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Outreach

Contribution Limits for 2013-2014

Under the Federal Election Campaign Act (the Act), certain contribution limits are indexed for inflation every two years, based on the change in the cost of living since 2001, which is the base year for adjusting these limits. [fn1] The inflation-adjusted limits are:

- The limits on contributions made by persons to candidates (increased to \$2,600 per election, per candidate) (2 U.S.C. §441a(a)(1)(A));
- The limits on contributions made by persons to national party committees (increased to \$32,400 per calendar year) (2 U.S.C. §441a(a)(1)(B));
- The biennial aggregate contribution limits for individuals (increased to a total of \$123,200 [fn2]) (2 U.S.C. §441a(a)(3)); and
- The limit on contributions made by certain political party committees to Senate candidates (increased to \$45,400 per campaign) (2 U.S.C. §441a(h)).

[Click here to see a chart of all contribution amount limits applicable for 2013-2014](#) [PDF]. The inflation adjustments to these limits are made only in odd-numbered years. The per-election limits on contributions to candidates are in effect for the two-year election cycle beginning the day after the general election and ending on the date of the next general election (i.e., November 7, 2012 – November 4, 2014). All other contribution limits are in effect for the two-calendar-year period beginning on January 1 of the odd-numbered year and ending on December 31 of the even-numbered year (i.e., January 1, 2013 – December 31, 2014).

1/ The applicable cost of living adjustment amount is 1.29668.

2 / This limit includes up to \$48,600 in contributions to candidate committees and \$74,600 in contributions to any other committees, of which no more than \$48,600 of this amount may be given to committees that are not national party committees.

Please note, however, that these limits do not apply to contributions raised to retire debts from past elections. Contributions may not exceed the contribution limits in effect on the date of the election for which those debts were incurred. 11 CFR 110.1(b)(3)(iii).

The Act also includes a rounding provision for all of the amounts that are increased by the indexing for inflation. [fn3] Under this provision, if the inflation-adjusted amount is not a multiple of \$100, then the amount is rounded to the nearest \$100.

3 / This provision also affects the indexing of coordinated party expenditure limits and presidential expenditure limits in 2 U.S.C. §§441a(b) and 441a(d), as well as the disclosure threshold for lobbyist-bundled contributions in 2 U.S.C. §434(i)(3)(A).

(Posted 2/12/13; By: Dorothy Yeager)

Resources:

- [Federal Register notice](#)
- Brochure: [Contributions](#)
- Brochure: [The Biennial Contribution Limit](#)

2013 Coordinated Party Expenditure Limits

The 2013 coordinated party expenditure limits are now available. The limits are:

- \$93,100 for House nominees in states that have only one U.S. House Representative;
- \$46,600 for House nominees in states that have more than one U.S. House Representative; and
- A range from \$93,100 to \$2,682,200 for Senate nominees, depending on each state's voting age population.

Party committees may make these special expenditures on behalf of their 2013 general election nominees (for example, in special elections). National party committees have a separate limit for each nominee. The national Senatorial and Congressional committees do not have separate coordinated party expenditure limits, but may receive authorization to spend against the national limit or state party limits. Each state party committee has a separate limit for each House and Senate nominee in its state. Local party committees do not have their own separate limit. One party committee may authorize another committee of that party to make an expenditure against the authorizing committee's limit. Local committees may make coordinated party expenditures only after receiving written authorization from another committee within the party.

Coordinated party expenditure limits are separate from the contribution limits; they also differ from contributions in that the party committee must spend the funds on behalf of the candidate rather than give the money directly to the campaign. Although these expenditures may be made in consultation with the candidate, only the party committee making the expenditure—not the candidate committee—must report them. (Coordinated party expenditures are reported on FEC Form 3X, Line 25, and are always itemized on Schedule F, regardless of amount.)

