

# Record

August 2004

Federal Election Commission

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## Compliance

### MUR 4818/4933: Contributions in the Name of Another and Excessive Contributions

The Commission recently entered into conciliation agreements with a number of respondents concerning Walt Roberts' 1998 Congressional campaign in Oklahoma. The Commission's investigation revealed various schemes devised primarily by former Oklahoma State Senator Gene Stipe to funnel over \$300,000 into Mr. Roberts's campaign and hide the fact that Gene Stipe was the true source of the majority of these contributions. Conciliation agreements in the case resulted in civil penalties totaling \$569,500.

On June 2, 2004, the Commission closed the matter, which involved 51 respondents and included 11 conciliation agreements. The primary respondents were Gene Stipe and the Stipe Law Firm (now known as Stipe, Harper, Laizure, Uselton, Edwards and Belote, LLP), Walt Roberts, Walt Roberts for Congress, Charlene Spears, Francis Stipe, James E. Lane, Harold Massey, Sr.,

(continued on page 2)

## Regulations

### Notice of Proposed Rulemaking on Party Committees' Coordinated and Independent Expenditures

On June 24, 2004, the Commission approved a Notice of Proposed Rulemaking (NPRM) requesting comments on the proposed deletion of its current rules that restrict the ability of political party committees to make both independent expenditures and coordinated party expenditures with respect to the same candidate in connection with a general election. The NPRM also proposes removing rules that prohibit a political party committee that makes coordinated expenditures with respect to a candidate from transferring funds to, assigning coordinated expenditures authority to or receiving a transfer from a political party that has made or intends to make an independent expenditure with respect to that candidate.

These rules were promulgated in January 2003 in order to implement section 213 of the Bipartisan Campaign Reform Act of 2002 (BCRA).

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## Regulations

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However, in *McConnell v FEC*, the Supreme Court found that section of the BCRA to be unconstitutional. Therefore, the Commission now proposes to remove the rules that implemented section 213.

### Comments

The NPRM was published in the June 30, 2004, *Federal Register* (69 FR 39373) and is available on the FEC web site at <http://www.fec.gov/register.htm> and from the FEC fax-line, 202/501-3413. All comments should be addressed to Mr. Brad C. Deutsch, Assistant General Counsel, and must be submitted in either written or electronic form by July 30, 2004. The Commission recommends that comments be submitted via e-mail. E-mail comments should be sent to [choiceprovision@fec.gov](mailto:choiceprovision@fec.gov) and must include the full name and postal service address of the commenter. Comments that do not contain this

**Federal Election Commission**  
999 E Street, NW  
Washington, DC 20463

800/424-9530  
202/694-1100  
202/501-3413 (FEC Faxline)  
202/219-3336 (TDD for the  
hearing impaired)

**Bradley A. Smith**, Chairman  
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information will not be considered. Faxed comments should be sent to 202/219-3923, with a printed copy follow-up to insure legibility. Mailed comments should be sent to the Federal Election Commission, 999 E Street, NW, Washington, DC 20463. No oral comments can be accepted.

—Amy Kort

## Compliance

(continued from page 1)

Michael Mass, Larry Morgan, Paul Beavers and Edith “Susie” Beavers.

### Background

At the time these contributions were made, the Federal Election Campaign Act (the Act) limited to \$1,000 per election the amount that any person could contribute to any federal candidate.<sup>1</sup> 2 U.S.C. §441a(a)(1)(A). In addition, the Act prohibits making a contribution in the name of another, knowingly permitting one’s name to be used to effect such a contribution and knowingly accepting such a contribution. 2 U.S.C. §441f. The Act also provides that all receipts received by a political committee must be deposited in a designated account and all disbursements made by a political committee (other than proper petty cash disbursements) must be made by check drawn on the committee’s designated account. Political committee treasurers must file reports of receipts and disbursements, including candidate loans, in accordance with the provisions of the Act. 2 U.S.C. §434. Third party payments of a candidate’s personal expenses are contributions unless the payment would have been made irrespective of the candidacy. 11 CFR 113.1(g)(6).

