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Compliance

Commission Seeks Comment on Enforcement Process

The Commission is seeking public comment on certain aspects of its enforcement process and, more generally, whether the agency is effectively enforcing the Federal Election Campaign Act and Commission regulations. The comments received will be considered in determining whether the agency's enforcement policies and procedures should be altered and whether rulemaking is advised. The Request for Comment was published in the *Federal Register* on January 18, 2013.

The Commission is particularly interested in hearing from complainants and respondents who interact directly with the agency, including committee treasurers and other persons who may become involved in the enforcement process. Specific topics include:

- The Office of General Counsel's use of media reports and other publicly available information in forming recommendations to the Commission as to whether there is "reason to believe" a violation may have occurred;
- The formulas the agency uses to calculate civil penalties; and
- The Commission's practice of seeking disgorgement of funds in addition to penalties for certain violations.

The notice also poses questions about the Commission's Alternative Dispute Resolution (ADR) program and whether the agency's policy of accepting or rejecting proposed ADR settlements is effective. The complete Request for Comment is available on the FEC's website at: <http://www.fec.gov/law/policy/enforcement/hearing/notice2013-01.pdf>.

Comments must be in writing and must be received on or before Friday, April 19, 2013. Commenters are encouraged to submit comments by email to process@fec.gov to ensure timely receipt and consideration. Alternatively, comments may be submitted in paper form to:

Federal Election Commission
Attn: Commission Secretary
999 E Street, NW
Washington, DC 20463

All comments must include the full name and postal service address of the commenter, and of each commenter if filed jointly, or they will not be considered. The Commission will post comments on its Web site at the conclusion of the comment period, and will later determine whether to hold a hearing on this matter.

(Posted 1/31/13; By: Isaac Baker)

Resources:

- [Guidebook for Complainants and Respondents on the FEC Enforcement Process](#)
- [The Alternative Dispute Resolution Program](#)
- [The Administrative Fine Program](#)

Message from the Reports Analysis Division (RAD) – Process Change Notification

The Reports Analysis Division (RAD) will begin sending Non-Filer Notifications via email in February 2013. Non-Filer Notifications are sent when a required Report of Receipts and Disbursements (Forms 3, 3X, 3P), or a Report of Contributions Bundled by Lobbyists/Registrants and Lobbyist/Registrant PACs (Form 3L) has not been received at the FEC. Please note that you will no longer receive paper Non-Filer Notifications through the mail once this process begins.

To provide an e-mail address or update your current email address, please file an amended Statement of Organization (FEC Form 1).

If you would prefer to continue to receive Non-Filer Notifications on paper, please file a miscellaneous document ([Form 99 for electronic filers](#)) to indicate this preference.

Should you have any questions, please contact your Campaign Finance Analyst on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or our local number (202) 694-1130.

(Posted 1/23/13; By: Jodi Winship, Reports Analysis Division)

Resources:

[Reports Analysis Division home page](#)
[FEC Form 1 \(Instructions\)](#) [PDF]

Litigation

Supreme Court Allows Disclosure Ruling to Stand in *RTAA v. FEC*

The United States Supreme Court has let stand an appeals court ruling that upheld Federal Election Commission legal definitions and policies regarding the disclosure of certain information by the nonprofit The Real Truth About Abortion (RTAA) – formerly known as The Real Truth About Obama, Inc.

RTAA had argued that the Commission’s definition of “express advocacy” and approach to determining whether a group is a “political committee” under the Federal Election Campaign Act (Act) were vague, overbroad, and violated the First and Fifth Amendments to the Constitution. A three-judge panel of the United States Court of Appeals for the Fourth Circuit rejected that challenge, finding the Commission’s definition of express advocacy consistent with relevant Supreme Court decisions, and the Commission’s political committee determinations to be “a sensible approach” that “does not unlawfully deter protected speech.”

On January 7, 2012, the Supreme Court denied RTAA’s petition for *writ of certiorari*, letting stand the appeals court's decision.

(Posted 01/10/2012; By: Alex Knott)

Resources:

- Ongoing Litigation Page: [The Real Truth About Abortion \(f/k/a Real Truth About Obama, Inc.\) v. FEC and U.S. Department of Justice](#)
- FEC Record: [September 2008](#) [PDF]; [October 2008](#) [PDF]; [November 2008](#) [PDF]; [July 2011](#) [PDF]; [July 2012](#) [PDF].

Public Funding

Commission Certifies Federal Matching Funds for Gary Johnson

The Federal Election Commission has certified \$121,755.77 in federal matching funds to Governor Gary Johnson/Gary Johnson 2012, Inc. for the 2012 primary election. The United States Treasury Department transferred the certified amount on January 8, 2013.

This raises the total amount of federal funds certified to Governor Gary Johnson/Gary Johnson 2012, Inc., to \$632,016.75. Governor Gary Johnson/Gary Johnson 2012, Inc. is the authorized committee of Gary Earl Johnson, the Libertarian Party's presidential candidate.