[Click here to view the 2013 coordinated party expenditure limits.](#) The link also includes information on which party committees have the authority to make coordinated party expenditures; the formula used to calculate the coordinated party expenditure limits; and a listing of the state-by-state coordinated party expenditure limits for Senate candidates.

(Posted 2/11/13; By: Dorothy Yeager)

Resources:

- [Federal Register notice](#)
- [Campaign Guide for Political Party Committees](#) [PDF]

2013 Lobbyist Bundling Disclosure Threshold

The Federal Election Campaign Act, as amended by the Honest Leadership and Open Government Act of 2007 (HLOGA), requires certain political committees to disclose contributions bundled by lobbyists/registrants and lobbyist/registrant PACs once the contributions exceed a specified threshold amount.

The Commission must adjust the threshold amount at the beginning of each calendar year based on the change in the cost of living since 2006, which is the base year for adjusting this threshold. ^[fn1] The resulting amount is rounded to the nearest multiple of \$100. 2 U.S.C. §441a(c)(1)(B)(iii). Based on this formula, the lobbyist bundling disclosure threshold for 2013 is \$17,100.

(Posted 2/11/13; By: Dorothy Yeager)

1/ The applicable cost of living adjustment amount is 1.13887

Resources:

- [Lobbyist Bundling Disclosure Guidance](#)
- [Federal Register notice](#) [PDF]
- [FEC Form 3L](#) and [Instructions](#) [PDF]

Joint Fundraising

Joint fundraising is fundraising conducted jointly by a political committee and one or more other political committees or unregistered organizations. Joint fundraising rules apply to:

- Party committees;
- Party organizations not registered as political committees;
- Federal and/or nonfederal candidate committees;
- Nonparty, unauthorized political committees (nonconnected PACs); and
- Unregistered nonparty organizations. 11 CFR 102.17(a)(1)(i) and (2).

Joint fundraising rules do not apply to fundraising by separate segregated funds and their collecting agents. 11 CFR 102.17(a)(3). Instead, such organizations may only jointly raise funds with another affiliated committee or organization (for example, a related state PAC of a federal SSF) under FEC regulations at 11 CFR 102.6. See [Chapter 3, Section 9 of the Campaign Guide for Corporations and Labor Organizations](#).

Joint Fundraising Representative

Joint fundraising participants must either establish a new political committee (using a Statement of Organization, FEC Form 1) or select a participating political committee to act as the joint fundraising representative (JFR). 11 CFR 102.17(a)(1)(i).

If the JFR is a new committee, it must file a Statement of Organization (FEC Form 1) and check box 5(g) or (h) for the type of committee. If, on the other hand, the representative is an existing committee, it must amend its Statement of Organization. In either instance, the Statement of Organization must:

- Identify the committee as the JFR;
- List the names and addresses of all federal committees participating in the joint fundraising effort; and
- Name the depository institution being used by the JFR. In the case of a representative that is an existing committee, the depository is named only if it is different from the depository named on the committee's current Statement of Organization. 11 CFR 102.2 and 102.17(c)(3)(i); See also the [instructions for FEC Form 1](#).

Separate Depository

Establishing the Account. Joint fundraising participants or the JFR must establish a bank account to be used solely for the receipt and disbursement of all joint fundraising proceeds. 11 CFR 102.17(c)(3)(i).

Depositing Contributions. The JFR must deposit contributions into the account within 10 days of receiving them. Only contributions that comply with the Act's limitations and prohibitions may be deposited into this account. If any participant may lawfully accept contributions exceeding the Act's limitations, or from prohibited sources, the JFR or the participants may either establish a separate account for such contributions or forward them directly to the participants that may accept them. 11 CFR 102.17(c)(3)(i) and (ii).

Written Agreement Required

Before conducting a joint fundraiser, all participants must enter into a written agreement that identifies the JFR and states the allocation formula—the amount or percentage that the participants agree to use for allocating proceeds and expenses. 11 CFR 102.17(c)(1).

