the reporting schedule at right. Please note that the reporting period for the Post-General election report spans two election cycles. For this report only, authorized committees must use the Post-Election Detailed Summary Page rather than the normal Detailed Summary Page.

PACs and party committees that file on a quarterly schedule and participate in this election must also follow the schedule above. PACs and party committees that file monthly must continue to file according to their regular filing schedule.

#### Timely Filing for Paper Filers

##### *Registered and Certified Mail.*

Reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by registered or certified mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by certified mail. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

*Overnight Mail.* Reports filed via overnight mail<sup>1</sup> will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. A commit-

<sup>1</sup> "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's online tracking system.

### Illinois Senate Special Election Reporting

#### Committees Involved in the Special General (11/02/10) Must File:

	Close of Books <sup>1</sup>	Reg./Cert./Overnight Mailing Deadline	Filing Deadline
<b>Pre-General</b>	October 13	October 18	October 21
<b>Post-General</b>	November 22	December 2	December 2
<b>Year-End</b>	December 31	January 31, 2011	January 31, 2011

<sup>1</sup> This date indicates the end of a reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

tee sending its reports by Express or Priority Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

*Other Means of Filing.* Reports sent by other means—including first class mail and courier—must be received before the Secretary of the Senate Public Records Office's or the Commission's close of business on the filing deadline. 11 CFR 100.19 and 104.5(e).

Forms are available for downloading and printing at the FEC's website (<http://www.fec.gov/info/forms.shtml>) and from FEC Faxline, the agency's automated fax system (202/501-3413).

#### Filing Electronically

U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

For other political committees, reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic report

that does not pass the Commission's validation program by the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines.

#### 48-Hour Contribution Notices

Note that 48-hour notices are required of the participating candidate's principal campaign committee if it receives any contribution of \$1,000 or more per source between October 14 and October 30, 2010, for the Special General Election.

#### 24- and 48-Hour Reports of Independent Expenditures

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate at or above \$1,000 between October 14 and October 31, 2010, for the Special General Election. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during a calendar year.

#### Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from September 3 through November 2, 2010.

(continued on page 6)

## Reports

(continued from page 5)

### Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special election must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the special election reporting period (see reporting schedule chart on page 5). 11 CFR 104.22(a)(5)(v). For more information on these requirements, see the March 2009 *Record*.

—Elizabeth Kurland

### Indiana Special Election Reporting: 3<sup>rd</sup> District

Indiana will hold a Special Election to fill the U.S. House seat in Indiana's 3<sup>rd</sup> Congressional District vacated by Representative Mark Souder. The Special General will be held November 2, 2010.

Candidate committees involved in this election must follow the reporting schedule at right. Please note that the reporting period for the Post-General election report spans two election cycles. For this report only, authorized committees must use the Post-Election Detailed Summary Page rather than the normal Detailed Summary Page.

PACs and party committees that file on a quarterly schedule and participate in this election must also follow the schedule above. PACs and party committees that file monthly must continue to file according to their regular filing schedule.

### Filing Electronically

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic

## Indiana 3<sup>rd</sup> District Special Election Reporting

### Committees Involved in the Special General (11/02/10) Must File:

	Close of Books <sup>1</sup>	Reg./Cert./Overnight Mailing Deadline	Filing Deadline
<b>Pre-General</b>	October 13	October 18	October 21
<b>Post-General</b>	November 22	December 2	December 2
<b>Year-End</b>	December 31	January 31, 2011	January 31, 2011

<sup>1</sup> This date indicates the end of a reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

report that does not pass the Commission's validation program by the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines.

### Timely Filing for Paper Filers

**Registered and Certified Mail.** Reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by registered or certified mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by certified mail. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

**Overnight Mail.** Reports filed via overnight mail<sup>1</sup> will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. A committee sending its reports by Express or Priority Mail, or by an overnight

delivery service, should keep its proof of mailing or other means of transmittal of its reports. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

**Other Means of Filing.** Reports sent by other means—including first class mail and courier—must be received by the FEC before the Commission's close of business on the filing deadline. 11 CFR 100.19 and 104.5(e).