According to the conciliation agreements, Gene Stipe, with Ms. Spears’ help, made a \$67,500 con-

tribution and disguised it through an elaborate “cattle sale” that never occurred. Gene Stipe also made a \$55,000 contribution for campaign media ads, which he disguised through a purported option contract. The contract was handwritten in August 1998 but was dated December 12, 1997, in order to conceal Gene Stipe’s payment for the campaign media ads. Gene Stipe also made a \$20,500 contribution that he disguised, with the help of Mr. Lane, as the sale of a stock trailer. No sale actually occurred. In another instance, the Stipe Law Firm paid \$17,000 for advertising expenses that never occurred. Gene Stipe, with Ms. Spears’ assistance, also made at least \$77,500 in contributions disguised as a legitimate art auction.

In addition, Gene Stipe made \$89,689 in contributions by transferring the money to others who then transferred the money to 39 straw contributors. Ms. Spears assisted Gene Stipe by recruiting many of these straw contributors so that they could make contributions in their own names. Harold Massey, Sr., Michael Mass, Larry Morgan and Paul and Susie Beavers also assisted Gene Stipe by transferring money to straw contributors so that they could make contributions in their own names. Gene Stipe’s brother, Francis Stipe, was the source of a \$50,000 candidate loan made through McAlester Industrial Credit Corporation, a defunct corporation.

### Conciliation Agreements

The conciliation agreements provide that Gene Stipe will pay \$267,000, the Stipe Law Firm will pay \$101,000, Ms. Spears will pay \$50,000, Mr. Massey will pay \$36,000, Francis Stipe will pay \$35,000, Mr. Mass will pay \$30,000, Mr. Morgan will pay \$18,500, Ms. Beavers will pay \$13,500, Mr. Lane will pay \$11,000 and Mr. Beavers will pay \$7,500 in civil penalties.

In his conciliation agreement, Gene Stipe admitted that he knowingly and willfully violated the law

<sup>1</sup> Under the Bipartisan Campaign Reform Act of 2002 (BCRA), this limit was raised to \$2,000 per candidate, per election.

by making excessive contributions to Walt Roberts for Congress in the name of another.

In the conciliation agreement with the Stipe Law Firm, the Firm admitted that it knowingly and willfully violated the law by making in-kind contributions to Walt Roberts for Congress and by making and assisting others in making contributions in the name of another.

In the conciliation agreement with Walt Roberts and Walt Roberts for Congress, Mr. Roberts admitted that he knowingly and willfully violated the law by:

- Failing to report all receipts and disbursements;
- Knowingly accepting excessive contributions;
- Failing to deposit all receipts received into the Committee's designated account and making disbursements from a non-designated account; and
- Knowingly assisting others in making contributions in the name of another.

In addition, Mr. Roberts admitted that his committee, Walt Roberts for Congress, knowingly and willfully violated these same provisions of the Act.

In separate conciliation agreements, Mr. Massey, Mr. Mass, Mr. Morgan and Ms. Beavers admitted

to knowingly and willfully violating the law by assisting Gene Stipe in the making of contributions to Walt Roberts for Congress in the name of another. Mr. Beavers also admitted that he violated the law by making contributions in the names of others.

#### Referral to Department of Justice

After completing its investigation in this matter, the Commission referred the knowing and willful violations pertaining to Gene Stipe, the Stipe Law Firm, Mr. Roberts, Walt Roberts for Congress and Ms. Spears to the Department of Justice. Gene Stipe pleaded guilty to perjury, conspiracy to obstruct a Commission investigation (both felony violations) and conspiracy to violate the Act (a misdemeanor violation). As part of Gene Stipe's criminal plea agreement, he resigned from his state senate seat and surrendered his license to practice law in Oklahoma. Gene Stipe was sentenced to 1,000 hours community service, five years probation, six months home detention and the maximum criminal fine of \$735,567.