Allocation Formula

Prior to a fundraising event, participants may advance funds to the JFR for the costs of the fundraiser in proportion to the agreed upon allocation formula. 11 CFR 102.17(b)(3).

Following the event, participants divide the gross proceeds based on the agreed upon allocation formula. If, however, the allocation formula results in an excessive contribution to any of the participants, the excessive portion must be divided among the other participants. If the reallocation would exceed all of the remaining participants' limits, the excessive portion must be returned to the contributor. The allocation formula must then be recalculated based on each participant's actual share of proceeds. 11 CFR 102.17(c)(6).

If the final allocation formula differs from the original formula, the JFR must recalculate expenses based on the formula used for proceeds. 11 CFR 102.17(c)(7).

Example:

Committees A, B, and C decide to form a joint fundraising committee for a fundraising event. Prior to the event, the committees decide upon an allocation formula for expenses: Committees A and B will each contribute 25 percent; Committee C will contribute 50 percent. Since the event will cost \$10,000, Committees A and B advance \$2,500 and Committee C advances \$5,000.

Following the event, the JFR determines that reallocation is necessary to avoid excessive contributions to Committee C. The new formula states that Committees A and B will each receive 30 percent each of the proceeds and Committee C will receive 40 percent of the proceeds.

Since the allocation formula changed, the committees must recalculate the allocation of expenses. Committees A and B are each responsible for 30 percent of the cost of the event and Committee C is responsible 40 percent of the cost of the event.

Joint Fundraising Notice

In addition to disclaimer notices, every solicitation for the joint fundraiser must contain:

- The names of all participants, regardless of whether they are registered political committees or unregistered organizations;
- The allocation formula to be used for distributing funds received;
- A statement informing contributors that they may designate contributions for a particular participant (notwithstanding the formula); and
- A statement that the allocation formula may change if any contributor makes a contribution which would exceed the amount he or she may lawfully give to any participant.

11 CFR 102.17(c)(2)(i).

Reporting: Joint Fundraising Representative

The fundraising representative reports all joint fundraising proceeds in the reporting period in which they are received. Any Schedules A used to itemize contributions must clearly indicate on the schedule that the receipts are joint fundraising proceeds. 11 CFR 102.17(c)(3)(iii) and (c)(8)(i)(A). The fundraising representative must also report all disbursements made for the joint fundraiser in the reporting period in which they are made. 11 CFR 102.17(c)(8)(ii). Transfers of net proceeds to the joint fundraising participants are reported as transfers to affiliated committees and itemized on a separate Schedule B for that category.

Reporting: Participants

Each participating political committee reports its share of net proceeds as a transfer-in from the fundraising representative. A participating committee itemizes (if itemization is required) its share of gross receipts as contributions from the original donors on a memo entry Schedule A. When itemizing gross contributions, the participant must report the date of receipt as the day the fundraising representative received the contribution. 11 CFR 102.17(c)(3)(iii) and (c)(8)(i)(B).

Filing Schedule

Joint Fundraising Representatives. A JFR's filing schedule mirrors that of the participating committees. If **any** participants in the joint fundraiser are unauthorized committees (i.e., PACs, party committees or nonfederal committees), the JFR must follow the quarterly or monthly filing schedule for unauthorized committees:

Non-Election Year (Quarterly):
Mid-Year, Year End

Non-Election Year (Monthly):
February Monthly through Year End

Election Year (Quarterly):
April Quarterly; July Quarterly; October Quarterly; Post-General; Year End

Election Year (Monthly):
February Monthly through October Monthly; Pre-General; Post-General; Year End

On the other hand, if **all** of the joint fundraising participants are authorized committees, the JFR must follow the quarterly filing schedule for campaign committees:

Non-Election Year:
April Quarterly; July Quarterly; October Quarterly; Year End

Election Year (when candidate(s) is running in the current election):
April Quarterly; July Quarterly; October Quarterly; Pre-General; Post-General; Year End

Election Year (when candidate(s) is NOT running in the current election):
April Quarterly; July Quarterly; October Quarterly; Year End

Please note that, even if a participating presidential candidate reaches the \$100,000 threshold that triggers monthly filing, the JFR may continue to file quarterly.

