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Commission

[FEC to Host 40th Anniversary Open House](#)

The Federal Election Commission will host an open house to mark the agency's 40th anniversary on April 14, 2015, from 10:00 a.m. to noon. The event will be held in the Public Records Office and will highlight the agency's efforts to ensure disclosure of campaign finance information over the last four decades. Current and former FEC Commissioners are expected to attend. The event is free and open to the public.



(Posted 03/25/2015)

Reporting

[April Reporting Reminder](#)

The following reports are due in April:

- All authorized committees of House and Senate candidates must file a quarterly report by April 15, 2015. The report covers financial activity from January 1 (or the day after the closing date of the last report) through March 31;
- Authorized committees of Presidential candidates must file a report by April 15, if they are quarterly filers (the report covers financial activity from January 1 through March 31), or by April 20, if they are monthly filers (the report covers activity for the month of March); and
- National party committees, political action committees (PACs) following a monthly filing schedule and state, district and local party committees that engage in reportable "federal election activity" (see the "State, District and Local Party Committees" section below) must file a monthly report by April 20. This report covers activity for the month of March.

- All other PACs and party committees will next file a Mid-Year Report, due July 31. 11 CFR 104.5.

Committees that participate in [special elections](#) may need to file additional pre- and post-election reports that are not accounted for above.^[fn1] Remember, reporting periods always begin with the closing date of the last report filed.

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, so every committee should ensure that the email address on its [Statement of Organization \(FEC Form 1\)](#) is current. Each committee may list up to two email addresses. To amend Form 1, electronic filers must submit 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 are responsible for filing committee reports on time. Not receiving a prior notice does not excuse committee treasurers for failing to comply with any filing deadline.

Filing Electronically

Under the Commission's mandatory electronic filing regulations, individuals and organizations required to file with the FEC that receive contributions or make expenditures, including independent expenditures, aggregating in excess of \$50,000 in a calendar year — or have reason to expect to do so — must file all reports and statements electronically.^[fn2] Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing date. 11 CFR 100.19(c). Electronic filers who 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 campaigns and other committees that file with the Secretary of the Senate must file their FEC reports on paper, but may file an additional unofficial electronic copy of their report with the Commission in order to speed up 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

¹ The April quarterly report is waived for committees involved in the May 5 special general election in New York's 11th congressional district.

² 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).

website. Committees using commercial software should contact their vendors to ensure meets the Commission's format specifications, which are available on the Commission's their software meets the latest specifications.

Timely Filing for Paper Filers

Registered and Certified Mail. Reports sent by registered or certified mail must be post-marked on or before the filing 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 or registered 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) and 11 CFR 100.19(b) and 104.5(e) and (i). *Overnight Mail.* Reports sent via overnight mail ^[fn3] will be considered timely filed if the report is postmarked on or before the filing deadline. A committee sending its reports by Priority Mail or Express Mail, ^[fn4] 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) and 11 CFR 100.19(b) 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(b) 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 2015 Reporting Schedule is also available on the FEC's website at http://www.fec.gov/info/report_dates_2015.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 semi-annual schedule in 2015. See 11 CFR 104.5(c)(2)(i).

National Party Committees

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

Political Action Committees

PACs (separate segregated funds, hybrid committees and independent expenditure-only committees, a.k.a. Super PACs, and other nonconnected committees) that filed on a quarterly basis in 2014 file on a semi-annual basis in 2015. Monthly filers continue on a 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 a year. 11 CFR 104.5(c). The committee will receive a letter from the Commission approving the frequency change.

³ As used here, "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. See 11 CFR 100.19(b)(1) and (b)(3)(i).

⁴ Note that "Express Mail" as referred to in FEC regulations has been renamed "Priority Express Mail" by the USPS.

Additional Information

For more information on 2015 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_2015.shtml to view the reporting tables online.

(Posted 03/27/2015; By: Katherine Carothers)

Resources:

- [2015 Reporting Dates](#)
- [Compliance Map](#)
- [FEC Electronic Filing](#)

Mississippi Special Election Reporting: 1st District



The Special General to fill the 1st Congressional District House seat of the late Representative Alan Nunnelee will be held May 12, 2015. Under Mississippi law, a majority winner in the nonpartisan Special General Election is declared elected. Should no candidate achieve a majority vote, a Special Runoff Election will be held on June 2, 2015, between the top two vote-getters in the Special General Election.

