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Litigation

RNC, et al. v. FEC

On May 23, 2014, a group of Republican party committees and committee chairmen filed suit in the U.S. District Court for the District of Columbia to challenge the constitutionality of laws that prevent them from raising and spending funds outside the federal source and amount limitations to finance independent expenditures. The plaintiffs seek injunctive relief and a declaratory judgment that such restrictions violate the First Amendment.

Background

The Republican National Committee (RNC) and its chairman, and the Republican Party of Louisiana (LAGOP) and its chairman, would like to solicit and receive unlimited contributions to a separate account used solely to fund independent expenditures. The separate account would accept contributions not only from individuals, but also from corporations and unions. The Republican Executive Committees of Jefferson and Orleans Parishes, as well as LAGOP, would like to use existing funds raised outside the federal restrictions to pay for independent federal election activity.

Analysis

The Federal Election Campaign Act (the Act), as amended by the Bipartisan Campaign Reform Act (BCRA), prohibits party committees from soliciting, accepting or spending funds for federal election-related purposes that are not raised in compliance with the Act. 2 U.S.C. §441i(b)(1) and (c). In fact, national party committees may not raise or spend any funds that do not comply with the Act's limits and prohibitions. 2 U.S.C. §441i(a). Currently, donors may contribute up to \$10,000 per year to state and local party committees and up to \$32,400 to national party committees. 2 U.S.C. §441a(a)(1)(B) and (D). Corporations and unions are prohibited from making contributions in connection with federal elections. 2 U.S.C §441b(a).

A [series of recent court decisions](#) have concluded that the Act's contribution limits and its ban on corporate and union expenditures cannot constitutionally be applied to funds nonconnected PACs raise and spend solely for

independent expenditures. Based on these decisions, some nonconnected PACs have established separate bank accounts to finance independent expenditures using contributions that may exceed the Act's limits and come from corporations and unions. The plaintiffs argue that the First Amendment requires that party committees be permitted to establish such accounts.

The plaintiffs ask the court to grant injunctions to prohibit the FEC from enforcing the challenged provisions. They also seek a declaratory judgment that 2 U.S.C. §§441(a)(1)(B), (D) and 441i(a)-(c) are unconstitutional as applied to separate independent expenditure accounts created by any party committees, and that the prohibitions on state and local parties using funds raised outside federal limits to finance independent federal election activity are also unconstitutional.

(Posted 5/30/2014; By: Alex Knott)

Resources:

- [RNC, et al. v. FEC Ongoing Litigation Page](#)
- Record Article: [Rufer, et al. v. FEC](#)

Rufer, et al. v. FEC

On May 21, 2014, Chris Rufer, along with one state committee and one national committee of the Libertarian Party, filed suit in the U.S. District Court for the District of Columbia to challenge the constitutionality of laws and Commission regulations that prevent party committees from raising and spending funds outside the federal source and amount limitations to finance independent expenditures. The plaintiffs seek injunctive relief and a declaratory judgment that such restrictions violate the First Amendment.

Background

Mr. Rufer is a California resident who would like to help party committees finance independent expenditures by contributing more than the annual federal limits of \$10,000 to state and local party committees and \$32,400 to national party committees. 2 U.S.C. §441a(a)(1)(B) and (D). The Libertarian Party of Indiana and the Libertarian National Congressional Committee—both of whom would receive Mr. Rufer's large contributions—join him as plaintiffs.

Analysis

The Federal Election Campaign Act (the Act), as amended by the Bipartisan Campaign Reform Act, prohibits party committees from soliciting, accepting or spending funds for federal election-related purposes that are not raised in compliance with the Act. 2 U.S.C. §441i(b)(1) and (c). In fact, national party committees may not raise or spend any funds that do not comply with the Act's limits and prohibitions. 2 U.S.C. §441i(a).

A [series of recent court decisions](#) have concluded that the Act's contribution limits and its ban on corporate and union expenditures cannot constitutionally be applied to funds nonconnected PACs raise and spend solely for independent expenditures. Based on these decisions, some nonconnected PACs have established separate bank accounts to finance independent expenditures using contributions that may exceed the Act's limits and come from corporations and unions. The plaintiffs argue that the First Amendment requires that party committees be permitted to establish such accounts.

