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Reporting

October Reporting Reminder

The following reports are due in October:

- All principal campaign committees of House and Senate candidates must file a quarterly report by October 15, 2014. The report covers financial activity from July 1 (or the day after the closing date of the last report) through September 30. If the committee filed a pre-primary report covering a portion of that period, the October Quarterly should pick up where that report left off.
- Principal campaign committees of Presidential candidates must file a report by October 15, if they are quarterly filers, or by October 20, if they are monthly filers. The quarterly report covers activity from July 1 (or the day after the closing date of the last report) through September 30. The monthly report covers the month of September.
- National party committees, political action committees (PACs) and party committees following a monthly filing schedule and state, district and local party committees that engage in reportable "federal election activity" must file a monthly report by October 20. This report covers activity for the month of September. 11 CFR 104.5. Other PACs and party committees must file a quarterly report by October 15, covering activity through September 30. If the committee filed a pre-primary report covering a portion of that period, the October Quarterly should pick up where that report left off.
- Pre-General reports are due on October 23 (close of books, October 15). Candidate committees must file this report if their candidate is running in the general election. PACs and party committees that file quarterly must file this report if they make contributions or expenditures in connection with the general election during the October 1-15 reporting period. PACs and party committees that file on a monthly schedule must file the Pre-General report in lieu of the regular November 20 monthly report.

The Commission will host [reporting workshops and webinars](#) for candidates on October 1 and for PACs and party committees on October 8 to help filers prepare their reports.

Notification of Filing Deadlines

In addition to publishing this article and the online reporting tables, the Commission notifies committees of filing deadlines through reporting reminders called prior notices. Prior notices are distributed exclusively by electronic mail. For that reason, it is important that every committee update its [Statement of Organization \(FEC Form 1\)](#) to disclose a current email address. Each committee may list up to two email addresses. To amend Form 1, electronic filers must use their filing software to submit a replacement Form 1 filled out in its entirety. Paper filers should include only the committee's name, address, FEC identification number and the updated or changed portions of the form.

Treasurer's Responsibilities

The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Federal Election Campaign Act ("the Act") and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

Filing Electronically

Under the Commission's mandatory electronic filing regulations, individuals and organizations that receive contributions or make expenditures, including independent expenditures, in excess of \$50,000 in a calendar year—or have reason to expect to do so—must file all reports and statements with the FEC electronically. ^[fn1] Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. 11 CFR 100.19(c). 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. 11 CFR 104.18(a)(2) and (e).

Senate committees and other committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but, in addition to their official paper report filed with the Secretary of the Senate, the committees may file an unofficial electronic copy of their reports with the Commission in order to speed disclosure.

The Commission's electronic filing software, FECFile, is free and can be downloaded at <http://www.fec.gov/electfil/updatelist.html>. All reports filed after March 13, 2014, must be filed in Format Version 8.1.0.1. Reports filed in previous formats will not be accepted. Filers may also use commercial or privately developed software as long as the software meets the Commission's format specifications, which are available on the Commission's website. Committees using commercial software should contact their vendors to ensure their software meets the latest specifications.

¹ *The regulation covers individuals and organizations required to file reports of contributions and/or expenditures with the Commission, including any person making an independent expenditure. 11 CFR 104.18(a). Disbursements for "electioneering communications" are not considered "expenditures" and thus do not count toward the \$50,000 threshold for mandatory electronic filing. See 11 CFR 104.18(a).*

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 or registered 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. 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. See 52 U.S.C. §30104(a)(5) (formerly 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 [fn2] 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. See 52 U.S.C. §30104 (a)(5) (formerly 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 (or the Secretary of the Senate) before close of business on the filing deadline. See 11 CFR 100.19 and 104.5(e).

Forms may be downloaded at <http://www.fec.gov/info/forms.shtml> and are available from FEC Faxline, the agency's automated fax system (202/501-3413). The [2014 Reporting Schedule](#) is also available on the FEC's website at http://www.fec.gov/info/report_dates_2014.shtml. For more information on reporting, call the FEC at 800/424-9530 or 202/694-1100.