Candidate committees involved in these elections must follow the reporting schedule posted at http://www.fec.gov/pages/report_notices/2015/ms01.shtml.

That schedule also applies to PACs and party committees that file on a semi-annual basis in 2015 and participate in these elections. PACs and party committees that file monthly should continue to file according to their regular filing schedule.

Filing Electronically

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic 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. Pre-election reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed, other reports must be postmarked by the filing deadline. 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

Photo credit: NationalAtlas.gov

sufficient to prove that a report is timely filed using registered, certified or overnight mail. 52 U.S.C. § 30104(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/filing deadline. A committee sending its reports by Priority Mail Express, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. 52 U.S.C. § 30104(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 prescribed filing date. (If the deadline falls on a weekend or federal holiday, such filers should plan accordingly and file reports by the 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 between April 23 and May 9 for the Special General, and between May 14 and May 30 for the Special Runoff Election, if that election is held.

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 between April 23 and May 10 for the Special General, and between May 14 and May 31 for the Special Runoff (if held). 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 23 for the Special General, and prior to May 14 for the Special Runoff (if held).

Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from March 13 through May 12. The 60-day electioneering communications period for the Special Runoff Election (if held) runs from April 3 through June 2.

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 \$17,600 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](#).

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 online tracking system.

(Posted 03/23/2015; By: Katherine Carothers)

Resources:

- [Mississippi 1st District Special Election Prior Notice](#)
- [2015 Reporting Dates](#)
- [Mississippi 1st District Special Election Compliance Page](#)
- [Federal Register Notice](#) [PDF]

New York Special Election Reporting: 11th District



New York will hold a Special General Election to fill the U.S. House seat in New York’s 11th Congressional District vacated by Representative Michael Grimm. The Special General will be held May 5, 2015. ^[fn1]

Candidate committees involved in this election must follow the reporting schedule posted at http://www.fec.gov/pages/report_notices/2015/ny11.shtml.

That schedule also applies to PACs and party committees that file on a semi-annual basis in 2015 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. Pre-election reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed, other reports must be postmarked by the filing deadline. 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. 52 U.S.C. § 30104(a)(5) and 11 CFR 100.19 and 104.5(e) and (i).

¹ Six political parties (Democratic, Republican, Conservative, Green Independence and Working Families) will nominate candidates for this election at meetings of their Congressional District Party committees prior to March 2, 2015, the state filing deadline for ballot access. See 52 U.S.C. § 30104(a)(9).

Photo credit: NationalAtlas.gov

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/filing deadline. A committee sending its reports by Priority Mail Express, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. 52 U.S.C. § 30104(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 between April 16 and May 2 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 \$1,000 or more between April 16 and May 3 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 16 for the Special General.

Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from March 6 through May 5.

Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special 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 \$17,600 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 03/06/2015; By: Katherine Carothers)

Resources:

- [New York 11th District Special Election Prior Notice](#)
- [2015 Reporting Dates](#)
- [New York 11th District Special Election Compliance Page](#)
- [Federal Register Notice](#) [PDF]

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.

[New E-Filing Option Allows Candidates and Committees to Register Online](#)

The FEC has developed webforms that will allow most federal candidates and committees to register with the Commission online. The Statement of Organization (Form 1) and Statement of Candidacy (Form 2) webforms are available on the "[Registration and Reporting Forms](#)" and "[Online Webforms](#)" pages of FEC.gov.

The new webforms accommodate all committee types and work with most major web browsers. The online forms are easier to complete than their paper counterparts. They use a simple question and answer approach to gather the required information, skipping over sections that don't apply to the filer.

Candidates and committees should be aware that using the webforms to register constitutes an electronic filing, and obligates them to file electronically for the remainder of the calendar year. Senate candidates cannot file electronically, but may complete the webforms, print paper copies and [file those with the Secretary of the Senate](#). See 11 CFR 104.18.

Committees with questions regarding the new webforms should contact their [Campaign Finance Analyst in the Reports Analysis Division \(RAD\)](#). New filers may call the FEC's Information Division for help. Both offices may be reached toll free at 800-424-9530; select option 4 for RAD and option 6 for Information.