For more information on this area of federal campaign finance law, please consult the links under Resources below, including the appendixes on joint fundraising in the *Campaign Guide for Congressional Candidates and Committees*, the *Campaign Guide for Political Party Committees*, or the *Campaign Guide for Nonconnected Committees*, as well as the Commission's e-learning presentation on joint fundraising.

(Posted 2/1/13; By: Dorothy Yeager)

Resources:

- [FECTube E-learning Presentation on Joint Fundraising](#)
- [FEC Form 1](#) and [Instructions](#) [PDF]
- [All FEC Campaign Guides](#)
- [Current Reporting Schedule](#)

Reporting

Reporting Ultimate Payees for Committee Disbursements

On January 31, 2013, the Commission posted for public comment a draft interpretive rule that would clarify how political committees must report disbursements to (or by) a person who is not the "ultimate payee"—i.e., the person who provided goods or services to the committee. The rule would apply in three specific situations:

- Reimbursing an individual for personal funds advanced to pay committee expenses that aggregate more than \$200 to a single vendor;
- Disclosing the candidate's unreimbursed use of personal funds to pay for committee expenses that aggregate more than \$200 to a single vendor; and
- Paying a committee credit card bill that includes a charge(s) of more than \$200 to a single vendor.

In all three situations, the committee should itemize any payment by the committee as otherwise required, and use "memo entries" on Schedule B to disclose vendors who received payments on behalf of the committee aggregating in excess of \$200.

Comments on the draft interpretive rule are due by March 4, 2013.

Background

Commission regulations require that political committees report (itemize) the name and address of each person to whom they make expenditures or other disbursements that aggregate more than \$200 per calendar year. For authorized committees (i.e., committees

that are established by federal candidates), disbursements must be reported once they aggregate more than \$200 in an election cycle. In addition to reporting the name and address of each person to whom disbursements are made that aggregate in excess of \$200, all committees must report the date, amount and purpose of each disbursement. 2 U.S.C. 434(b)(5), (6); 11 CFR 104.3(b)(3)(i), (vii) (unauthorized committees); 11 CFR 104.3(b)(4)(i), (vi) (authorized committees); *see also* 104.9(a) and (b). Committees must maintain a receipt or invoice from the payee, except for an advance of \$500 or less for travel and subsistence expenses by the individual who will be the recipient of the goods or services, for which committees need to keep the expense voucher or other expense account documentation and the cancelled check to the recipient. 11 CFR 102.9(b)(2).

The draft interpretive rule supplements these regulations by identifying three specific situations in which a committee must disclose not only the person to whom (or by whom) a disbursement was made, but also the "ultimate payee" – the person who provided the goods or services to the committee. In each of the three scenarios, the committee must itemize as a memo entry on Schedule B the name and address of the original vendor, as well as the date, amount and purpose of the original disbursement made for or by the political committee.

Reimbursements to Individuals for Certain Out-of-Pocket Expenses. Commission regulations state that when an individual who is not acting as a vendor advances his or her personal funds (including using a personal credit card) to pay costs on behalf of a political committee, the committee must treat the individual's payment as a contribution. (Certain travel and subsistence expenses that are not reimbursed, or that are reimbursed within a limited amount of time, are exempt.) 11 CFR 116.5(a) and (b); 100.79. The committee must also treat the obligation arising from the individual's payment as an outstanding debt until reimbursed. 11 CFR 116.5(c).

