

Record

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Federal Election Commission

Volume 37, Number 1

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Message from the Chair

Welcome to Volume 37 of the Record. It is an honor to serve as the Chair of the FEC for 2011. I am looking forward to working with my colleagues and the dedicated and talented staff of the Commission to fulfill the Commission's important mission in service to our democracy.

One of our most important duties is to ensure that those who want to participate in federal elections have the tools to do so in compliance with the Act and FEC regulations. To that end, the Commission will continue to provide a variety of outreach programs. Our first roundtable of the year to help committees prepare for filing their year-end reports will be held this month at the Commission. Others will follow as future filing deadlines approach. The Commission will again offer two-day conferences in Minneapolis this September and San Diego this October. In an effort to tailor topics and reduce costs for attendees, we are replacing our DC conferences with a series of one-day seminars. We are also expanding our e-learning opportunities. Information about these useful programs is available at <http://www.fec.gov/info/outreach.shtml>.

As we enter the second decade of the twenty-first century, the Commission will continue to explore new ways to use technology to discharge our duties and fulfill our commitment to transparency. For example, during the upcoming year, the Agency plans to launch a mobile disclosure application to allow disclosure features now available on the website to run on mobile devices, such as smart phones (3G or 4G) and Apple iPads. And, look soon for Twitter updates from the Commission. In addition, we will be making improvements to two databases. First, early in the year, we will release a searchable rulemaking database to allow the public to electronically comment during rulemakings and search existing rulemakings. We also plan to supplement the searchable audit database, a project started last year, to provide the public with the ability to search all published audits dating back to 1976.

We are also entering the first full election cycle following some significant developments in the law. The Commission has much to do over the coming months to develop and implement guidance in these areas. By eliminating some of the existing uncertainty, the Commission can provide a valuable service to candidates, parties, committees, and other political actors who are trying hard to follow the law.

I look forward to working with everyone at the Commission to ensure effective enforcement of federal campaign finance laws while providing the regulated community with ample and clear information about how best to comply with those laws. I hope you will share with us ways in which we can serve you better in the coming year at commissionerbauerly@fec.gov.

All the best in the new year,

—Cynthia Bauerly

Commission

FEC Elects Chair and Vice Chair for 2011

The Commission on December 16, 2010, elected Cynthia L. Bauerly as Chair and Caroline C. Hunter as Vice Chair for 2011. Both were nominated to the Commission by President George W. Bush and confirmed unanimously by the United States Senate on June 24, 2008.

Prior to her appointment to the Commission, Bauerly served as Legislative Director for United States Senator Charles E. Schumer of New York, where she managed policy

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staff, implemented the legislative agenda and advised the Senator on floor strategy, campaign finance and ethics policy. She previously served as Counsel on the Senate Judiciary and Rules Committees, focusing on election reform, campaign finance, technology, telecommunications, intellectual property, antitrust law, legal process reform, immigration and ethics.

Chair Bauerly has also worked in private practice in Minnesota and Washington specializing in complex litigation and appellate law, with a focus on intellectual property. She previously served as a judicial clerk for the Honorable Florence-Marie Cooper of the United States District Court for the Central District of California and the Honorable Theodore R. Boehm of the Indiana Supreme Court.

Originally from Saint Cloud, Minnesota, Chair Bauerly graduated *cum laude* from Indiana University School of Law-Bloomington and received a Master of Public Affairs from Indiana University's School of Environmental and Public Affairs. Chair Bauerly is a *summa cum laude* graduate of Concordia College in Moorhead, Minnesota.

Prior to her appointment to the Commission, Vice Chair Hunter served as the Vice Chair of the U.S. Election Assistance Commission. She previously served as Deputy Director of the White House Office of Public Liaison, and before that she served as Executive Officer at the U.S. Department of Homeland Security, Office of Citizenship and Immigration Services Ombudsman.

From 2001 to 2005, Vice Chair Hunter was Associate Counsel and then Deputy Counsel at the Republican National Committee, where she provided guidance on election law and the implementation of the Help America Vote Act.