(Posted 03/04/2015; By: Christopher Berg)

Resources:

- [Registration and Reporting Forms](#)
- [Online Webforms](#)
- [Electronic Filing](#)

Regulations

[Petition for Rulemaking on Administrative Fine Program and Commission Forms](#)

On March 30, 2015, the Commission published a Notice of Availability seeking public comments on a rulemaking petition that asks the Commission to expand its Administrative Fine Program (AFP) and revise and update its reporting forms and instructions. The petition was filed by Robert F. Bauer, Allen Dickerson, Benjamin L. Ginsberg, former Commissioner Donald F. McGahn II, Laurence E. Gold, former Commissioner Robert D. Lenhard and former Commissioner Bradley A. Smith (collectively, the "petitioners").

Under the AFP, the Commission currently imposes civil monetary penalties on political committees for late or non-filing of certain financial reports as required by 52 U.S.C. § 30104(a). See 11 CFR 111.30; see also 52 U.S.C. § 30109(a)(4)(C). In December 2013, legislation was enacted that authorized the Commission to expand the scope of

the AFP to include reporting violations for several other types of reports filed with the Commission that currently are not subject to the AFP. See Pub. L. No. 113-72, 127 Stat. 1210 (2013). The Petitioners ask the Commission to conduct a rulemaking to expand the scope of the AFP to the additional categories of reporting violations noted in the new legislation. ([For more information on the legislation authorizing the expansion of the AFP, see this Record article.](#))

The petition also asks that the Commission revise several forms and their instructions. Specifically, the petitioners urge the agency to revise its forms and instructions to “reflect the existence of independent-expenditure only committees” (a.k.a., Super PACs) and “Carey funds” (a.k.a., Hybrid PACs) and “to recognize that corporations and labor organizations may make contributions to IE PACs.” The petitioners ask the Commission to make clear that political committees “need only engage in best efforts to reasonably ascertain the value of expenditures subject to 24- and 48-hour reports.” Additionally, the petitioners propose that the agency redesign FEC Form 3X for use by nonconnected committees and separate segregated funds alone and create a new reporting form for use by political party committees. Finally, the petitioners suggest adding a separate page to Form 3X for reporting in-kind contributions.

Public comments on the petition are due by May 29, 2015.

(Posted 03/30/2015; By: Dorothy Yeager)

Resources:

- [Federal Register Notice of Availability](#) [PDF]
- [Text of original petition for rulemaking](#) [PDF]
- [Administrative Fine Program](#)
- [Current FEC reporting forms and instructions](#)

[Petition for Rulemaking on Identification of Federal Contractors](#)

On March 30, 2015, the Commission published a Notice of Availability seeking public comment on a rulemaking petition that proposes changes to Commission regulations that could affect how the ban on contributions by federal government contractors is applied.

The petition, submitted by Public Citizen, urges the Commission to add to its regulations certain factors for determining whether distinct businesses within a corporate family that includes a federal contractor(s) should be subject to the contribution ban. See 11 CFR Part 115.

Public comments on the petition are due by May 29, 2015.

(Posted 03/30/2015; By: Alex Knott)

Resources:

- [Federal Register Notice of Availability: Petition for Rulemaking](#) [PDF]
- [Text of Petition for Rulemaking from Public Citizen](#) [PDF]

[FEC Announces Effective Date for Final Rules on Independent Expenditures and Electioneering Communications by Corporations and Labor Organizations](#)

The Commission has announced an effective date of January 27, 2015, for revised rules that permit corporations and labor organizations to finance independent expenditures and electioneering communications. See [80 Fed. Reg. 12079 \(March 6, 2015\)](#). The Commission undertook the rulemaking in response to a Petition for Rulemaking filed by the James Madison Center for Free Speech, which asked the Commission to amend its regulations in response to the decision of the Supreme Court in *Citizens United v. FEC*, 558 U.S. 310 (2010). The [revised regulations were summarized in the November 2014 Record](#).

(Posted 03/10/2015; By: Dorothy Yeager)

Resources:

- [Notice of Final Rules, 79 Fed. Reg. 62797 \(October 21, 2014\)](#) [PDF]
- *Citizens United v. FEC* [Litigation Page](#)

[Commission Holds Hearing on *McCutcheon* Advance Notice of Proposed Rulemaking](#)

The Commission held a public hearing on February 11, 2015, to receive input on possible changes to its rules in light of the Supreme Court's April 2014 decision in [McCutcheon, et al. v. FEC](#).

Nearly 60 people including campaign finance law experts, political party and nonprofit organization representatives, and grassroots organizers testified at the hearing. Their testimony supplemented the more than 32,000 written comments received in response to an [Advance Notice of Proposed Rulemaking](#) (ANPRM) the Commission published on October 17, 2014 (79 Fed. Reg. 62361).