Mr. Roberts and Ms. Spears each pleaded guilty to conspiracy to obstruct a Commission investigation (a felony violation) and conspiracy to violate the Act (a misdemeanor violation). Mr. Lane pleaded guilty to conspiracy to cause the submission of false statements (a felony violation). Mr. Roberts was sentenced to two years probation for each count with concurrent sentences and 200 hours community service. Ms. Spears was sentenced to three years probation for both counts with a concurrent sentence, six months home detention with an electronic monitoring bracelet and 200 hours of community service. Mr. Lane was sentenced to three years probation, two months home detention with an electronic bracelet and a \$5,000 criminal fine.

#### Additional Information

Additional information in this case is available from the Commis-

sion's Public Records Office and through the Enforcement Query System on the FEC web site. Search for cases 4818 and 4933.

—Amy Kort

### MUR 5279: Partnership Contributions Made Without Agreement of Partners

The Commission recently entered into a conciliation agreement with Charles Kushner, a New Jersey-based real estate developer, and 40 partnership entities that he controls. The agreement, which resulted in a civil penalty of \$508,900, settles violations of the Federal Election Campaign Act (the Act) stemming from over \$500,000 in contributions that the partnerships made. The contributions in question were made between December 5, 1997, and August 17, 2000, for the 1999-2000 election cycle. Recipients of these contributions included 13 candidate committees, one party committee and one PAC.

The Commission's investigation originated with a referral from its Audit Division, which uncovered these contribution practices during an audit of the Bill Bradley for President Committee. The Commission accepted a conciliation agreement with Bill Bradley for President, which became aware of the improper attribution practices, but accepted and failed to refund \$34,000 in impermissible contributions from Mr. Kushner's partnerships. The Bradley Committee admitted to violating the Act and paid a civil penalty of \$16,445.

#### Background

Under the Act and Commission regulations, a partnership is considered a "person" and may make federal political contributions. 2 U.S.C. §431(11). However, in order to prevent a partnership from being used to evade contribution limits and

### Federal Register

*Federal Register* notices are available from the FEC's Public Records Office, on the web site at <http://www.fec.gov/register.htm> and from the FEC faxline, 202/501-3413.

#### Notice 2004-11

Coordinated and Independent Expenditures by Party Committees, Notice of Proposed Rulemaking (69 FR 39373, June 30, 2004)

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## Compliance

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prohibitions, Commission regulations treat partnership contributions as counting towards the contribution limits of both the partnership and the specific partners to whom the contributions are attributed. Contributions may be dually attributed on a *pro-rata* basis in direct proportion to each partner's share of the partnership profits. 11 CFR 110.1(e). However, this option is not available to partnerships with a corporate member because corporations are barred from making contributions to influence federal elections. 2 U.S.C. §441b.

Alternatively, a partnership contribution can be dually attributed by agreement of the partners who chose to contribute, as long as:

- Only the profits of the partners to whom the contribution is attributed are reduced (or losses increased); and
- The profits of the partners to whom the contribution is attributed are reduced (or losses increased) in proportion to the contributions attributed to each of them. 11 CFR 110.1(e)(2).

The Commission's investigation found that Mr. Kushner and the 40 partnerships violated the contribution limits and violated Commission regulations by failing properly to obtain the agreement of partners to whom the contributions could be attributed. The partnerships could not dually attribute their federal political contributions to all partners on a *pro-rata* basis because many of the 40 partnerships included at least one corporate partner. Instead, the respondents attributed 100 percent of each contribution made from a partnership to a single individual partner. Mr. Kushner, as managing partner of each partnership, determined the partners to whom the contributions would be attributed. He also selected the federal political committees that

would receive contributions and determined the aggregate amount of these contributions. He signed the contribution checks and directed management personnel of Kushner Companies to forward the checks on Kushner Companies letterhead to the recipient committees.