State, District and Local Party Committees

State, district and local party committees that engage in reportable "federal election activity" must file on a monthly schedule. See 11 CFR 300.36(b) and (c)(1). Other committees may file on a quarterly basis in 2014. See 11 CFR 104.5(c)(1)(i).

National Party Committees

National committees of political parties must file on a monthly schedule. 52 U.S.C. §30104 (a)(4)(B) (formerly 2 U.S.C. §434(a)(4)(B)) and 11 CFR 104.5(c)(4).

Political Action Committees

PACs (separate segregated funds, nonconnected committees, hybrid committees and independent expenditure-only committees, aka Super PACs) that filed on a semi-annual basis in 2013 file on a quarterly basis in 2014. Monthly filers continue on the monthly schedule. PACs may change their filing schedule, but must first notify the Commission in writing. Electronic filers must file this request electronically. A committee may change its filing frequency only once per calendar year, and after giving notice of change in filing frequency to the Commission and receiving an approval notice, all future reports must follow the new filing frequency. 11 CFR 104.5(c).

² "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.

Additional Information

For more information on 2014 reporting dates:

- Call and request the reporting tables from the FEC at 800/424-9530 or 202/694-1100;
- Fax the reporting tables to yourself using the FEC's Faxline (202/501-3413, document 586);or
- Visit the FEC's web page at http://www.fec.gov/info/report_dates_2014.shtml to view the reporting tables online.

(Posted 09/18/2014; By: Katherine Carothers)

Resources:

- Article: [FEC to Host Reporting and FECFile Workshops](#)
- [2014 Reporting Dates](#)
- [Compliance Map](#)
- [FEC Electronic Filing](#)

Advisory Opinions

AO 2014-13: Contributions Earmarked for Multiple Committees

Contributors may use ActBlue's "Split It!" feature on its contribution forms to divide a single contribution among multiple political committees, including candidate committees. Using this feature will not result in ActBlue exercising direction or control over the choice of recipient candidates or political committees, nor will it trigger the Commission's joint fundraising rules.

Background

ActBlue is a nonconnected political committee that receives earmarked contributions via its website and forwards them to the candidates and political committees as instructed by the original contributor. ActBlue lists candidates and committees that are eligible to receive earmarked contributions through ActBlue's website. For each eligible candidate or committee, ActBlue creates a template contribution form. ActBlue does not itself solicit funds for candidates or committees through the template contribution forms. Rather, any person with an account on ActBlue's website may use the templates to create customized forms that solicit contributions to one or more candidates or committees.

To make a contribution, a visitor to ActBlue's website must enter a specific dollar amount into a box next to the political committee's name on the contribution form. If the contribution form identifies multiple recipient political committees, the contributor has the option of entering a single dollar amount into a box labeled, "Split It!" If a contributor enters a dollar amount into the "Split It" box, that dollar amount will be divided equally among all of the committees listed on the form, with the resulting per committee dollar amount displayed in the box next to each listed committee. A contributor may change the amount to be contributed to any listed committee or decide not to make a contribution to a listed committee by simply changing the amount appearing

next to that committee. To make the contributions, the contributor must click on a separate button at the bottom of the form. Once a contributor has authorized his or her contributions to be made to multiple recipients through the contribution form, the contributor's credit card is charged for the total amount of the contributions. ActBlue will receive the funds from the credit card processor and forward them to each recipient committee as designated by the contributor on the contribution form, less ActBlue's standard credit card processing fees.

ActBlue asks how the Act and Commission regulations apply to its proposal.

Analysis

Earmarked Contributions. The Federal Election Campaign Act (the Act) provides that "all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate." 52 U.S.C. §30116(a)(8) (formerly 2 U.S.C. §441a(a)(8)); 11 CFR 110.6(a). "Earmarked" means "a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution...being made to...a clearly identified candidate or a candidate's authorized committee." 11 CFR 110.6(b)(1).