Background

Prior to the *McCutcheon* decision, the Federal Election Campaign Act (the Act) limited not only the amount an individual could contribute to a particular candidate or political committee, but also the aggregate amount an individual could contribute to all candidates and committees combined, during a two-year election cycle. See 52 U.S.C. § 30116(a)(3) (formerly 2 U.S.C. § 441a(a)(3)). In *McCutcheon*, the Supreme Court found the aggregate limits unconstitutional.

In response to the Court's decision, the Commission [removed the aggregate limits from its regulations](#), and published an ANPRM seeking public comment on whether to begin a rulemaking to revise other regulations or practices in response to certain language in the *McCutcheon* decision. The Commission specifically identified the on regulations on earmarked contributions, 11 CFR 110.6; affiliation, 11 CFR 100.5; joint fundraising, 11 CFR 102.17; and disclosure, 11 CFR 104. (For a summary of the ANPRM, [see this Record article](#).)

Hearing Testimony

Some who testified at the public hearing opposed any additional rulemaking in response to the *McCutcheon* decision, but others welcomed the possibility of new regulations, characterizing them as an opportunity for the agency to close loopholes and increase the transparency of campaign financing.

Those opposed to new rules argued, among other things, that political committees are already overregulated and that any new requirements should be imposed by Congress, rather than the Commission, and that any new regulations covering certain communications over the internet might chill speech.

One of those witnesses, John R. Phillippe Jr., chief counsel for the Republican National Committee, told the Commission, "Your *McCutcheon*-related work is complete ... It was Congress, not the Commission, that the Court primarily addressed in its decision."

Others testifying in opposition to additional regulation included four former FEC Commissioners: David M. Mason, Donald F. McGahn, Bradley A. Smith and Hans A. von Spakovsky. Among supporters of new regulations, representatives from several public interest groups testified that the Commission should begin by clearly defining and enforcing existing regulations that they believe would limit "dark money." They included Paul Ryan from the Campaign Legal Center, Stephen Spaulding of Common Cause, and Elisabeth MacNamara of the League of Women Voters.

Daniel Smith of the U.S. Public Interest Research Group focused on joint fundraising committees and Super PACs which he said skirt the contribution limits because they "accept larger contributions and are able to funnel these increased contributions to the intended candidate."

Former Commissioner McGahn specifically opposed any new regulations for joint fundraising committees, saying they "are merely ways to ensure compliance."

On the topics of affiliation and earmarking, proponents of more regulation included counsel for Democracy 21 Donald Simon. Simon used his testimony to draw connections between large candidate-specific Super PACs and the candidates they support, arguing that these groups' independent expenditures are "legal fiction."

Dan Backer, of Conservative Action Fund, disagreed with Mr. Simon, and testified that new regulations in these areas "are largely outside the Commission's authority to implement, and are simply not called for by the holding in *McCutcheon*."

Witnesses calling for new rules to require organizations to disclose their contributors included Daniel Weiner of the Brennan Center for Justice, Stephen Spaulding of Common Cause, and Jay Costa of CounterPAC.

"Currently, corporations of all types, including trade associations, non-profit advocacy groups, as well as unions, and wealthy individuals can make unlimited secret contributions into efforts seeking to elect or defeat federal candidates," said Elisabeth MacNamara of the League of Women Voters, decrying "secret money" in America's elections. "Voters have the right to know who is making unlimited expenditures and influencing elections."

Opponents, including Andrew Langer, Institute for Liberty; Shaun McCutcheon, a plaintiff of the Supreme Court case; and former Commissioner von Spakovsky warned that new disclosure rules would have a chilling effect on free speech.

Attorney James Bopp, Jr., of the James Madison Center for Free Speech, testified that increased disclosure could lead to the potential harassment and intimidation of a committee's contributors by those who misuse the information.

"We've been able to document over 250 incidents that include what the *New York Times* described as 'an ugly specter of intimidation,'" said Bopp, a lawyer who represented plaintiffs in the three cases of [Citizens United v. FEC](#), [Wisconsin Right to Life \(WRTL\) v. FEC](#) and [McCutcheon, et al. v. FEC](#). "That is there were death threats, physical assaults and threats of violence, vandalism, and threats of destruction of property, arson and threats of arson, angry protests, lewd demonstrations, intimidating emails and phone calls"

Additional Information

Links to the audio and video recordings of the hearing and to the written comments received can be found on the Commission's [McCutcheon hearing page](#).