Most of the partners to whom contributions were attributed did not receive prior or contemporaneous notice of the specific contributions attributed to their personal contribution limit. The partners did, however, receive annual tax forms that showed their yearly distributions. The tax forms generally reflected the debits made from their capital accounts to reduce their profits in proportion to the political contributions attributed to them. Most of the partners remained unaware of the specific 1999-2000 contributions attributed to them until 2001, after the failure to obtain their agreement to the attribution of the contributions was discovered during a Commission audit.<sup>1</sup>

The respondents violated the contribution limits and caused five to eight partners to make contributions that exceeded their annual contribution limit.<sup>2</sup> In addition, contributions totaling at least \$83,000 were attributed to individuals who were not partners in the contributing partnerships at the time the contributions were made.

<sup>1</sup> Although the respondents obtained after-the-fact ratifications from many of the partners in 2001, the Commission did not view these acknowledgements as meeting the "agreement" requirement set forth in 11 CFR 110.1(e)(2).

<sup>2</sup> At that time, the Act prohibited an individual from making contributions in excess of \$25,000 in a calendar year to influence federal elections. Under the Bipartisan Campaign Reform Act of 2002, this limit was raised to \$95,000 over a two-year period. See 11 CFR 110.5.

## Conciliation Agreement

The conciliation agreement with Mr. Kushner and the 40 partnerships resulted in a civil penalty of \$508,900. These respondents maintained that they relied upon advice of counsel, and, without admitting or denying the Commission's conclusions, but in order to avoid the costs and distractions of litigation, did not contest that:

- The partnerships violated the Act's contributions limits and Commission regulations regarding the attribution of partnership contributions (2 U.S.C. §441a and 11 CFR 110.1(e)(2)); and
- Mr. Kushner violated the Act by making contributions in excess of his annual limit (2 U.S.C. §441a(a)(3)).

The respondents also agreed to cease and desist from violating the contribution limit and partnership dual attribution regulation. They further agreed to obtain the prior agreement of the partners to whom contributions are attributed in the future.

Additional information in this case is available from the Commission's Public Records Office and through the Enforcement Query System on the FEC web site. Search for case number 5279.

—Amy Kort

## Advisory Opinions

### AO 2004-12

#### Regional Party Organization Established by State Party Committees

Democrats for the West (DFW), a regional party committee established by the Democratic State party committees of Arizona, New Mexico, Nevada, Colorado, Utah, Wyoming, Idaho, Montana and Alaska (the Participating State Committees), is a

state party committee that is affiliated with each of the Participating State Committees.

### Background

The Participating State Committees created DFW in order to conduct research, issue and tactical polling, training and periodic conferences among and between the Participating State Committees.<sup>1</sup> DFW may maintain a full-time staff and will incur administrative expenses such as rent, office supplies, computers, etc.

DFW will not disseminate any public communication that expressly advocates the election or defeat of any federal candidate or “promotes or supports or attacks or opposes” any federal candidate. DFW also will not:

- Undertake any other direct electoral activity, including voter registration, voter identification or get-out-the-vote activity;
- Direct, solicit or make any contribution to, or expenditure on behalf of, any federal candidate; or
- Make any transfers or contributions to any federal political committee or party committee other than the Participating State Committees.

Additionally, DFW will not pay for the republication of any campaign materials prepared by a federal candidate or pay for any public communication that refers to a federal candidate within 120 days of an election.

### Legal Analysis

*State committee status.* A “state committee” is defined as the “orga-

nization that by virtue of the bylaws of a political party or the operation of state law is part of the official party structure and is responsible for the day-to-day operation of the political party at the state level, including an entity that is directly or indirectly established, financed, maintained, or controlled by that organization, as determined by the Commission.” 11 CFR 100.14(a); see also 2 U.S.C. §431(15).

In this case, the Participating State Committees established DFW, and will provide the initial financing for DFW through transfers to DFW’s federal account. Further, the Participating State Committees will maintain and control DFW. Accordingly, DFW is a state committee because it is “an entity that is directly or indirectly established, financed, maintained, or controlled by” the Participating State Committees.

As a state committee, the limit on contributions from persons other than multicandidate committees to DFW’s federal account is \$10,000 per calendar year. 2 U.S.C. §§441a(a)(1)(D) and 441a(f). For multicandidate committees, the limit on contributions to DFW’s federal account is \$5,000. 2 U.S.C. §§441a(a)(2)(C) and 441a(f).