Vice Chair Hunter graduated *cum laude* from the University of Memphis School of Law and received her Bachelor of Arts degree from The Pennsylvania State University.

Advisory Opinions

AO 2010-23

Contributions by Text Message

CTIA—The Wireless Association (CTIA), a trade association representing the wireless communications industry, may not proceed with its plan to allow wireless users to contribute to political committees by text message, because the plan does not satisfy all of the requirements of the Federal Election Campaign Act (the Act) and FEC regulations.

Background

Under CTIA's proposal, a wireless user who wants to contribute to a political committee texts a predetermined word or phrase to a Common Short Code. The Codes are five- or six-digit numbers—administered by CTIA—to which wireless users may send text messages to access mobile content such as sweepstakes or opinion polls, or to make charitable donations to various causes such as disaster relief. Before accepting the user's contribution pledge, a connection aggregator sends reply messages to confirm compliance with the Act; specifically, that payment will come from personal funds, rather than corporate or labor organization funds; that the user is not a prohibited source; and that the total contributions by text message to the recipient committee will not exceed \$50 in a calendar year. User confirmation completes

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Advisory Opinions

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the pledge, and a charge appears on the next bill associated with that user's phone number.

In keeping with normal business practices, the wireless service provider forwards payments to the connection aggregator between seven and 10 days after it receives payment. The connection aggregator collects all funds designated for specific recipients from all wireless service providers over a 30-day period, before forwarding proceeds to the recipients. Along the way, the wireless service providers and connection aggregators also deduct their standard fees.

Generally, wireless providers impose a \$10 limit on transactions like these, and most cap the monthly aggregate at \$100. Additionally, while wireless providers maintain records of subscribers' names, addresses and phone numbers, they may not know whether subscribers or other users on the account are foreign nationals.

CTIA asks if it may establish the program as described to enable service providers and connection aggregators to process contributions to political committees by Code. CTIA also asks whether the proposed services are considered to fall into the "ordinary course of business for the usual and normal charge." CTIA asks whether it must require that wireless service providers and connection aggregators forward contributions pledged by Codes to political committees within 10 or 30 days through separate merchant accounts or whether their ordinary business practice is acceptable. Finally, CTIA asks if the \$10 limit per transaction satisfies the \$50 anonymous contribution limit, and if not, if it must ensure that service providers and aggregators develop a way to ensure that contributions are not impermissible and do not aggregate in excess of the \$50 limit. CTIA asks if the series of text messages asking for confirmation from users

who have pledged contributions to political committees is sufficient to accommodate this requirement.

Analysis

The Act and Commission regulations prohibit corporations from making contributions in connection with federal elections; however, a corporation acting as a commercial vendor, providing goods and services at the usual and normal charge, does not make a contribution. 2 U.S.C. §441b(a); 11 CFR 114.2(b); 11 CFR 114.2(f)(1). In this case, CTIA and its member companies plan to adhere to normal business practices and to charge committees the usual and normal charge, thus no prohibited contribution will result. See AOs 2010-21, 2010-06, 2004-19, and 2002-07.

The proposed collection process, however, does not comply with the contribution transmittal requirements of the Act, and could result in prohibited contributions.

The Act and Commission regulations require all persons who receive a contribution for an authorized political committee to forward it to the committee treasurer within ten days of receipt. 2 U.S.C. §432(b)(1); 11 CFR 102.8(a). Contributions received for other political committees must be forwarded to the committee within 30 days if the contribution is less than \$50, and within 10 days for contributions of \$50 or more. 2 U.S.C. §432(b)(2)(A); 11 CFR 102.8(b); AO 2009-32. Under CTIA's plan, the wireless service provider takes seven to 10 days to forward contributions to the connection aggregator, which then waits to collect all contributions for the committee over a 30-day period before forwarding them. This 37- to 40-day transmittal period exceeds the statutory limits.