(Posted 03/03/2015; By: Alex Knott)

Resources:

- [McCutcheon et al v. FEC Litigation Page](#)

Advisory Opinions

[AO 2014-20: Nonconnected PAC May Accept Uncompensated Services from Foreign National Volunteers](#)

A nonconnected political action committee (PAC) may accept uncompensated volunteer services from foreign nationals, including developing website code and other intellectual property for the PAC's use. Although foreign nationals are prohibited from making contributions to political committees, uncompensated volunteer activity is generally exempt from the definition of contribution. As a result, the PAC may accept the proposed foreign national volunteer assistance.

Background

Make Your Laws PAC, Inc. (MYL) is a nonconnected political committee registered with the Commission. Along with two other entities, it owns the rights to the trademarks, logos, and other intellectual property of MYL's website and brand. Most of the website code is open source and open-source licensed, which means that the code is available online for anyone to examine. Users are permitted to reuse the code software provided that they give credit and publish any derivative works under the same terms.

MYL would like to accept volunteer services from foreign nationals under the same terms as it has previously accepted similar services from U.S. citizens. MYL stated that any out of pocket costs such as printing, distribution, web hosting, etc., will be paid for by MYL. Volunteers will not be compensated by anyone, but may use their own equipment (e.g., computers) in providing the services.

Analysis

The Federal Election Campaign Act (the Act) prohibits foreign nationals from making contributions, donations of money, or other things of value in connection with federal, state, or local elections in the United States. 52 U.S.C. § 30121(a)(1)(A) and 11 CFR 110.20(b). The Act also prohibits any person or committee from soliciting, accepting or receiving such contributions or donations from a foreign national. 52 U.S.C. § 30121(a)(2) and 11 CFR 110.20(g).

However, the Act and Commission regulations do provide that the term “contribution” does not include “the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee.” 52 U.S.C. § 30101(8)(B)(i) and 11 CFR 100.74. The Commission has applied this “volunteer services exemption” to foreign nationals in the past. See, for example, [Advisory Opinions \(AOs\) 2007-22 \(Hurysz\)](#) and [2004-26 \(Weller\)](#).

In MYL’s request, the Commission concluded that uncompensated foreign nationals may volunteer to help design MYL’s website code, logos, and trademarks without making a prohibited contribution to MYL..

In this opinion, the Commission expressly supersedes an earlier advisory opinion, [AO 1981-51 \(Metzenbaum\)](#), that prohibited a foreign national artist from donating uncompensated volunteer services to a campaign committee to create an original work of art to be used for committee fundraising. The Commission concluded that the foreign national prohibition and the volunteer services exemption were not construed in conjunction with one another in that advisory opinion.

Date Issued: March 19, 2015; Length: 3 pages

(Posted 03/25/2015; By: Myles Martin)

Resources:

- [Advisory Opinion 2014-20](#) [PDF]
- [Commission Discussion of Advisory Opinion Request 2014-20](#) 

Litigation

[Stop Reckless Economic Instability caused by Democrats \(“Stop PAC”\), et al. v. FEC \(District Court\)](#)

On February 27, 2015, the U.S. District Court for the Eastern District of Virginia granted the Commission’s motion for summary judgment in a suit brought by Stop Reckless Economic Instability caused by Democrats (“Stop PAC”) and Tea Party Leadership Fund (“Fund”), *et al.* (collectively, plaintiffs). The plaintiffs had challenged certain contribution limits set forth in the Federal Election Campaign Act (the Act) as infringing on their First Amendment rights and guarantee of equal protection of the laws under the Fifth Amendment.

Legal Background and Constitutional Challenge

The Act and Commission regulations define a multicandidate committee as a political committee (PAC) that has received contributions from more than 50 persons, has contributed to five or more federal candidates, and has been registered with the FEC for at least six months (“six-month registration period”). 52 U.S.C. § 30116(a)(4) and 11 CFR 100.5(e)(3). A multicandidate committee may contribute up to \$5,000 per election to a federal candidate, up to \$5,000 per calendar year to a state political party committee, and up to \$15,000 per calendar year to a national party committee. During the 2015-16 election cycle, committees that have **not** met the three qualifications above (“non-multicandidate committees”) may contribute up to \$2,700 per election to federal candidates, up to \$10,000 per calendar year to state political party committees, and up to \$33,400 per calendar year to any national party committee. The limits on non-multicandidate committee contributions to candidates and national party committees are indexed for inflation each election cycle.