Any person who receives and forwards an earmarked contribution to a candidate is considered a "conduit or intermediary." 11 CFR 110.6(b)(2). A forwarded earmarked contribution does not count against the conduit's contribution limits unless the conduit "exercises any direction or control over the choice of the recipient candidate." If the conduit exercises direction or control, then the entire earmarked contribution is treated as a contribution from both the original contributor and from the conduit to the recipient candidate. 11 CFR 110.6(d).

Previously, the Commission has found that a conduit or intermediary does not exercise directly or control if the contributor has the final say over whether to make a contribution to a particular recipient and the amount of the contribution. See, for example, [Advisory Opinions \(AOs\) 1980-46](#) (National Conservative PAC), [2006-30](#) (ActBlue), and [2003-23](#) (WE LEAD); [MUR 6390](#) (Senate Conservatives Fund).

The Commission concluded that ActBlue does not exercise direction or control when a person uses the Split It box to make contributions on ActBlue's website since ActBlue is merely suggesting an allocation to each recipient committee after the contributor chooses a total amount of a contribution; ultimately, the contributor decides whether to contribute and how much he or she will contribute and not ActBlue. The contributor may agree to the suggested allocation or alter the allocation as he or she chooses, or may decide not to contribute at all.

Joint Fundraising Rules. Commission regulations specify the requirements that apply when a political committee engages in joint fundraising, pursuant to 11 CFR 102.17. Participants in such joint fundraising efforts must, among other things, designate a participating committee or form a new committee to serve as their joint fundraising representative, and enter into a written agreement that identifies the fundraising representative and states an allocation formula for dividing up committee proceeds to the participants. 11 CFR 102.17 (c)(1).

ActBlue asked whether use of the Split It box on a contribution form would trigger these joint fundraising requirements when the solicitation at issue would otherwise not be considered joint fundraising. The Commission concluded that ActBlue's "Split It" box would not trigger the Commission's joint fundraising rules because the box itself does not indicate that the recipient committees have agreed to fundraise jointly or have collectively arranged for the disposition of any contributions raised. The request also specified that any person soliciting contributions to multiple committees on ActBlue's website did so independently of all other recipient committees. Under the circumstances in ActBlue's proposal, where the other recipient committees have had no involvement in the creation, modification, or administration of ActBlue's contribution form, the use of the Split It box would not constitute joint fundraising under Commission regulations.

Date Issued: September 19, 2014; Length: 5 pages

(Posted: 09/25/2014; By: Myles Martin)

Resources:

- [Advisory Opinion 2014-13](#) [PDF]
- [Commission Discussion of AO 2014-13](#)

Litigation

Independence Institute v. FEC

On September 2, 2014, the Independence Institute filed suit against the Commission in the U.S. District Court for the District of Columbia, challenging the statutory provisions governing electioneering communications. Specifically, the plaintiff claims the definition of electioneering communication is overbroad and the associated disclosure requirements are unconstitutionally burdensome.

Background

The Bipartisan Campaign Reform Act (BCRA) defines an "electioneering communication" as any broadcast, cable or satellite communication that refers to a clearly identified federal candidate, is made within 30 days of a primary election or 60 days of a general, special or runoff election, and is targeted to the relevant electorate. 52 U.S.C. §30104(f)(3)(A)(i) (formerly 2 U.S.C. §434(f)(3)(A)(i)). Every person who makes disbursements for an electioneering communication aggregating more than \$10,000 per year must file a report with the Commission. If the disbursement is paid out of a segregated account consisting of funds contributed by individuals directly to the account for electioneering communications, then the report must disclose the names and addresses of all those who contributed an aggregate of \$1,000 or more within a certain time period to the account. If the disbursements were not made from a segregated account, then the report must disclose the names and addresses of all contributors who contributed more than \$1,000 within a certain time period to the person making the disbursement. 52 U.S.C. §30104(f)(1)-(2) (formerly 2 U.S.C. §434(f)(1)-(2)). Commission regulations further provide that if the disbursements were made by a corporation or labor union, the organization must identify the name and address of each person who contributed an aggregate of \$1,000 or more over the course of the previous 12 to 24 months "for the purpose of furthering electioneering communications." 11 CFR 104.20(c)(9).