Additionally, the Act and Commission regulations limit anonymous contributions to \$50 and require anyone who receives a contribution in excess of \$50 to forward to the recipient committee the name and

address of the contributor, as well as the date and contribution. 2 U.S.C. §§432(b)(1) and (b)(2). CTIA's \$10 per-transaction limit does not, on its own, satisfy the \$50 anonymous contribution limit in all circumstances. The proposed messages to confirm compliance offer a safeguard similar to those approved by the Commission in prior advisory opinions. See AOs 2010-21, 2010-06, 2007-04, 2006-34, 2004-19, 2002-07, 1995-09. It is possible, however, that a wireless subscriber could make repeated pledges during a single billing cycle, or that the monthly bill indicates that the subscriber is a corporation or has a foreign address. In circumstances such as these, when the donor confirmations are contradicted by evidence found in the monthly bill, the wireless service providers would be required to forward to the recipient committee the name, address and date of contribution. 2 U.S.C. §§432(b) and (c). Although it is ultimately the responsibility of the recipient committee to obtain the identity of contributors and prevent excessive or prohibited contributions, when presented with information that indicates a potentially prohibited contribution, it is incumbent upon the service provider to forward the appropriate information. AO 1991-20; AO 1991-26.

Finally, in past advisory opinions, the Commission has—based upon the Act's prohibition on corporate or labor contributions—required that corporate funds be segregated from political funds using separate accounts for political contributions that are to be dispersed to candidates. 2 U.S.C. §441b; 11 CFR 114.2(b); AOs 2007-04, 2006-34, 2004-19, 2002-07, 1999-22. CTIA's proposal does not provide for this.

Date Issued: November 19, 2010;
Length: 10 pages.

—Christopher Berg

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Advisory Opinions

(continued from page 3)

2010-24

Party Committee Must Use Federal Funds for Certain Salaries Related to Voter Registration Activities

The Republican Party of San Diego County must use federal funds to pay the salary of an employee who spends more than 25 percent of her time on voter registration activity, during the last 120 days before a regularly-scheduled federal election. During that time period, voter registration activity is considered federal election activity (FEA).

Background

The Republican Party of San Diego County (the “Committee”) is a local committee of the Republican Party. In May 2010, the Committee hired a Voter Registration Coordinator (the “Employee”) to recruit, train and supervise contractors hired by the Committee to perform voter registration activities.

The Employee spends approximately 80 percent of her time on the following activities:

- Recruitment (20 percent): includes posting positions on job boards, meeting with clubs to encourage members to participate in registering voters, interviewing potential contractors, and scheduling orientations for contractors;
- Orientations (20 percent): includes meeting with potential contractors to communicate the Committee’s voter registration program’s requirements, and training contractors on voter eligibility requirements, legal rights to solicit, and table set-up instructions;
- Contractor management (20 percent): includes responding to requests from business owners for verification of contractor status and program details, and completing vendor applications on request; and

- Validation of completed registrations (20 percent): includes reviewing the voter registration cards for missing information or errors made by the voters, reviewing and verifying information on voter registration cards, reporting any suspicious information revealed on such review to the Registrar of Voters, and personally submitting the voter registration cards to the Registrar of Voters.

The remaining 20 percent of the Employee’s time is spent on the following activities:

- Material preparation (10 percent): includes designing and preparing signs and other voter registration materials for the contractors;
- Events (5 percent): includes researching potential events for voter registration, determining the number of contractors to attend such events, setting up and tearing down voter registration booths; and
- Calculation of contractor payments (5 percent): includes all activities related to calculating the payments to be received from the California Republican Party, and the payments to be distributed to each contractor depending on the number of voter registrations in targeted State Assembly and State Senate districts.

The Committee has reported the Employee’s activities as FEA, but wants to know whether the employee’s work constitutes voter registration activity, and whether revised FEA regulations (effective December 1, 2010) would alter that conclusion. Finally, the Committee would like to know whether the Executive Director’s supervision of the Employee also constitutes voter registration activity.