Forms are available for downloading and printing at the FEC's website (<http://www.fec.gov/info/forms.shtml>) and from FEC Faxline, the agency's automated fax system (202/501-3413).

### 48-Hour Contribution Notices

Note that 48-hour notices are required of the participating candidate's principal campaign committee if it receives any contribution of \$1,000 or more per source between October 14 and October 30, 2010, for the Special General Election.

### 24- and 48-Hour Reports of Independent Expenditures

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate at or above \$1,000 between October 14 and October 31, 2010, for

<sup>1</sup> "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's online tracking system.

(continued on page 7)

## Reports

(continued from page 6)

the Special General Election. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during a calendar year.

### Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from September 3 through November 2, 2010.

### Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special election must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the special election reporting period (see reporting schedule chart on page 6). 11 CFR 104.22(a)(5)(v). For more information on these requirements, see the March 2009 *Record*.

—Elizabeth Kurland

## Nonfilers

### Committees Fail to File Pre-Election Reports

The Commission cited several campaign committees in August for failing to file the 12-Day Pre-Election Reports required by the Federal Election Campaign Act (the Act).

#### Tennessee Pre-Primary Report

The Commission cited four campaign committees for failing to file the 12-Day Pre-Primary Election Report for Tennessee's primary election held on August 5, 2010.

As of August 3, 2010, the required disclosure reports had not been received from:

- Committee to Elect Van Irion (TN-3);
- Friends of Brent Staton (TN-3);
- Lonnie Spivak for Congress (TN-5); and
- Committee to Elect Dr. Greg Rabidoux (TN-7).

The reports were due on July 24, 2010, and should have included financial activity for the period July 1, 2010, through July 16, 2010. If sent by certified or registered mail, the reports should have been postmarked by July 21, 2010.

The FEC notified committees involved in the Tennessee primary election of their potential filing requirements on June 30, 2010. Those committees that did not file on the due date were sent notification on July 26, 2010, that their reports had not been received and that their names would be published if they did not respond within four business days.

#### Washington Pre-Primary Report

The Commission cited two campaign committees for failing to file the 12-Day Pre-Primary Election Report for Washington's primary election held on August 17, 2010.

As of August 13, 2010, the required disclosure reports had not been received from:

- David Hedrick for Congress (WA-3); and
- Jesse Young for US Congress (WA-6).

The reports were due on August 5, 2010, and should have included financial activity for the period July 1, 2010, through July 28, 2010. If sent by certified or registered mail, the reports should have been postmarked by August 2, 2010.

The FEC notified committees involved in the Washington primary election of their potential filing requirements on July 12, 2010. Those committees that did not file on the due date were sent notification on August 6, 2010, that their reports had not been received and that their

names would be published if they did not respond within four business days.

### Alaska, Arizona and Florida Pre-Primary Reports

The Commission cited nine campaign committees for failing to file the 12-Day Pre-Primary Election Report for primary elections held on August 24, 2010, in Alaska, Arizona and Florida.

As of August 20, 2010, the required disclosure reports had not been received from:

- Scott McAdams for United States Senate (AK);
- Committee to Elect Joe Penalosa (AZ-4);
- Goss for Congress (AZ-8);
- Kevin Burns 4 U.S. Senate (FL);
- Thorpe for U.S. Senate (FL);
- Rick Eaton for Congress (FL-13);
- Ed Tautiva for Congress Committee (FL-16);
- Jim Horn Election Committee (FL-16); and
- Deon Long for Congress (FL-24).

The reports were due on August 12, 2010, and should have included financial activity for the period July 1, 2010, through August 4, 2010. If sent by certified or registered mail, the reports should have been postmarked by August 9, 2010.

The Commission notified committees involved in primary elections in Alaska, Arizona and Florida of their potential filing requirements on July 19, 2010. Those committees that did not file on the due date were sent notification on August 13, 2010, that their reports had not been received and that their names would be published if they did not respond within four business days.

—Myles Martin

## Outreach

### Roundtable on Pre-Election Communications

On September 15, 2010, the Commission will host a roundtable workshop to review the rules and reporting requirements for specific types of pre-election communications, including:

- Electioneering communications disseminated within 60 days of the general election;
- Independent expenditures; and
- Coordinated communications.