When the committee reimburses the individual, the committee should report the reimbursement on Schedule B, and also identify in a memo entry any vendor to whom the individual paid more than \$200 in a calendar year (or in an election cycle, if for an authorized committee) on behalf of the committee. Similarly, if the reimbursement is for travel and subsistence expenses that exceed \$500, a memo entry is required for each payment to a specific vendor made by that individual on behalf of the committee if total payments to that vendor exceed \$200 in a calendar year (or election cycle, for authorized committees).

Memo entries should include the name and address of the vendor, and the date, amount and purpose of the payment. For reimbursements of credit card payments made by an individual, the memo entry must include the name and address of the vendor providing the goods or services to the committee rather than the credit card company that processed the payment(s).

Unreimbursed Disbursements by Candidates. As candidates are able to make unlimited expenditures on behalf of their own campaigns, payments made by candidates from personal funds should be disclosed on reports filed with the Commission. 2 U.S.C. §434(b)(4), (5), (6)(A); 11 CFR 104.3(b)(4). When candidates pay out-of-pocket for unreimbursed expenses on behalf of their authorized committees, the committee should report as memo entries any payments to vendors that aggregate more than \$200 for the election cycle.

Payments to Credit Card Companies. When a political committee itemizes disbursements to credit card companies on Schedule B of its reports, the committee must itemize as memo entries any transactions with a single vendor that exceed the \$200 itemization threshold discussed above. Itemizing the “ultimate payee” as the provider of goods or services to the committee accurately reflects the credit card company’s role only as a payment processor rather than as the provider of goods or services to the committee. See 11 CFR 102.9.

The draft interpretive rule was published on the Commission’s website on January 31, 2013. Public comments are due by March 4, 2013, and should be addressed to the Commission Secretary, 999 E Street, NW, Washington, DC 20463, via fax to 202-208-3333 or email to secretary@fec.gov.

Posted 2/8/13; by Myles Martin

Resources:

- [Draft Interpretive Rule and Request for Comments](#) [PDF]
- [Commission consideration of Draft](#) 

South Carolina Special Election Reporting: 1st District

South Carolina will hold Special Primary and General elections to fill the U.S. House seat in South Carolina’s 1st Congressional District vacated by Senator Tim Scott. The Special Primary will be held on March 19, 2013 and the Special General will be held May 7, 2013. Under South Carolina law, in the event that one candidate does not achieve a majority vote in his/her party’s Special Primary Election, the top two vote-getters will participate in a Special Runoff Election held on April 2, 2013.

Candidate committees involved in this election must follow the reporting schedule posted at http://www.fec.gov/pages/report_notices/2013/sc01.shtml. That schedule also applies to PACs and party committees that file on a semi-annual basis in 2013 and participate in this election. PACs and party committees that file monthly should continue to file according to their regular filing schedule. Please note that the FEC does not have authority to extend filing deadlines, even when they fall on weekends or holidays.

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 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 post-marked 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 100.19 and 104.5(e).

Overnight Mail. Reports filed via overnight mail [fn1] 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 100.19 and 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

A participating candidate’s principal campaign committee must file a 48-hour notice each time it receives a contribution of \$1,000 or more between February 28, 2013, and March 16, 2013, for the Special Primary, between March 14, 2013, and March 30, 2013, for the Special Runoff and between April 18, 2013 and May 4, 2013 for the Special General.

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 February 28, 2013, and March 17, 2013 for the Special Primary, between March 14, 2013 and March 31, 2013 for the Special Runoff and between April 18, 2013, and May 5, 2013, for the Special General. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during the calendar year up to and including the 20th day before an election. The 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to February 28, 2013, for the Special Primary. If the Special Runoff is held, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to March 14, 2013. For the Special General, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to April 18, 2013.

1/ "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 on-line tracking system.

Electioneering Communications

The 30-day electioneering communications period in connection with the Special Primary Election runs from February 17, 2013 through March 19, 2013. The 30-day electioneering communications period in connection with the Special Runoff Election runs from March 3, 2013 through April 2, 2013. The 60-day electioneering communications period in connection with the Special General Election runs from March 8, 2013, through May 7, 2013.