Analysis

The Bipartisan Campaign Reform Act of 2002 (the Act) requires state, district and local party committees to pay for FEA with either federal funds or a combination of federal

and Levin funds. 2 U.S.C. §441i(b). The Act’s definition of FEA includes voter registration activity during the period beginning 120 days before the date of a regularly scheduled federal election, and ending on the date of the election.

Under Commission regulations in effect at the time, voter registration activity was defined as “contacting individuals by telephone, in person, or by other individualized means to assist them in registering to vote.” 11 CFR 100.24(a)(2). It includes, but is not limited to, “printing and distributing registration and voting information, providing individuals with voter registration forms, and assisting individuals in the completion and filing of such forms.” Id.

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FEC Web Site Offers Podcasts

In an effort to provide more information to the regulated community and the public, the Commission is making its open meetings and public hearings available as audio recordings through the FEC web site, as well as by podcasts. The audio files, and directions on how to subscribe to the podcasts are available under *Audio Recordings* through the *Commission Meetings* tab at <http://www.fec.gov>.

The audio files are divided into tracks corresponding to each portion of the agenda for ease of use. To listen to the open meeting without subscribing to the podcasts, click the icon next to each agenda item. Although the service is free, anyone interested in listening to podcasts must download the appropriate software listed on the web site. Podcast subscribers will automatically receive the files as soon as they become available—typically a day or two after the meeting.

Advisory Opinions

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In the advisory opinion, the Commission noted that the Employee spends 20 percent of her time validating complete registrations, including assisting individuals in registering to vote by reviewing their voter registration cards for missing information or errors, and taking the voter registration cards and turning them in to the Registrar of Voters. The Commission also noted that the Employee spends 10 to 15 percent of her time preparing materials for use in registering voters, such as signage, in-field voter registration materials, and setting up and tearing down voter registration booths. The Commission concluded that these activities, consuming 30 to 35 percent of the Employee's time, fall within the definition of voter registration activity during California's FEA periods. Further, the Commission concluded that, regardless of whether any of the Employee's other activities also fall within the definition of voter registration activity, 11 CFR 106.7(d)(1)(ii) and 300.33(d)(2) require state, district and local party committees to use federal funds to pay for salaries, wages and fringe benefits of employees who spend more than 25 percent of their compensated time in any given month on FEA. Therefore, the Commission concluded that the Employee's services must be paid exclusively from the Committee's federal account within California's FEA periods.

On December 1, 2010, new regulations took effect that revised the definition of voter registration activity to eliminate the "individualized means" requirement and to include activities that encourage or urge people to register to vote, as well as activities that assist them in registering to vote. See [Explanation and Justification for Final Rules on the Definition of Federal Election Activity](#), 75 FR 55257 (Sept. 10, 2010). See also the [October 2010 Record](#), page 3. In its advisory opinion, the

Commission determined that its answer to the above question would not change under the revised definition of voter registration activity.

The Commission could not determine by the required four affirmative votes whether the Executive Director's supervision of the Employee also constituted voter registration activity.

Date: November 22, 2010;

Length: 6 pages.

—Zainab Smith

[AO 2010-29](#)

Working Families Party of Oregon Qualifies as State Party Committee

The Working Families Party of Oregon (WFP OR) qualifies as a state committee of a political party under the Federal Election Campaign Act (the Act), even though it is not affiliated with a national political party.

Background

The Act defines a "state committee" as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the state level, as determined by the Commission." 2 U.S.C. §431(15). See also 11 CFR 100.14(a).

When an organization is not affiliated with a national political party, it must meet three requirements to achieve state party committee status under Commission regulations.

- First, the organization must itself qualify as a "political party." Under the Act and Commission regulations a "political party" must nominate at least one candidate for federal office whose name appears on the ballot as the candidate of the association, committee, or organization. 2 U.S.C. §431(16); 11 CFR 100.15.
- Second, the organization must possess an official party structure.

- Third, the organization must be responsible for the day-to-day operations of a party at the state level. See 2 U.S.C. §431(15); 11 CFR 100.14(a). See also AOs 2008-12 and 2007-23.

Analysis

WFP OR meets all three requirements, and therefore qualifies as a state committee of a political party under the Act and Commission regulations.