Independence Institute is a 501(c)(3) non-profit corporation organized in Colorado that focuses on taxation, education, healthcare and justice policy issues. It plans to pay for a 60-second radio ad about federal sentencing guidelines that will mention Colorado Senators Mark Udall and Michael Bennet and will air in Colorado within 60 days of the general election. Since Sen. Udall is a candidate for re-election this November, the Independence Institute believes its ad may qualify as an electioneering communication.

The Independence Institute says it plans to raise funds specifically for this advertisement but does not wish to disclose its donors.

Complaint

In the complaint, the plaintiff states it is worried that failure to disclose the group's donors may result in enforcement action from the Commission. The Independence Institute claims that the "regulation of electioneering communications chills discussion of public policy issues by forcing would-be speakers — including the Independence Institute — to comply with unconstitutional regulatory burdens should it merely mention a candidate for office, even if its speech neither promotes nor disparages that candidate."

The complaint asks for a three-judge court to hear the challenge against the BCRA's regulation of electioneering communications. The Independence Institute asks the court to declare that BCRA's definition of electioneering communication (52 U.S.C. §30104(f)(3)(A)(i)), and the reporting requirements at 52 U.S.C. §30104(f)(1)-(2), are overbroad as applied to its proposed advertisements. The plaintiff also asks the court for a preliminary injunction to enjoin the Commission from enforcing 52 U.S.C. §30104(f).

U.S. District Court for the District of Columbia: Case 1:14-cv-01500

(Posted 09/08/2014; By: Isaac Baker)

Resources:

- *Independence Institute v. FEC* [Ongoing Litigation Page](#)

Compliance

FEC Cites Committee in Massachusetts for Failure to File 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 the Massachusetts primary being held on September 9, 2014.

As of September 4, 2014, the required disclosure report had not been received from:

- The Committee to Elect Vincent Cogliano Jr. to Congress (MA-09)
-

The pre-primary report was due on August 28, 2014, and should have included financial activity for the period July 1, 2014, through August 20, 2014. If sent by certified or registered mail, the report should have been postmarked by August 25, 2014.

The Commission notified committees involved in the Massachusetts primary election of their potential filing requirements on August 4, 2014. Those committees that did not file by the due date were sent notification on August 29, 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, may also need to file pre-primary reports if they make previously undisclosed contributions or expenditures within the coverage dates for the report. 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 09/05/2014)

Resources:

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

Statistics

FEC Summarizes 18-Month Campaign Activity of the 2013-2014 Election Cycle

House and Senate candidates running in the 2013-2014 election cycle received \$1.1 billion and disbursed \$766.7 million between January 1, 2013 and June 30, 2014, according to reports filed with the Federal Election Commission.

The 1,383 candidates running for the House of Representatives in 2014 – including those running in the 10 special elections during the 18-month period – reported combined receipts of \$721 million, disbursements of \$473.9 million, debts of \$75 million and cash-on-hand of \$383.2 million through June 30, 2014.

Meanwhile, 224 candidates running for Senate in 2014 – as well as in the 2013 and 2014 special elections – reported total receipts of \$422.4 million, disbursements of \$292.8 million, debts of \$20.2 million and cash-on-hand of \$186.4 million during the period.

National, state and local political party committees reported combined receipts of \$760.7 million in federal funds for the 18-month period, disbursements of \$573.4 million, debts of \$11.9 million and cash-on-hand of \$197.5 million.

During the same period, 7,212 federal PACs reported total receipts of \$1.5 billion, disbursements of \$1.3 billion, debts of \$21.1 million and combined cash-on-hand of \$600.7 million. Contributions by PACs to congressional candidates seeking office in the 2013-2014 election cycle totaled \$311.4 million as of June 30, 2014.