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 any lobbyist/registrant or lobbyist/registrant PAC that aggregate in excess of \$16,700 during the special election reporting period. 11 CFR 104.22(a)(5)(v). For more information on these requirements, see the [March 2009 Record](#).

NOTE: The lobbyist bundling disclosure threshold for calendar year 2012 was \$16,700. This threshold amount may increase in 2013 based upon the annual cost of living adjustment (COLA). As soon as the adjusted threshold amount is available, the Commission will publish it in the Federal Register and post it on its website. See [11 CFR 110.17\(e\)\(2\)](#).

(Posted 02/04/13; By: Katherine Carothers)

Resources:

- [Federal Register Notice](#)
- [South Carolina 1st District Special Election Prior Notice](#)
- [2013 Reporting Dates](#)
- [South Carolina 1st District Special Election Compliance Page](#)

Missouri Special Election Reporting: 8th District

Missouri will hold a Special General Election to fill the U.S. House seat in Missouri's 8th Congressional District vacated by Representative Jo Ann Emerson. The Special General will be held on June 4, 2013. Candidate committees involved in this election must follow the reporting schedule posted at http://www.fec.gov/pages/report_notices/2013/mo08.shtml. That schedule also applies to PACs and party committees that file on a semi-annual basis in 2013 and participate in this election. PACs and party committees that file monthly should continue to file according to their regular filing schedule. Please note that the FEC does not have authority to extend filing deadlines, even when they fall on weekends or holidays.

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 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 post-marked on or before the mailing deadline to be considered timely filed. A committee sending its reports by certified mail should keep its certified 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. A committee sending its report by registered mail should keep its proof of mailing. Note that a certificate of mailing from the USPS is not sufficient to prove that a report is timely filed using registered, certified or overnight mail. 2 U.S.C. §434(a)(5) and 11 CFR 100.19 and 104.5(e) and (i).

Overnight Mail. Reports filed via overnight mail [fn1] 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 100.19 and 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 last business day before 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

A participating candidate’s principal campaign committee must file a 48-hour notice each time it receives a contribution of \$1,000 or more for the Special General between May 16, 2013, and June 1, 2013.

24- and 48-Hour Reports of Independent Expenditures

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate \$1,000 or more for the Special General and are made between May 16, 2013, and June 2, 2013. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during the calendar year up to and including the 20th day before an election. The 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 for the Special General prior to May 16, 2013.

1/ "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 on-line tracking system.

Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from April 5, 2013 through June 4, 2013.

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 any lobbyist/registrant or lobbyist/registrant PAC that aggregate in excess of \$17,100 during the special election reporting period. 11 CFR 104.22(a)(5)(v) and (b). For more information on these requirements, see the [March 2009 Record](#).

(Posted 02/12/13; By: Katherine Carothers)

Resources:

- [Missouri 8th District Special Election Prior Notice](#)
- [2013 Reporting Dates](#)
- [Missouri 8th District Special Election Compliance Page](#)
- [Federal Register Notice](#)

Massachusetts Special Election Reporting: Senate

Massachusetts will hold special primary and general elections to fill the U.S. Senate seat in Massachusetts vacated by Secretary of State John Kerry. The Special Primary will be held on April 30, 2013, and the Special General will be held June 25, 2013.

Candidate committees involved in these elections must follow the reporting schedule posted at http://www.fec.gov/pages/report_notices/2013/masen.shtml. That schedule also applies to PACs and party committees that file on a semi-annual basis in 2013 and participate in these elections. PACs and party committees that file monthly should continue to file according to their regular filing schedule.

Filing Electronically

U.S. Senate committees file with the Secretary of the Senate and 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.