*Transfers.* The Participating State Committees, as well as any other national or state Democratic party committees, may make unlimited transfers to DFW because these committees are party committees of the same political party. 2 U.S.C. §441a(a)(4); 11 CFR 102.6(a)(ii) and 110.3(c)(1). As discussed below, unlimited transfers of federal funds between DFW and the Participating State Committees are also permissible because DFW and the Participating State Committees are “affiliated committees.” 11 CFR 102.6(a)(i).

*Affiliation.* Under the Federal Election Campaign Act (the Act), political committees “established or financed or maintained or controlled” by the same persons

or group of persons are treated as a single political committee for the purposes of the contributions they make or receive. 2 U.S.C. §441a(a)(5); see 11 CFR 100.5(g), 102.2(b)(1), and 110.3. Because DFW was established by, and will be financed, maintained and controlled by, the Participating State Committees, DFW is affiliated with each one of the nine Participating State Committees.

*Attribution of contributions.* Contributions to DFW from persons other than the Participating State Committees will be proportionately attributable to each of the nine Participating State Committees. In other words, one-ninth of any contribution DFW receives will be attributable to each of the nine Participating State Committees. Thus, for example, a \$9,000 contribution by an individual to DFW would be attributed to *each* of the nine Participating State Committees as a \$1,000 contribution, and the same contributor would then be permitted to contribute up to an additional \$9,000 of federal funds to one or more of the nine Participating State Committees in that calendar year, provided that the contribution does not cause the individual to exceed his or her biennial contribution limit. 2 U.S.C. §441a(a)(3)(B).

Alternatively, DFW may follow the Commission’s joint fundraising rules in order to handle contributions that would cause an excessive contribution to one or more of the Participating State Committees. To do so, the Participating State Committees would need to approve a written fundraising agreement in advance, provide an appropriate fundraising notice, distribute the joint fundraising proceeds and properly report the contributions. See 11 CFR 102.17.

*Nonfederal funds.* DFW may maintain nonfederal accounts and may raise funds for such accounts that are not subject to the limits, pro-

<sup>1</sup> DFW was established, and will be maintained and controlled, solely by the Participating State Committees. No officer, agent or employee acting on behalf of any other organization, including any other state or national party committee, was involved in the establishment of, or will maintain or control, the organization.

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## Advisory Opinions

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hibitions and reporting requirements of the Act. See 2 U.S.C. §§441b and 441a(a). See also 11 CFR 106.7.

*Guests and featured speakers at DFW events.* DFW may invite national party officers and employees and federal candidates and officeholders (as well as the agents of any of these) to appear as guests or featured speakers at DFW events. However, the rules applicable in particular circumstances vary. Federal candidates and officeholders may attend, speak at or be featured guests at a DFW fundraising event without restriction or regulation because DFW is a state party committee. 11 CFR 300.64(b). Federal candidates and officeholders are not required to issue any disclaimers during their appearances at such events.<sup>2</sup>

*Payment of DFW's expenses.* DFW intends to establish separate federal and nonfederal accounts and to allocate the costs of certain federal/nonfederal expenses between these accounts. 11 CFR 102.5 and 106.7(b). When a party committee chooses to allocate its administrative costs,<sup>3</sup> then it must allocate such disbursements according to fixed allocation percentages described in the Commission's regulations. 11 CFR 106.7(d)(2). A Senate candidate will appear on the ballot in six of the states rep-

resented by the Participating State Committees during *each* election year. Thus, according to these fixed allocation percentages, DFW must allocate at least 36 percent of its administrative expenses to DFW's federal account in Presidential election years, and at least 21 percent of its administrative expenses to DFW's federal account in non-Presidential election years. 11 CFR 106.7(d)(2)(i)-(ii).