The plaintiffs ask the court to grant preliminary and permanent injunctions to prohibit the FEC from enforcing the challenged provisions, and seek declaratory judgment that 2 U.S.C. §§441(a)(1)(B), (D) and 441i(a)-(c) are unconstitutional as applied to separate independent expenditure accounts created by party committees.

(Posted 5/29/2014; By: Alex Knott)

Resources:

- [Rufer, et al. v. FEC Ongoing Litigation Page](#)

Free Speech v. FEC

On May 19, 2014, the Supreme Court declined to hear Free Speech's constitutional challenge to the FEC's process for determining whether an organization qualifies as a "political committee." The Court's denial of *certiorari* lets stand the [June 2013 decision](#) by the U.S. Court of Appeals for the Tenth Circuit to affirm the U.S. District Court for the District of Wyoming's [dismissal of the suit](#).

(Posted 5/22/2014; By: Myles Martin)

Resources:

- [Free Speech v. FEC Litigation Page](#)

James v. FEC Follows McCutcheon Precedent

On remand from the Supreme Court, the U.S. District Court for the District of Columbia aligned its judgment in *James v. FEC* with the high court's opinion in *McCutcheon*, declaring that the biennial aggregate limit on an individual's contributions to federal candidates and their authorized committees is unconstitutional.

In October 2012, the district court dismissed Virginia James' suit, which had been before the court at the same time as *McCutcheon*. D.D.C. Civ. No. 12-1034.

Following its ruling in *McCutcheon*, the Supreme Court vacated the district court's decision in *James* and ordered the lower court to reconsider. U.S. Supreme Court No. 12-683.

(Posted 5/06/2014; By: Alex Knott)

Resources:

- [United States District Court For The District Of Columbia Order And Judgment](#) [PDF]
- [Supreme Court Summary Disposition](#) [PDF]
- [James v. FEC Ongoing Litigation Page](#)
- Article: [James v. FEC](#)
- [McCutcheon v. FEC Ongoing Litigation Page](#)
- Article: [McCutcheon v. FEC: Supreme Court Finds Biennial Limits Unconstitutional](#)

Advisory Opinions

AO 2014-02 Political Committee May Accept Bitcoins as Contributions

A nonconnected political committee may accept contributions in the form of bitcoin digital currency. It may also purchase bitcoins as an investment, but must sell the purchased bitcoins and deposit the proceeds from those sales into its campaign depository before spending the funds. The Commission was unable to approve a response by the required four affirmative votes as to whether a nonconnected committee may purchase goods and services using bitcoins it has received as contributions.

Background

Bitcoin is a purely digital, privately-issued currency that was created in 2009. A bitcoin user may transfer digital bitcoins from their bitcoin “wallet” to other users or to merchants who accept bitcoins as payment, or users may transfer their bitcoins through third-party exchanges that allow the users to convert their bitcoins to government-issued currencies. While bitcoin transactions may be identified by the bitcoin addresses to and from which the bitcoins are transferred, the transactors themselves are not identified.

Make Your Laws PAC, Inc. (“MYL”), a nonconnected PAC registered with the FEC, wants to accept bitcoin contributions of up to \$100 per contributor per election. Under its proposal, MYL would use an online form to request the contributor’s name, address, occupation and employer, and to affirm that the donor is not a foreign national and owns the bitcoins to be contributed. Only after a contributor provides this information will MYL provide that contributor with a one-time “linked address” by which to contribute bitcoins. MYL also wants to purchase bitcoins itself on open exchanges. For bitcoins received via contributions and by purchase, MYL proposes to either sell them for U.S. dollars, hold them for later sale, or disburse them in bitcoin form to pay for various administrative expenses associated with running the committee.