First, the WFP OR qualifies as a "political party" because it has nominated two federal candidates who appeared on the 2010 general election ballot in Oregon.

Second, the WFP OR bylaws establish an official party structure, and the Oregon Secretary of State has determined that WFP OR qualifies for status as a minor political party under Oregon law.

Third, the WFP OR's bylaws clearly identify the role and responsibilities of the WFP OR, through its state committee, for the day-to-day functions and operations of the party at the state level. The WFP OR's responsibility for the operations of the party at the state level is commensurate with the responsibility of other state party committees that the Commission has previously recognized. See, e.g., AOs 2010-22 (Working Families Party of Connecticut) and 2008-12 (Independent Party of Oregon).

Date Issued: December 16, 2010;

Length: 5 pages.

—Isaac J. Baker

Reports

Reports Due in 2011

This article on filing requirements for 2011 is supplemented by the reporting tables available at http://www.fec.gov/info/report_dates_2011.shtml.

Notification of Filing Deadlines

In addition to publishing this article, the Commission notifies committees of filing deadlines on its website, via its automated Faxline and through reporting reminders called prior notices. Prior notices are distributed exclusively by e-mail. For that reason, it is important that every committee update its Statement of Organization (FEC Form 1) to disclose a current e-mail address. 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 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. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail (see below), or electronically, must be received by the Commission's (or the Secretary of the Senate Public Records Office's) close of business on the last business day before the 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.¹ Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Standard/Daylight 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. 11 CFR 104.18(e).

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

The Commission's electronic filing software, FECFile, is free and can be downloaded from the FEC's website. FECFile Version 6.4.2.2 is available for download from the FEC website at <http://www.fec.gov/electfil/updatelist.html>. All reports filed after November 15, 2010, must be filed in Format Version 6.4.2.2. 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

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. Disbursements for "electioneering communications" do not count toward the \$50,000 threshold for mandatory electronic filing. 11 CFR 104.18(a).*

available on the Commission's website. Committees using commercial software should contact their vendors for more information about the Commission's latest software release.

Timely Filing for Paper Filers

Registered and Certified Mail. Reports sent by Registered or Certified mail must be postmarked 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

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AO Search System Available

The FEC has an Advisory Opinion Search System available on its web site at www.fec.gov. This search function allows users to search for advisory opinions (AOs) by the AO number or name of requestor, or to enter search terms or perform an advanced search for documents.

The system quickly provides relevant AOs, along with all related documents including advisory opinion requests, comments and any concurring or dissenting opinions issued by Commissioners. The search function also provides summary material and links to other AOs cited in the opinion.

When the search system was first launched, it included AOs issued from 1997 to the present. The system has now been updated to include AOs dating back to 1975. The AO search system is available at <http://saos.nictusa.com/saos/searchao>.

Reports

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sent by Certified mail. See 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

Overnight Mail. Reports filed via overnight mail² 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 2 U.S.C. §434(a)(5) and 11 CFR 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 Public Records Office) before close of business on the filing deadline. See 11 CFR 100.19 and 104.5(e).

Paper forms are available for downloading 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). The 2011 Reporting Schedule is also available on the FEC's website (http://www.fec.gov/info/report_dates_2011.shtml), and from Faxline. For more information on reporting, call the FEC at 800/424-9530 or 202/694-1100.

Year-End Reports Covering 2010 Activity

All committees must file a 2010 year-end report due January 31, 2011. The coverage and reporting dates are found in the chart at http://www.fec.gov/info/report_dates_2011.shtml.

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.

Reports Covering 2011 Activity

To find out which reports your committee must file in 2011, check the Guide to 2011 Reporting at http://www.fec.gov/info/report_dates_2011.shtml. Please note that committees active in special elections in 2011 may have to file additional special election reports, as explained on page 9.