Last year, the Commission also certified \$351,961.10 in federal matching funds to Charles E. "Buddy" Roemer III and \$372,130.44 to Jill Stein for President for the primary.

To become eligible for matching funds, a candidate must raise a threshold amount of \$100,000 by collecting \$5,000 in each of 20 states in amounts no greater than \$250 from any individual. Other requirements include agreeing to an overall spending limit, abiding by spending limits in each state, using public funds only for qualified campaign-related expenses, keeping financial records and permitting an extensive campaign audit.

The presidential public funding program is financed through the \$3 check-off that appears on individual income tax returns. The program has three elements: matching payments to participating candidates during the primary campaign, grants to parties to help fund their nominating conventions, and grants available to nominees to pay for the general election.

(Posted 1/23/13; By Dorothy Yeager)

Resources:

- [FEC Press Release](#)
- [Press Office Backgrounder on Presidential Election Campaign Fund](#)
- [Brochure: Public Funding of Presidential Elections](#)
- [Brochure: The \\$3 Tax Checkoff](#)

Outreach

FEC to Host “Candidate 101” Webinar

On February 13, 2013, the Commission will offer a webinar for new candidates and their committees. “Candidate 101: Preparing for the Next Election Cycle” offers an introduction to the campaign finance laws and regulations that apply to federal candidates and campaigns, covering topics such as candidate registration, treasurer responsibilities, contribution limits and prohibitions, and basic reporting requirements.

Webinar Information. *This workshop is available only online via webinar. Additional instructions and technical information will be provided to those who register.*

Registration Information. The registration fee is \$15. A full refund will be made for all cancellations received before 5 p.m. EST on Friday, February 8; no refunds will be made for cancellations received after that time. Complete registration information 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).

Registration Questions

Please direct all questions about webinar registration and fees to Sylvester Management at 1-800/246-7277 or email Rosalyn@sylvestermanagement.com. For other questions call the FEC’s Information Division at 800/424-9530 (press 6), or send an email to Conferences@fec.gov.

(Posted 1/9/13; By: Molly Niewenhaus)

Resources:

- [FEC Educational Outreach Opportunities](#)

FEC to Host March 20 Seminar/Webinar for Campaigns and Party Committees

The Commission will hold a seminar for campaigns and party committees at its Washington, DC, headquarters on Wednesday, March 20, 2013. The seminar will also be offered as a webinar for those who cannot attend in person. Commissioners and staff will conduct a variety of technical workshops on the federal campaign finance laws affecting House and Senate campaigns and political party committees. Workshops are designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law. To view the [agenda](#) or to register for the seminar, please visit the seminar website at <http://www.fec.gov/info/conferences/2013/campaignpartyseminar.shtml>.

Webinar Information. Seminar workshops will be simulcast for online attendees, who will see workshop slides, hear the presentations and be able to ask questions via live chat. Additional instructions and technical information will be provided to those who register for the webinar.

In-Person Attendees. The seminar will be held at the FEC's headquarters at 999 E Street, NW, Washington, DC. The building is within walking distance of several subway stations. Attendees are responsible for making their own arrangements for accommodations. The FEC recommends that individuals planning to travel to attend the seminar wait to finalize travel arrangements until their conference registration has been confirmed by Sylvester Management Corporation.

Workshop Materials. Webinar participants will receive electronic copies of workshop materials in advance, and those attending in-person may choose that option when they register. Alternatively, seminar attendees may elect to receive a binder with printed materials the morning of the event.

Registration Information. The registration fee is \$100 to attend in-person or \$75 to participate online. Registration fees include a \$25 nonrefundable transaction fee. A full refund (minus the transaction fee) will be made for all cancellations received before 5 p.m. EDT on Friday, March 15; no refund will be made for cancellations received after that time. Complete registration information is available online at <http://www.fec.gov/info/conferences/2013/campaignpartyseminar.shtml>.

Registration Questions

Please direct all questions about seminar/webinar registration and fees to Sylvester Management Corporation (Phone: 1-800/246-7277; email: Rosalyn@sylvestermanagement.com). For other questions call the FEC's Information Division at 1-800/424-9530 (press 6), or send an email to Conferences@fec.gov.

(Posted 1/25/13; By Molly Niewenhous)

Resources:

- [FEC Educational Outreach Opportunities](#)

Roundtable Schedule:

January 16, 2013

FEC Headquarters and Online

- Reporting for PACs and Party Committees, 1:00 — 2:30 PM EST
- FECFile & E-Filing for PACs and Party Committees, 2:45 — 4:15 PM EST

January 23, 2013

Online Only

- Reporting for Candidate Committees, 1:00 — 2:30 PM EST
- FECFile & E-Filing for Candidate Committees, 2:45 — 4:15 PM EST

February 13, 2013

Online Only

- "Candidate 101: Preparing for the Next Election Cycle," 1:00 — 2:30 PM EST