Analysis

Receipt of Bitcoin Contributions. The Federal Election Campaign Act (the Act) defines a contribution as “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 2 U.S.C. §431(8)(A)(i); 11 CFR 100.52(a). “Anything of value” includes “all in-kind contributions.” 11 CFR 100.52(d)(1). Committee treasurers must examine all contributions the committee receives to ensure that they comply with the Act’s contribution limits and source prohibitions, and must either deposit contributions into a campaign depository within 10 days of receipt, or return them to the contributor. 2 U.S.C. §432(c)(1)-(3) and (h) and 11 CFR 103.3(a) and (b).

The Commission concluded that bitcoins may be accepted as contributions under the Act. The screening procedures described in MYL’s request adequately satisfy its obligation to examine all contributions and to determine the eligibility of its contributors. While holding bitcoins in a bitcoin wallet does not satisfy the Act’s requirement to deposit funds into a “campaign depository”¹ within 10 days of receipt, Commission

¹ A “campaign depository” is defined as an account at a state bank, a federally chartered depository institution (including a national bank), or a depository institution with accounts insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration. 2 U.S.C. §432(h)(1) and 11 CFR 103.2.

regulations allow committees to accept and receive contributions in the form of stocks, bonds, art objects and other similar items that cannot be deposited upon receipt, but will be liquidated at a later date. 11 CFR 104.13(b). The Commission concluded that bitcoins are like these items, and need not be deposited in a campaign depository within 10 days. Instead, bitcoins may be held in MYL's bitcoin wallet until the bitcoins are liquidated. See [Advisory Opinions 2000-30 \(pac.com\)](#) and [1989-06 \(Boehlert\)](#).

Valuation of Bitcoins. Like some stocks and foreign currencies, bitcoins can be exchanged for U.S. dollars on a number of public exchanges, and the current rate for bitcoins can be determined on a specific exchange at any given time. When receiving bitcoins as contributions, MYL should value those contributions based on the market value of bitcoins at the time the contributions are received.

Bitcoin Transactions Made by MYL. The Commission concluded that MYL may itself purchase bitcoins. Commission regulations allow a committee to transfer funds from the committee's campaign depository for investment purposes. However, funds must be returned to the campaign depository before they are used to make committee expenditures. 11 CFR 103.3(a). See, for example, [Advisory Opinions 1999-08 \(Specter\)](#) and [1986-18 \(Bevill\)](#).

Bitcoin Sales and Disbursements. Finally, the Commission concluded that MYL's plan to sell its own bitcoins and deposit the proceeds would satisfy the campaign depository requirement of 11 CFR 103.3(a). However, the Commission could not approve a response by the required four affirmative votes as to whether MYL may purchase goods and services with bitcoins it has received as contributions.

Reporting Bitcoin Transactions. MYL should report the initial receipt of bitcoins much like in-kind contributions; any usual and normal fees deducted by the bitcoin processor should not be deducted from the reported value of the contribution. Those fees should instead be reported as operating expenditures. 11 CFR 102.9(b) and 104.3(b)(3) and (4).

Attachment 1: Receiving contributions of Bitcoins (page 1 of 2)

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

FEC LINE NUMBER: (check only one)
 11a 11b 11c 12 13 14 15 16 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
 XYZ Action Fund

Full Name (Last, First, Middle Initial)
 A. John Contributor

Mailing Address
 123 First Street
 City: Alexandria State: VA Zip Code: 22314

Date of Receipt
 02 / 15 / 2014

FEC ID number of contributing federal political committee: C

Name of Employer: First Bank Occupation: Teller

Amount of Each Receipt this Period: 100.00

0.2 Bitcoins not liquidated

Receipt For:
 Primary General Other (specify) ▼

Aggregate Year-to-Date ▼
 425.00

Attachment 1: Receiving contributions of Bitcoins (page 2 of 2)

SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER: (check only one)
 21b 22 23 24 25 26
 27 28a 28b 28c 28 29b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
XYZ Action Fund

Full Name (Last, First, Middle Initial)
John Contributor

Mailing Address
123 First Street

City State Zip Code
Alexandria VA 22314

Purpose of Disbursement
0.2 Bitcoins received, not liquidated

Candidate Name

Office Sought: House Senate President

State: _____ District: _____

(Disbursement For) Primary General Other (specify) ▼

Date of Disbursement
02 / 15 / 2014

Amount of Each Disbursement this Period
100.00

0.2 Bitcoins not liquidated

The method of reporting the subsequent liquidation of bitcoins will depend on whether the bitcoin purchaser is known or unknown to the committee. If MYL sells the bitcoins directly to a purchaser and therefore knows the identity of that purchaser, the purchase itself is considered to be a contribution from the purchaser to MYL. 11 CFR 104.13(b)(2) and [Advisory Opinion 1989-06 \(Boehlert\)](#).