Authorized Committees of Candidates

House and Senate Candidates. All campaigns that have a reporting obligation must file quarterly reports in 2011. 11 CFR 104.5(a)(1). Generally, an individual becomes a candidate for federal office, thus triggering registration and reporting obligations, when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a)(1). See also 11 CFR 100.3(a)(2) and (3). Principal campaign committees of candidates who ran in past elections or are running in future elections must also file quarterly reports in 2011. A committee that wishes to stop filing reports with the FEC must file a termination report with the Commission or the Secretary of the Senate Public Records Office, as appropriate. See 11 CFR 102.3. Committees must continue filing reports until the Commission notifies them in writing that their termination report has been accepted.

Presidential Candidates. All Presidential committees must file on either a monthly or a quarterly schedule in 2011. Presidential committees able to change their reporting schedule and that wish to do so are required to notify the Commission in writing. 11 CFR 104.5(b)(2). Electronic filers must file this request electronically. After filing this notice of change in filing frequency

with the Commission and receiving an approval notice from the Commission, all future reports must follow the new filing schedule.

State, District and Local Party Committees

State, district and local party committees that engage in certain levels of "federal election activity" must file on a monthly schedule. See 11 CFR 300.36(b) and (c)(1). Committees that do not engage in reportable "federal election activity" may file on a semi-annual basis in 2011. See 11 CFR 104.5(c)(2)(i).

National Party Committees

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

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Commission Calendar Always Up-to-Date

Between issues of the *Record*, you can stay up-to-date on the latest FEC activity by visiting the Commission Calendar on our web site at <http://www.fec.gov/calendar/calendar.shtml>. The Calendar lists Commission meetings, reporting deadlines, conferences and outreach events, advisory opinion and rulemaking comment periods and other useful information. Each calendar entry links directly to the relevant documents, so you can quickly access detailed information on the subjects that interest you.

While you're visiting www.fec.gov, be sure to explore the rest of our site to review the latest campaign finance reports and data, research enforcement actions and litigation, read press releases and get help complying with the law. Visit today and add our site to your favorites.

Reports

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Political Action Committees

PACs (separate segregated funds and nonconnected committees) that filed on a quarterly basis in 2010 file on a semi-annual basis in 2011. 11 CFR 104.5(c)(2). 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 a year, after giving notice of change in filing frequency to the Commission. The committee will receive a letter indicating the Commission's acknowledgment of the request. All future reports must follow the new filing frequency. 11 CFR 104.5(c).

Where to File

Committee treasurers must file campaign finance reports with the appropriate federal office, as discussed below. State filing requirements also apply to campaign finance reports filed by the principal campaign committees of candidates seeking office in Guam, Puerto Rico and the Northern Mariana Islands and to reports filed by PACs and party committees that support these candidates. 2 U.S.C. §439(a)(2)(B).

House Candidate Committees. Principal campaign committees of House candidates file with the FEC. 11 CFR 105.1.

Senate Candidate Committees. Principal campaign committees of Senate candidates file with the Secretary of the Senate Public Records Office. 11 CFR 105.2.

Presidential Committees. Principal campaign committees of Presidential candidates file with the FEC. 11 CFR 105.3.

Candidate Committees with More Than One Authorized Committee. If a campaign includes more than one authorized committee, the principal campaign committee files, with its own report, a consolidated report

of receipts and disbursements (FEC Form 3Z) showing its own activity as well as the activity of all other authorized committees of the candidate. 11 CFR 104.3(f).

PACs and Party Committees. Generally, PACs and party committees file with the FEC. However, committees that support only Senate candidates file with the Secretary of the Senate Public Records Office, as do the national Senatorial campaign committees. 11 CFR 105.2 and 11 CFR 105.4.

Late Filing

The Federal Election Campaign Act does not permit the Commission to grant extensions of filing deadlines under any circumstances. Filing late reports may result in enforcement action by the Commission. 11 CFR 111.30. The Commission pursues compliance actions against late filers and nonfilers under the Administrative Fine program and on a case-by-case basis. 11 CFR 111.43. For more information on the Administrative Fine program, visit the FEC website at <http://www.fec.gov/af/af.shtml>.