At the time this suit was filed, Stop PAC was a non-multicandidate committee because it was less than six-months old. Stop PAC challenged the six-month registration period as infringing on its First Amendment rights. Stop PAC also claimed that the \$2,700 contribution limit violated its Fifth Amendment guarantee of equal protection by imposing a lower limit on its contributions to federal candidates than would apply if it had qualified as a multicandidate committee.^[FN1] The Fund, a multicandidate committee, alleged that the \$5,000 and \$15,000 annual limits on its respective contributions to state and national party committees violated the Fifth Amendment by imposing lower limits than would apply if the Fund had not qualified as a multicandidate committee.

In its response, the Commission argued that the plaintiffs did not have standing to sue because they had not suffered any cognizable injury under law. The Commission also argued that the plaintiffs’ challenge was partially moot because both Stop PAC and American Future PAC (another plaintiff) have now qualified as multicandidate committees under the Act. The Commission further argued that the plaintiffs’ claims lacked merit because the six-month registration period and the challenged contribution limits help prevent the risk and appearance of corruption.

District Court Decision

The court assumed, without deciding, that Stop PAC and American Future PAC had legal standing to proceed with their challenge and that their claims were not moot. The court noted that there were “substantial issues” concerning whether those plaintiffs in fact had standing. The Court also observed that both Stop PAC and American Future PAC were no longer subject to the laws they challenged since both had become multicandidate committees. Nevertheless, the court questioned whether an exception to mootness may apply for certain cases that are capable of repetition yet evading judicial review because of the time required for litigation. Despite not deciding these issues, the court proceeded to evaluate the merits of the plaintiffs’ claims.

¹ *The original challenge had included a federal candidate plaintiff whom the court dismissed at the plaintiffs’ request. Stop PAC became a multicandidate committee on September 11, 2014. In a later motion, another non-multicandidate committee, American Future PAC, was added as a plaintiff to assert Stop PAC’s claims. American Future PAC became a multicandidate committee on February 11, 2015.*

First Amendment Challenge. The plaintiffs argued that the six-month registration period and the lower limits on contributions to candidates that apply to non-multicandidate committees violate the First Amendment. Both Stop PAC and American Future PAC stated that they wished to contribute up to \$5,000 per election to several federal candidates in 2014, yet were prohibited from doing so under the contribution limit that applied to them as non-multicandidate committees (\$2,600 per election in 2014).

The court disagreed and held that the PACs could “not show that they have suffered a cognizable constitutional injury.” The court found that this result was dictated by [Buckley v. Valeo](#), 424 U.S. 1 (1976) and [California Medical Association v. FEC](#), 453 U.S. 180 (1981). As the court observed, in those cases, the Supreme Court had considered challenges to contribution limitations and ultimately upheld the government’s ability to impose them as a means of deterring corruption, finding that the limits impose “marginal restriction[s]” and involve “little direct restraint” on political expression. See *Buckley*, 424 U.S. at 20-21. The district court noted that Stop PAC and American Future PAC were still fully able to associate with candidates of their choice and, citing the Supreme Court’s holding in *Buckley*, held that the monetary contribution limits imposed on them as non-multicandidate committees did not violate their First Amendment rights. The court further said that the PACs were not restricted in their ability to participate in the political process beyond making limited contributions to candidates: “[The Act] does not restrain new PACs or their individual contributors from otherwise assisting the campaigns and political activities of their selected candidates.”

Equal Protection Challenge. The court also held that the Act’s varying contribution limits do not violate the plaintiffs’ Fifth Amendment equal protection guarantee because multicandidate and non-multicandidate PACs are not “similarly situated” as they relate to core political purposes. The court stated that a new PAC could potentially enable circumvention of the contribution limits that apply to individuals giving to candidates if such a non-multicandidate committee were subject to the same \$5,000 contribution limit as a more established multicandidate committee. The court noted that “[t]he risk of circumvention is particularly great during the initial months of a PAC’s creation, which often coincides with the period immediately before an election when the incentives to infuse funds to a candidate are at their highest.”