Timely Filing for Paper Filers

Registered and Certified Mail. Reports sent by registered or certified mail must be post-marked on or before the mailing deadline to be considered timely filed. A committee sending its reports by certified mail should keep its certified 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. A committee sending its report by registered mail should keep its proof of mailing. Note that a certificate of mailing from the USPS is not sufficient to prove that a report is timely filed using registered, certified or overnight mail. 2 U.S.C. §434(a)(5) and 11 CFR 100.19 and 104.5(e) and (i).

Overnight Mail. Reports filed via overnight mail [fn1] 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 100.19 and 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).

48-Hour Contribution Notices

A participating candidate's principal campaign committee must file a 48-hour notice each time it receives a contribution of \$1,000 or more between April 11, 2013, and April 27, 2013, for the Special Primary and between June 6, 2013, and June 22, 2013, for the Special General.

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 April 11, 2013, and April 28, 2013 for the Special Primary and between June 6, 2013, and June 23, 2013, for the Special General. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during the calendar year up to and including the 20th day before an election. The 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to April 11, 2013, for the Special Primary. For the Special General, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to June 6, 2013.

1/ "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 on-line tracking system.

Electioneering Communications

The 30-day electioneering communications period in connection with the Special Primary runs from March 31, 2013, through April 30, 2013. The 60-day electioneering communications period in connection with the Special General runs from April 26, 2013, through June 25, 2013.

Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from any lobbyist/registrant or lobbyist/registrant PAC that aggregate in excess of \$17,100 during the special election reporting periods. 11 CFR 104.22(a)(5)(v) and (b). For more information on these requirements, see the [March 2009 Record](#).

(Posted 02/14/13; By: Katherine Carothers)

Resources:

- [Massachusetts Senate Special Election Prior Notice](#)
- [2013 Reporting Dates](#)
- [Massachusetts Senate Special Election Compliance Page](#)

Advisory Opinions

AO 2012-39: Green Party of Virginia Qualifies as State Party Committee

The Green Party of Virginia (the GPV) qualifies as a state party committee under the Federal Election Campaign Act (the Act) because: (1) the Green Party of the U.S. (the GPUS) qualifies as a political party; (2) GPV is part of the official GPUS structure; and (3) GPV is responsible for the day-to-day operations of the GPUS at the state level.

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 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 that 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 as to whether a state party organization qualifies as a state committee of a national political party hinges on three elements. First, the national party the state party organization is part of 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, e.g., Advisory Opinion (AOs) [2012-36](#) (Green Party of Connecticut), [2009-16](#) (Libertarian Party of Ohio), [2008-16](#) (Libertarian Party of Colorado), [2008-13](#) (Pacific Green Party of Oregon), [2007-06](#) (Libertarian Party of Indiana) and [2007-02](#) (Libertarian Party of Arizona).

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 Opinion 2001-13](#) (Green Party of the United States) the Commission determined that the GPUS qualified as a political party, and recognized the GPUS as its national committee. The Commission is not aware of any factual changes that would alter that conclusion.

The GPV must also qualify as part of the official party structure of the national party, pursuant to 11 CFR 100.14. In previous advisory opinions, the Commission has looked to supporting documentation indicating the state party is part of the official party structure. See AOs 2012-36, 2008-16 and 2008-13. The GPV provided documentation that includes a letter from the Secretary of the GPUS confirming that the GPV is part of the GPUS’s official party structure. Third, the GPV must maintain responsibility for the day-to-day operations of the GPUS at the state level. 2 U.S.C. §431(15); 11 CFR 100.14. In previous advisory opinions, the Commission has evaluated this third 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.