Independent Expenditures

Political committees and other entities that make independent expenditures at any time during the calendar year—up to and including the 20th day before an election (including a special election)—are required to disclose this activity within 48 hours each time that the expenditures aggregate \$10,000 or more. This reporting requirement is in addition to the requirement to file 24-hour reports of independent expenditures each time disbursements for independent expenditures aggregate or exceed \$1,000 during the last 20 days—up to 24 hours—before an election (including a special election). 2 U.S.C. §§434(b), (d) and (g) and 11 CFR 100.19(d), 104.4(b)-(c) and 109.10(c)-(d).

Political committees must use FEC Form 3X, Schedule E, to file 48- and 24-hour reports. Persons and

other entities that are not political committees must use FEC Form 5.

Political committees must report independent expenditures that do not trigger the 48- or 24-hour reporting thresholds on their regularly scheduled campaign finance reports. These independent expenditure reports are not required when a party committee or PAC makes a contribution to a candidate.

Persons and other entities that are not political committees must disclose independent expenditures in a quarterly report filed on FEC Form 5 once the expenditures exceed \$250 in a calendar year in connection with an election. 11 CFR 104.4(b)(1) and 109.10(b). Form 5 filers are not required to file quarterly reports for periods in which they have not made any independent expenditures. However, they must file quarterly reports for periods in which they

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Campaign Guides Available

For each type of committee, a *Campaign Guide* explains, in clear English, the complex regulations regarding the activity of political committees. It shows readers, for example, how to fill out FEC reports and illustrates how the law applies to practical situations.

The FEC publishes four *Campaign Guides*, each for a different type of committee, and we are happy to mail your committee as many copies as you need, free of charge. We encourage you to view them on our web site (www.fec.gov).

If you would like to place an order for paper copies of the *Campaign Guides*, please call the Information Division at 800/424-9530.

Reports

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made expenditures aggregating over \$250 in a calendar year for a given election, regardless of whether or not they have already reported that activity in a 48- or 24-hour report.

For a chart of 48- and 24-hour reporting periods for independent expenditures in connection with 2011 special elections, consult the FEC web site at http://www.fec.gov/info/charts_ie_dates_2011.shtml.

All individuals, persons and committees, including committees supporting only Senate candidates, must file their 24- and 48-hour reports and regularly scheduled reports of independent expenditures with the Commission. 11 CFR 104.4, 109.10, 105.1 and 105.2.

Committees Active in Special Elections

Committees authorized by candidates running in any 2011 special elections must file pre- and post-election reports in addition to regularly scheduled reports. 11 CFR 104.5(h). They are also required to comply with the 48-hour notice requirement for any contribution of \$1,000 or more per source (including loans) received shortly before an election. 11 CFR 104.5(f).

PACs and party committees supporting candidates running in special elections may also have to file pre- and post-election reports unless they file on a monthly basis. 11 CFR 104.5(c)(3) and 104.5(h). All PACs are subject to 48- and 24-hour reporting of independent expenditures made before an election. See 11 CFR 104.4(b) and (c) and 104.5(g). When time permits, the *Record* will alert committees to special election reporting dates.

Electioneering Communications

Additionally, individuals and other persons who make disbursements for "electioneering communications" that aggregate in excess of \$10,000 must file disclosure statements with

the Commission within 24 hours of distribution of the communications to the public. 11 CFR 100.29. A chart detailing the electioneering communication periods for 2011 special elections is available on the FEC website at http://www.fec.gov/info/charts_ec_dates_2011.shtml.

Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with an election (including special elections) must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of the lobbyist bundling disclosure threshold during the election reporting period (see reporting schedule chart at http://www.fec.gov/info/report_dates_2011.shtml). 11 CFR 104.22(a)(5)(v).

The lobbyist bundling disclosure threshold for calendar year 2010 was \$16,000. This threshold amount may increase in 2011 based upon the annual cost of living adjustment (COLA). As soon as the adjusted threshold amount is available, the Commission will publish it in the *Federal Register* and post it on its website. 11 CFR 104.22(g) and 110.17(e)(2). For more information on these requirements, see the [March 2009 Record](#).