The court further stated that even if multicandidate and non-multicandidate committees were similarly situated, the government has a sufficient interest in preventing corruption of the political process and the circumvention of contribution limits to justify different contribution limits that apply to new PACs and those that apply to multicandidate committees. U.S. District Court for the Eastern District of Virginia, Alexandria Division: Case 1:14-cv-00397 (AJT/IDD)

(Posted 03/06/2015; By: Myles Martin)

Resources:

- *Stop PAC, et. al v. FEC* [Litigation Page](#)

Outreach

[FEC to Host April 29 Webinar for Trade Associations and Their PACs](#)

The Commission will hold a one-day online seminar for trade associations and their political action committees (PACs) on Wednesday, April 29, 2015. Commission staff will conduct several technical workshops on the federal campaign finance laws affecting trade associations and their PACs. Workshops are designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law.



Attendees can choose one of two options for the morning session, Basics and Best Practices or Recent Developments in the Law. The afternoon will feature a two-part workshop on Trade Association PAC operations. Participants will be able to download electronic copies of the workshop materials in advance, and will receive additional instructions and technical information shortly before the event. For more information, and a detailed agenda, please visit the Trade Association Webinar web page: <http://www.fec.gov/info/conferences/2015/tradewebinar.shtml>

The cost to participate is \$80. Refunds (minus a \$20 registration fee) will be made for all cancellations received by Friday, April 24; no refund will be made for cancellations received after that date.

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

Webinar Schedule:

April 29, 2015

Morning Sessions

- Option 1: Basics and Best Practices, 10:30 AM - 12:00 PM EDT
- Option 2: Recent Developments in the Law, 10:30 AM - 12:00 PM EDT

Afternoon Sessions

- Trade Association PAC Operations Part 1, 1:15 - 2:45 PM EDT
- Trade Association PAC Operations Part 2, 3:00 - 4:30 PM EDT

(Posted 03/26/2015; By: Isaac Baker)

Resources:

- [Educational Outreach](#)

[FEC to Host April Reporting and FECFile Webinars for Candidate Committees](#)

The Commission will offer Reporting and FECFile webinars on April 1, 2015, for campaign committees. The reporting session will address common filing problems and provide answers to questions campaign committees may have as they prepare to file their April Quarterly reports. The electronic filing session will demonstrate the Commission's FECFile software and address questions FECFile users may have concerning the software.



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 \$25 per workshop. A full refund will be made for all cancellations received by Friday, March 27; no refunds will be made for cancellations received after that date. 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 03/06/2015; By: Isaac Baker)

Webinar Schedule:

April 1, 2015 Webinar Only

Reporting for Candidate Committees, 1:00 — 2:30 p.m. (Eastern)

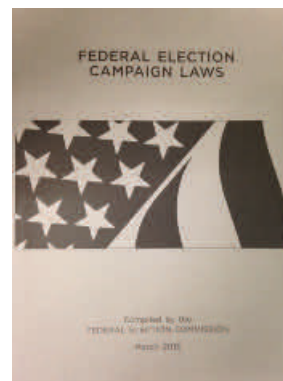
FECFile & E-Filing for Candidate Committees, 2:45 — 4:15 p.m. (Eastern)

Resources:

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

[2015 Edition of Federal Election Campaign Laws Now Available](#)

Printed copies of the 2015 edition of *Federal Election Campaign Laws* are now available from the Commission. The compilation contains all federal campaign finance statutes (including those recently re-codified under Title 52, United States Code (U.S.C.)), along with a conversion table showing the changes from Title 2 U.S.C. to Title 52 U.S.C. It incorporates recent changes to the statute made in 2014 concerning [new party accounts](#) and the [termination of public funding for presidential nominating conventions](#).



Federal Election Campaign Laws also contains relevant statutes administered by other government agencies governing the financing of federal elections, including:

- Sections of the tax code administered by the Internal Revenue Service that govern tax-exempt 501(c) groups and section 527 political organizations (additional provisions of 26 U.S.C. also apply);
- Laws administered by the Federal Communications Commission that govern broadcast communications; and
- Criminal provisions administered by the Department of Justice that relate to elections and political activity.

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Contact the Commission's Information Division at (800) 424-9530 (press 6, when prompted) to order printed copies of *Federal Election Campaign Laws* at no charge. You may also email the Information Division to place an order at info@fec.gov. The compilation is also available in PDF format on the Commission's website at <http://www.fec.gov/law/feca/feca.pdf>.

(Posted 03/30/2015; By: Dorothy Yeager)

Resources:

- [Federal Campaign Finance Laws](#)
- *Record* article: [FECA Moves From Title 2 to Title 52 of the U.S. Code](#)