### Roundtable Schedule

#### Pre-Election Communications

September 15, 2010  
9:30 a.m.-11:00 a.m.  
FEC Headquarters

#### Reporting Workshops

October 6-7, 2010  
FEC Headquarters

*Reporting for Candidate Committees (Oct. 6)*  
9:30 a.m.-11:00 a.m.

*FECFile and E-Filing for PACs and Party Committees (Oct. 6)* **Sold Out!**  
9:30 a.m.-11:00 a.m.

*Reporting for PACs and Party Committees (Oct. 6)*  
1:00 p.m.-2:00 p.m.

*FECFile and E-Filing for Candidate Committees (Oct. 6)*  
1:00 p.m.-2:00 p.m.

*FECFile and E-Filing for PACs and Party Committees (Oct. 7)* **Just Added!**  
9:30 a.m.-11:00 a.m.

The presentation will also highlight recent court decisions, advisory opinions and rulemakings related to these types of communications. Attendees representing registered committees will have an opportunity to meet their Campaign Finance Analyst after the session.

The registration fee for this workshop is \$25. Payment by credit card is required prior to the seminar. A full refund will be made for all cancellations received before 5 p.m. EDT, September 10, 2010. Complete information and the registration form are available on the FEC website at <http://www.fec.gov/info/outreach.shtml#roundtables>. Attendance is limited and registration will be accepted on a first-come, first-served basis. Further questions about the workshop should be directed to the Information Division by phone at 800/424-9530 (press 6) or locally at 202/694-1100, or via e-mail to [Conferences@fec.gov](mailto:Conferences@fec.gov).

—Kathy Carothers

### FEC to Host Reporting and E-Filing Workshops

On October 6, 2010, the Commission will host roundtable workshops on reporting and electronic filing. The reporting sessions will address common filing problems and provide answers to questions committees may have as they prepare to file their financial reports. The electronic filing sessions will provide hands-on instruction for committees that use the Commission's FECFile software and will address questions filers may have concerning electronic filing. Attendance is limited to 50 people per reporting workshop and 16 people per electronic filing workshop; the registration fee is \$25 per workshop. The registration form is available on the FEC's website at <http://www.fec.gov/info/outreach.shtml#roundtables> and from Faxline, the FEC's automated fax system (202/501-3413,

request document 590). For more information, please call the Information Division at 800/424-9530 (press 6), or locally at 202/694-1100.

—Kathy Carothers

## Index

The first number in each citation refers to the numeric month of the 2010 *Record* issue in which the article appeared. The second number, following the colon, indicates the page number in that issue. For example, "1:4" means that the article is in the January issue on page four.

### Advisory Opinions

- 2009-29: Membership organization may establish SSF without vote of its membership, 2:4
- 2009-30: Trade association corporate members may use treasury funds to assist their SSFs, 3:9
- 2009-31: Employees may use credits to make contributions to SSF, 3:10
- 2009-32: Proposed sale of art on behalf of committees is not a contribution, 3:10
- 2010-01: State party activity on behalf of presumptive nominee, 4:10
- 2010-02: State party committee may use nonfederal funds to purchase office building, 4:11
- 2010-03: Members of Congress may solicit nonfederal funds for redistricting trust, 6:1
- 2010-04: Determining composition of corporation's restricted class, 6:3
- 2010-05: Sale of ad time on a foreign-owned television station, 7:1
- 2010-06: Political affinity accounts for revenue-generating web platform, 7:3
- 2010-07: Members of Congress may solicit funds for state ballot measure, 7:5
- 2010-08: Film production, distribution costs qualify for press exemption, 7:6

(continued on page 9)

## Index

(continued from page 8)

- 2010-09: Corporate sponsored IE-only committee may solicit and accept unlimited individual contributions, 8:1
- 2010-10: Attribution of independent expenditures, 8:3
- 2010-11: Contributions to an independent expenditure committee, 8:4
- 2010-12: Payroll deduction from directors' compensation for voluntary SSF contributions, 9:1
- 2010-13: Libertarian Party of Florida qualifies as state party committee, 9:2