Attachment 2(A) - Bitcoins sold to known purchaser (appreciated value)

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER: (check only one)
 11a 11b 11c 12 13 14 15 16 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
XYZ Action Fund

Full Name (Last, First, Middle Initial)
Jane Purchaser

Mailing Address
456 Main Street

City State Zip Code
Arlington TX 76006

FEC ID number of contributing federal political committee
C

Name of Employer
Memorial Hospital

Occupation
Physician

Receipt For: Primary General Other (specify) ▼

Aggregate Year-to-Date
2,500.00

Date of Receipt
04 / 15 / 2014

Amount of Each Receipt this Period
2,500.00

Purchase of 0.2 Bitcoins

Full Name (Last, First, Middle Initial)
John Contributor

Mailing Address
123 First Street

City State Zip Code
Alexandria VA 22314

FEC ID number of contributing federal political committee
C

Name of Employer
First Bank

Occupation
Teller

Receipt For: Primary General Other (specify) ▼

Aggregate Year-to-Date
425.00

Date of Receipt
02 / 15 / 2014

Amount of Each Receipt this Period
100.00

0.2 Bitcoins, contribution previously disclosed

[MEMO ITEM]

If however, the sale of bitcoins is made through an established market mechanism where the purchaser is not known to MYL, the purchaser is not considered to have made a contribution to the committee.

Attachment 2(B) - Bitcoins sold to unknown purchaser (appreciated value)

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER (check only one) PAGE OF

11a 11b 11c 12
 13 14 15 16 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
XYZ Action Fund

Full Name (Last, First, Middle Initial)
A. ABC Bitcoin Exchange, Inc.

Mailing Address
789 West Street
City: New York State: NY Zip Code: 10005

FEC ID number of contributing federal political committee: C

Name of Employer: Occupation:

Receipt For:
 Primary General
 Other (specify):

Aggregate Year-to-Date: 2,500.00

Date of Receipt: 04 / 15 / 2014

Amount of Each Receipt this Period: 2,500.00

0.2 Bitcoins sold via ABC Exchange - purchaser unknown

Full Name (Last, First, Middle Initial)
B. John Contributor

Mailing Address
123 First Street
City: Alexandria State: VA Zip Code: 22314

FEC ID number of contributing federal political committee: C

Name of Employer: First Bank Occupation: Teller

Receipt For:
 Primary General
 Other (specify):

Aggregate Year-to-Date: 425.00

Date of Receipt: 02 / 15 / 2014

Amount of Each Receipt this Period: 100.00

0.2 Bitcoins, contribution previously disclosed


[MEMO ITEM]

Examples of reporting bitcoin transactions are included in the [Commission's Advisory Opinion](#) and are shown above.

Date Issued: 5/8/2014; Length: 14 pages.

(Posted 5/13/2014; By: Myles Martin)

Resources:

- [Advisory Opinion 2014-02](#) [PDF]
- [Commission Consideration of Advisory Opinion 2014-02](#) 

AO 2014-03: Campaign May Run Ads Supporting Nonfederal Candidates

A federal candidate may spend unlimited campaign funds on advertisements that promote both his own candidacy and the election of candidates for state and local office.

Background

Edward Lindsey, a House candidate in the 11th Congressional District of Georgia, plans to spend campaign funds on television and other advertisements that expressly advocate both his own election and the election of certain state and local candidates who will appear on the same ballot. The candidate states that his campaign will not coordinate these expenditures with the state and local candidates and will comply with all applicable federal and state campaign finance laws.