Also during the period, independent expenditures reported to the Commission in connection with congressional elections during the 2013-2014 election cycle totaled \$124 million. Independent Expenditure-Only Political Committees (Super PACs) accounted for \$74.5 million of all independent expenditures disclosed to the Commission. Committees with Non-Contribution Accounts (Hybrid PACs) reported \$1.8 million and other PACs reported \$11.2 million. Independent expenditures made by persons other than political committees totaled \$29.6 million, and party committees reported independent expenditures totaling \$7 million.

Data summary tables for reports submitted to the Commission through June 30, 2014 are listed below for:

- [Congressional candidate committees](#);
- [Political party committees](#);
- [PACs](#); and
- [Independent expenditures and electioneering communications](#).

(Posted 09/26/2014; By Alex Knott)

Resources:

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

Commission

Register Now for the FEC's Public Forum on Website Improvement in One Week

(Posted 09/10/2014)



The FEC's Public Forum on Website Improvement is scheduled for September 17, 2014 at the FEC's headquarters in Washington, DC. The Forum will provide an opportunity for individuals who use the FEC website to share their experiences and make recommendations for ways to improve the website's presentation and design. An open discussion with Commissioners and senior staff will be held from 10:00-12:00 PM, to be followed by working group breakout sessions from 1:00-3:00 PM.

In partnership with 18F, the FEC has launched a website redesign effort to improve the public's access to campaign finance data, guidance and regulations, and filing information. The forum's overall goal is to learn how the website's many visitors – including individual citizens, candidates, journalists, researchers, advocates, campaign finance practitioners, and others – currently use the FEC website, how they may use the website in the future and how the FEC can improve its website to meet those needs. We would also like to hear suggestions from the public about the variations of data the FEC could make available to the public and how that information could best be presented or customized to satisfy user preferences.

Registration Information

Space is limited; **if you would like to participate in person, please send an email to websiteforum@fec.gov**. Alternatively, you may listen to the open discussion through a live audio feed available on FEC.gov, which requires no pre-registration.

Resources:

- *Record Article:* [FEC Chairman Lee E. Goodman and Vice Chair Ann M. Ravel to Host Public Forum on Website Improvement](#)

Outreach

FEC to Host Reporting and FECFile Workshops



The Commission will offer reporting and FECFile workshops next month to help filers prepare for the busy pre-election filing period. The workshops for candidates will be offered online only and will be held on Wednesday, October 1. The sessions for PACs and party committees will be held on Wednesday, October 8, both at the Commission and online as a webinar for those who cannot attend in person.

The reporting sessions will address common filing problems and provide answers to questions committees may have as they prepare to file their October Quarterly, October Monthly and Pre-General Election Reports, as appropriate. The electronic filing sessions will demonstrate the Commission's FECFile software and address questions FECFile users may have concerning the software. An advanced FECFile session will be offered for PAC/party in-person attendees only.

Webinar Information. All sessions will be available to online attendees, except the advanced PAC/party FECFile session. Additional instructions and technical information will be provided to those who register for a webinar.

In-person Attendees. Attendance for the on-site PAC and party workshops is limited to 50 people per reporting workshop and eight people each for FECFile for Beginners and for Advanced FECFile. The workshops will take place at FEC headquarters at 999 E Street NW, Washington, DC. The building is within walking distance of several Metro stations.

Registration Information. The registration fee is \$15 per online workshop, \$25 per in-person workshop. For the candidate webinars, a full refund will be made for all cancellations received by Friday, September 26; no refunds will be made for cancellations received after that deadline. For the PAC and party workshops, the cancellation deadline is Friday, October 3. Complete registration information is available on the FEC's website at <http://www.fec.gov/info/outreach.shtml#roundtables>.

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 09/02/2014; By: Isaac Baker)

Roundtable Schedule:

Reporting Workshops/Webinars

October 1, 2014

Online Only

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

October 8, 2014

FEC Headquarters and Online

- Reporting for PACs & Party Committees, 1:00 — 2:30 PM EDT
- FECFile for PACs & Party Committees (Beginner/Intermediate), 3:00 — 4:30 PM EDT
- FECFile for PACs & Party Committees (Advanced), 3:00 — 4:30 PM EDT (in-person only)

Resources:

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