### Commission

- Commission statement on Citizens United v. FEC, 3:1
- FEC Elects Chairman and Vice Chair for 2010, 1:1
- FEC Introduces new compliance map, 2:2
- Message from the Chairman, 2:1
- Policy statement establishes pilot program for requesting consideration of legal questions, 8:1

### Compliance

- Nonfilers, 3:12; 6:10; 7:12; 8:6; 9:7

### Court Cases

- \_\_\_\_\_ v. FEC
  - Cao, 3:1
  - Citizens United, 2:1
  - CREW, 9:1
  - Fieger, 4:4
  - RNC, 5:3
  - SpeechNow.org, 5:1; 7:11
  - The Real Truth About Obama, Inc., 7:10
  - Unity08, 4:1
  - Utility Workers, et. al, 4:3
- FEC v. \_\_\_\_\_
  - Novacek, 5:5
- U.S. v. O'Donnell, 7:11

### Inflation Adjustments

- 2010 Coordinated party expenditure limits, 3:5
- Lobbyist bundling threshold unchanged for 2010, 3:6

### Outreach

- Conferences in 2010, 1:14; 2:5; 3:12-13; 4:14; 5:7; 6:12
- June Reporting Roundtable, 6:12
- Nonconnected Committee Seminar, 2:7; 3:13; 4:14-15
- October Reporting Roundtable, 8:7; 9:8
- Roundtable on new travel rules, 1:15; 2:6
- Roundtable on pre-election communications, 8:7; 9:8
- Year-End reporting roundtable, 1:14

### Regulations

- Effective date for amendments to travel rules, 8:5
- Final Rules on campaign travel, 1:1
- Final Rules on debt collection, 5:1
- Final Rules on funds received in response to solicitations; allocation of expenses by PACs, 4:8
- Final Rules on participation by federal candidates and officeholders at nonfederal fundraising events, 6:1
- Hearings on coordinated communications rules, 6:7
- Hearing on proposed federal election activity (FEA) rules, 3:8
- NPRM on debt collection, 4:9
- NPRM on federal candidates' and officeholders' participation in party fundraisers, 1:5
- NPRM on funds received in response to solicitations; allocation of expenses by certain committees, 2:4
- NPRM on standards of conduct, 6:6
- Petition for rulemaking on *Citizens United*, 3:7
- Public hearing rescheduled for March 16, 3:7
- Supplemental NPRM on Coordinated Communications, 3:7

### Reports

- FEC Form 3L Due in July, 7:9
- Florida Special Election Reporting: 19th District, 1:12
- Georgia Special Election Reporting: 9th District, 4:4
- Hawaii Special Election Reporting: 1st District, 4:7
- Illinois Special Election Reporting: Senate Vacancy, 9:5
- Indiana Special Election Reporting: 3rd District, 9:6

- Pennsylvania Special Election Reporting: 12th District, 4:6
- Reports Due in 2010, 1:8; 4:1; 7:1
- West Virginia Senate Special Election Reporting: 8:5

### Statistics

- House and Senate campaigns raise nearly \$600 million in 2009, 4:12
- PAC activity remains steady in 2009, 5:7
- Party committees report slight increase in 2009 receipts, 4:13

### Website

- Candidate Disbursements search feature available on website, 6:10

### 800 Line

- Redesignating and reattributing contributions, 8:7

## Legal History of the Presidential Election Campaign Fund Act Available from the FEC

The FEC's Law Library is making available case-bound copies of the *Legal History of the Presidential Election Campaign Fund Act* in two volumes. Compiled and printed by agency staff in 1984, these editions provide an exhaustive historical record of the bills, accompanying reports and floor debates from which the present law originated. The material is presented in chronological fashion, starting with the 1957 Gore Report, which examined the campaign contributions and expenditures during the 1956 federal elections. These volumes are available to the public free of charge. They can be obtained at the Federal Election Commission's headquarters at 999 E Street NW, Washington, DC, 20463. To obtain a copy, please contact Leta Holley at [lholley@fec.gov](mailto:lholley@fec.gov) or (202) 694-1516.