Analysis

Federal candidates have wide discretion with respect to campaign spending. The Act and Commission regulations permit candidates to use contributions for otherwise authorized expenditures in unlimited amounts in connection with their campaigns for federal office. However, personal use of campaign funds is prohibited. See 2 U.S.C. §439a (a) and (b); 11 CFR 113.2.

Moreover, there is no limit on the amount of lawful campaign funds that a candidate may spend advocating his own election. See *Buckley v. Valeo*, 424 U.S. 1, 55-58 (1976). Furthermore, because all of the funds at issue would be spent directly by the campaign committee, the Commission assumed that the funds would comply with the amount and source limits of the Act and Commission regulations.

Applying those provisions, the Commission concluded that Lindsey for Congress's proposed use of unlimited campaign funds for ads supporting Mr. Lindsey's campaign as well as those of state and local candidates is permissible, provided that the portions related to state and local candidates also comply with state law.

Date issued: 4/14/2014; Length: 4 pages.

(Posted 5/2/2014; By: Alex Knott)

Resources:

- [Advisory Opinion 2014-03](#) [PDF]

Outreach

New On-line Training Service Available

The Commission has launched [FEC Connect](#), a new on-line training service that enables political committees and other groups to schedule live, interactive online training sessions with FEC staff. The service supplements the agency's existing outreach, e-learning and public appearance programs to offer organizations convenient and cost-effective access to training on the federal campaign finance law.



FEC Connect uses the agency's existing webinar technology, so all participants need is an internet connection and a web browser. For more information or to schedule a training session, call 800-424-9530 (select option 6) or email speaker@fec.gov. Training is subject to staff availability.

(Posted 5/22/2014)

Resources:

- [FEC Educational Outreach Page](#)

FEC to Host Reporting and FECFile Workshops for the July Quarterly and Monthly Reports

The Commission will offer July Quarterly/Monthly Reporting and FECFile webinars next month. The workshops for candidates will be held on Thursday, June 19, and the PAC and party committee sessions on Wednesday, June 25.

The reporting sessions will address common filing problems and answer questions committees may have as they prepare to file their July Quarterly or Monthly Reports. The electronic filing sessions will demonstrate the Commission's FECFile software and address users' questions.

Webinar Information. The sessions will be available online only. Additional instructions and technical information will be provided upon registration.

Registration Information. The registration fee is \$15 per workshop. For the candidate webinars, a full refund will be made for all cancellations received by Friday, June 13; no refunds will be made for cancellations received after that deadline. For the PAC and party workshops, the cancellation deadline is Friday, June 20. 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 the roundtable/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 5/8/2014; By: Molly Niewenhous)

Roundtable Schedule:

Reporting Workshops/Webinars:

June 19, 2014

Online Only

- Reporting for Candidate Committees, 1:00 — 2:30 PM EDT
- FECFile for Candidate Committees, 2:45 — 4:15 PM EDT

June 25, 2014

Online Only

- Reporting for PACs & Party Committees, 1:00 — 2:30 PM EDT
- FECFile for PACs & Party Committees, 2:45 — 4:15 PM EDT

Resources:

- [FEC Educational Outreach Page](#)
- [Filing Dates](#)

Compliance

FEC Cites Committees for Failure to File 12-Day Pre-Primary Reports for June 3 Primaries

On May 30, 2014, the Federal Election Commission cited five campaign committees for failing to file their 12-Day Pre-Primary Election Reports required by the Federal Election Campaign Act of 1971, as amended (the Act), for primary elections being held on June 3, 2014.

As of May 30, 2014, the required disclosure report had not been received from:

- Committee to Elect Ron Kabat (CA-20)
- LeFlore for Congress (AL-01)
- Friends of Stace Nelson (SD)
- Veronica for Congress (CA-41)
- Kmiec Congress 2014 (CA-26)

The reports were due on May 22, 2014, and should have included financial activity for the period of April 1, 2014 through May 14, 2014.