—Elizabeth Kurland

PACronyms, Other PAC Publications Available

The Commission annually publishes an alphabetical listing of acronyms, abbreviations and common names of political action committees (PACs).

For each PAC listed, the index provides the full name of the PAC, its city, state, FEC identification number and, if not identifiable from the full name, its connected, sponsoring or affiliated organization.

This index is helpful in identifying PACs that are not readily identified in their reports and statements on file with the FEC.

To order a free copy of PACronyms, call the FEC's Disclosure Division at 800/424-9530 or 202/694-1120.

PACronyms is also available on diskette for \$1 and can be accessed free on the FEC web site at www.fec.gov.

Other PAC indexes, described below, may be ordered from the Disclosure Division. Prepayment is required.

- An alphabetical list of all registered PACs showing each PAC's identification number, address, treasurer and connected organization (\$13.25).
- A list of registered PACs arranged by state providing the same information as above (\$13.25).
- An alphabetical list of organizations sponsoring PACs showing the name of the PAC and its identification number (\$7.50).

The Disclosure Division can also conduct database research to locate federal political committees when only part of the committee name is known. Call the telephone numbers above for assistance or visit the Public Records Office in Washington at 999 E St. NW.

Outreach

FEC to Host Reporting and E-Filing Workshops for the 2010 Year-End Report

On January 12, 2011, the Commission will host roundtable workshops on reporting and electronic filing for the 2010 Year-End Report. The reporting sessions will address common filing problems and provide answers to questions committees may have as they prepare to file their financial reports. The electronic filing sessions will provide hands-on instruction for committees that use the Commission's FECFile software and will address questions filers may have concerning electronic filing. Attendance is limited to 50 people per reporting workshop and 16 people per electronic filing workshop; the registration fee is \$25 per workshop. The registration form is available on the FEC's web site at <http://www.fec.gov/info/outreach.shtml#roundtables> and from Faxline, the FEC's automated fax system

Roundtable Schedule

Year-End Reporting Workshops

January 12, 2011
FEC Headquarters

Reporting for PACs and Party Committees

9:30 a.m. - 11:00 a.m.

FECFile and E-Filing for Candidate Committees

9:30 a.m. - 11:00 a.m.

Reporting for Candidate Committees

1:00 p.m. - 2:30 p.m.

FECFile and E-Filing for PACs and Party Committees

1:00 p.m. - 2:30 p.m.

(202/501-3413, request document 590). For more information, please call the Information Division at 800/424-9530, or locally at 202/694-1100.

—Katherine Carothers

DC Seminar for Party Committees Scheduled

On March 2, 2011, the Commission will hold a one-day seminar for party committees at its headquarters in Washington, DC.¹ This seminar is recommended for:

- Treasurers and staff of national, state and local political parties who have responsibility for compliance with federal campaign finance laws;
- Attorneys, accountants and consultants who have clients that are national, state or local political party committees;
- Anyone who wants to gain in-depth knowledge of federal campaign finance law as it applies to political party committees; and
- Anyone who wants to learn about recent changes resulting from legislation and litigation.

The seminar will address fundraising and reporting rules, as well as recent changes to the law. Specific workshops are designed for those seeking an introduction to the basic provisions of the law, as well as those with more experience in campaign finance law. Experienced FEC staff and Commissioners will conduct the workshops.

The registration fee for this seminar is \$100 per attendee. Payment by credit card is required prior to the seminar. A full refund will be made for all cancellations received before

¹This seminar replaces the FEC's annual Washington, DC, conference for party committees. For additional information, see the *October 2010 Record*, page 14.

5 p.m. EST on February 26, 2011. Complete information is available on the FEC website at <http://www.fec.gov/info/conferences/2011/partyseminar.shtml>, along with the seminar agenda and a list of hotels located near the FEC. Questions about the seminar should be directed to the Information Division by phone at 800/424-9530 (press 6), or locally at 202/694-1100, or via e-mail to Conferences@fec.gov.

—Katherine Carothers

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