Ballot placement on behalf of a “candidate” is required because the requesting organization’s existence as a “political party” is necessary for state committee status. A state party organization must actually obtain ballot access for one or more “candidates,” as defined by the Act. See 2 U.S.C. §§431(2), (15), and (16); 11 CFR 100.3(a), 100.14(a) and 100.15. Ms. Jill Stein qualified as a “candidate” under the Act, and Ms. Stein’s name was listed on the 2012 Virginia ballot as the GPUS’s candidate for President, satisfying the first criterion. Further, the GPV listed Mr. Joe Galdo, Jr. as a candidate for the U.S. House of Representatives on the 2012 ballot. Mr. Galdo, too, met the qualifications of a “candidate” under the Act according to disclosure reports filed with the Commission. Consequently, the GPV qualifies as a “political party” under the Act.

The Commission also determined the GPV’s constitution and bylaws delineate activity commensurate with the day-to-day functions and operations of a political party on the state level, thereby satisfying the second criterion.

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

Date Issued: January 31, 2013; 5 pages

(Posted 2/06/2013; By: Travis Drake)

Resources:

- [Commission consideration of AO 2012-39](#) 
- [Advisory Opinion 2012-39](#)
- [Campaign Guide for Political Party Committees](#) [PDF]

Statistics

FEC Summarizes First 21 Months of Campaign Activity for the 2012 Election Cycle

Federal candidates, parties and political action committees (PACs) collected more than \$5.7 billion and spent more than \$4.8 billion between January 1, 2011 and September 30, 2012, according to third-quarter filings submitted to the Commission. Independent expenditure and electioneering communication spending totaled \$541 million during the 21-month period.

Presidential candidates reported raising more than \$1 billion and spending \$923.5 million from January 1, 2011 through September 30, 2012. Three eligible campaigns also received more than \$916,000 in primary matching funds during the period.

The 1,922 candidates running for House and Senate during the 2012 election cycle reported raising a total of more than \$1.6 billion and spending \$1.3 billion between January 1, 2011 and September 30, 2012. The 1,672 House candidates reported \$985.6 million in receipts during this period and the 250 candidates running in the 33 2012 Senate races reported more than \$620 million in receipts.

National, state and local political party committees reported nearly \$1.4 billion in federal receipts, more than \$1 billion in disbursements, debts of \$35.3 million, and a combined cash-on-hand of \$264.7 million for the cycle as of September 30, 2012.

During the 21-month period, 6,464 federal PACs reported more than \$1.7 billion in receipts and nearly \$1.6 billion in disbursements. Contributions by PACs to federal candidates on the ballots totaled \$378.5 million as of September 30, 2012.

Independent expenditures totaled \$536.1 million during this period with Independent Expenditure-Only Committees – commonly known as Super PACs – responsible for \$280 million. Independent expenditures made by persons other than political committees totaled \$121.5 million while PACs and party committees totaled \$93.2 million and \$32.2 million, respectively.

Filers reported \$4.9 million in electioneering communications as of September 30, 2012.

Data summary tables for reports submitted to the Commission through September 30, 2012 are listed below for:

- Presidential candidate committees <http://www.fec.gov/press/summaries/2012/ElectionCycle/PresCandQ3.shtml>;
- Historical presidential candidates http://www.fec.gov/press/bkgnd/pres_cf/pres_cf_Even.shtml;
- Congressional candidate committees <http://www.fec.gov/press/summaries/2012/ElectionCycle/CongCandQ3.shtml>;
- PACs <http://www.fec.gov/press/summaries/2012/ElectionCycle/PACQ3.shtml>;
- PAC summary data http://www.fec.gov/press/summaries/2012/ElectionCycle/file/pac_financial_activity/PAC1q32012.pdf;
- Independent expenditures http://www.fec.gov/press/summaries/2012/ElectionCycle/IE_ECQ3.shtml;
- Political party committees <http://www.fec.gov/press/summaries/2012/ElectionCycle/NatPartyQ3.shtml>; and
- Electioneering communications http://www.fec.gov/press/summaries/2012/ElectionCycle/IE_ECQ3.shtml.

(Posted 2/8/2013; By Alex Knott)

Resources:

- [FEC Press Release](#)
- [Campaign Finance Disclosure Portal](#)