The Commission notified committees involved in primary election of their potential filing requirements on April 28, 2014. Those committees that did not file on the due date were sent notification on May 23, 2014 that their reports had not been received and that their names would be published if they did not respond within four business days. Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 06/02/2014)

Resources:

- [FEC Non-Filer Press Release](#)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)

FEC Cites Committees for Failure to File 12-Day Pre-Primary Reports in Three States

The Federal Election Commission cited 10 campaign committees today for failing to file the 12-Day Pre-Primary Election Report required by the Federal Election Campaign Act of 1971, as amended (the Act), for primary elections that are being held on May 20, 2014.

As of May 15, 2014, the required disclosure report had not been received from:

- Travis Schooley for Congress (PA-09)
- Branko Radulovacki for US Senate (GA)
- The Committee to Elect Todd Robinson US Senate 2014 (GA)
- Mrozinski for Congress Inc. (GA-11)
- Vogel for Congress (GA-09)
- Friends of Thomas Wight (GA-07)
- Citizens for Michael Owens (GA-13)
- Ken Dious for Congress Inc. (GA-10)
- Crawley for Oregon (OR)
- Childs for Congress Committee (GA-02)

The report was due on May 8, 2014, and should have included financial activity for the period April 1, 2014, through April 30, 2014. If sent by certified or registered mail, the report should have been postmarked by May 5, 2014.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

The Commission notified committees involved in the primary election of their potential filing requirements on April 14, 2014. Those committees that did not file on the due date were sent notification on May 9, 2014 that their reports had not been received and that their names would be published if they did not respond within four business days. Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 5/19/2014)

Resources:

- [FEC Non-Filer Press Release](#)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)

FEC Cites Committee for Failure to File West Virginia 12-Day Pre-Primary Report

The Federal Election Commission cited a campaign committee today for failing to file the 12-Day Pre-Primary Election Report required by the Federal Election Campaign Act of 1971, as amended (the Act), for West Virginia's primary election that is being held on May 13, 2014.

As of May 8, 2014, the required disclosure report had not been received from:

- Meshea Poore for West Virginia (WV-02)

The report was due on May 1, 2014, and should have included financial activity for the period April 1, 2014, through April 23, 2014. If sent by certified or registered mail, the report should have been postmarked by April 28, 2014.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

The Commission notified committees involved in the West Virginia primary election of their potential filing requirements on April 7, 2014. Those committees that did not file on the due date were sent notification on May 2, 2014 that their reports had not been received and that their names would be published if they did not respond within four business days.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 5/9/2014)

Resources:

- [FEC Non-Filer Press Release](#)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)

FEC Cites Committees for Failure to File 12-Day North Carolina Pre-Primary Report

On May 2, 2014, the Federal Election Commission cited two campaign committees for failing to file their 12-Day Pre-Primary Report required by the Federal Election Campaign Act of 1971, as amended (the Act).

As of April 29, 2014, the required disclosure report had not been received from:

- Barfield for Congress (NC)
- Heather Grant for US Senate (NC)

The report was due on April 24, 2014, and should have included financial activity for the period of April 1, 2014 through April 16, 2014.

The Commission notified committees of their potential filing requirements on March 31, 2014. Those committees that did not file on the due date were sent notification on April 25, 2014 that their reports had not been received and that their names would be published if they did not respond within four business days.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 5/5/2014)

Resources:

- [FEC Non-Filer Press Release](#)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)

FEC Cites Committee for Failure to File April Quarterly Financial Report

On April 30, 2014, the Federal Election Commission cited one campaign committee for failing to file the April Quarterly Financial Report required by the Federal Election Campaign Act of 1971, as amended (the Act).

As of April 29, 2014, the required disclosure report had not been received from:

- Grayson Committee (GA)

The report was due on April 15, 2014, and should have included financial activity for the period January 1, 2014 through March 31, 2014.

The Commission notified committees of their potential filing requirements on March 21, 2014. Those committees that did not file on the due date were sent notification on April 22, 2014 that their reports had not been received and that their names would be published if they did not respond within four business days.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 5/2/2014)

Resources:

- [FEC Non-Filer Press Release](#)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)