Salaries and wages, however, may not be allocated. Instead, a party committee must use funds that comply with state law to pay salaries and wages for employees who spend 25 percent or less of their compensated time in a given month on federal election activities or on activities in connection with a federal election. Salaries and wages (including fringe benefits) paid for employees who spend more than 25 percent of their compensated time in a given month on federal election activities or on activities in connection with a federal election must come from a federal account. Party committees must keep a monthly log of the percentage of time each employee spends in connection with a federal election. 11 CFR 106.7(d)(1); see also AO 2003-11.

DFW may pay employees who spend more than 25 percent of their compensated work hours in a given month in connection with federal elections using federal funds raised through events where both federal and nonfederal funds are raised when the costs of such events have been properly allocated using the "funds received" method.

*Use of polling and research data.* DFW may provide its polling and research information to state and local party committees of the Democratic Party at less than the usual and normal fee, or at no charge. 11 CFR 110.3(c)(1). However, if polling and research information is paid for with nonfederal funds, then the information can only be provided to national

party committees if the recipients pay DFW the usual and normal fee.

Date Issued: June 14, 2004;

Length: 7 pages.

—Amy Kort

### AO 2004-14

## Federal Candidate's Appearance in Public Service Announcements

U.S. Representative Tom Davis may appear in public service announcements (PSAs) to benefit the National Kidney Foundation (the Foundation) by promoting the Cadillac Invitational Golf Tournament. Because the funds raised through the tournament are solely for charitable purposes, Representative Davis's appearance in the PSAs will not be a solicitation of funds in connection with an election, subject to the requirements of the Federal Election Campaign Act (the Act). 2 U.S.C. §441i(e)(1). The PSAs will also not constitute a "coordinated communication," resulting in an in-kind contribution to Representative Davis, because his Congressional office will pay for the costs of taping the announcements. See 11 CFR 109.21.

### Background

Representative Davis, who is seeking re-election in the November 2, 2004, general election, has appeared in PSAs promoting the Cadillac Invitational Golf Tournament for the past three years. The tournament is strictly a charitable fundraising event held annually to benefit the Foundation, which does not engage in any activity in connection with an election, including voter registration, get-out-the-vote activity or generic campaign activity. The PSAs will not expressly advocate Representative Davis's election or make any reference to his candidacy. Representative Davis's Congressional office will pay for the taping of the announcements, and they will be cablecast without a fee.

<sup>2</sup> See Explanation and Justification to Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money: Final Rules, 67 Fed. Reg. 49,065, 49,108 (July 29, 2002).

<sup>3</sup> Items that can be allocated under section 106.7(d)(2) include administrative costs such as rent, utilities, office equipment and office supplies, except that any such expenses that are directly attributable to a clearly identified federal candidate must be paid only from the federal account. 11 CFR 106.7(c)(2).

## 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](http://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.

## Analysis

The two issues concerning the application of the Act to Representative Davis's appearance in the PSAs are whether:

- Funds raised through the announcements are in connection with a federal or nonfederal election; and
- The PSAs fall within the definition of a "coordinated communication" and, thus, trigger payment or reporting obligations for Representative Davis.

*Solicitations.* Under the Act, federal candidates are generally prohibited from soliciting funds in connection with a federal election that are not subject to the limits, prohibitions and reporting requirements of the Act. Federal candidates and officeholders are also prohibited from raising funds in connection with a nonfederal election unless those funds are subject to the Act's limits and source prohibitions. 2 U.S.C. §441i(e) and 11 CFR 300.61 and 300.62. However, if the funds raised are not in connection with a federal or nonfederal election, then the Act's prohibitions at section 441i(e) do not apply. See AO 2003-20. In this case, the funds raised through the tournament are solely for charitable uses and are not in connection with any federal or nonfederal election.

*Coordinated communication.* The Act defines as an in-kind contribution an expenditure made by any person "in cooperation, consultation, or concert with, or at the request or suggestion of" a candidate, his or her authorized committee or their agents. 2 U.S.C. §441a(a)(7)(B)(i). The Commission's coordinated communication regulation sets forth a three-pronged test to determine whether an expenditure for a communication becomes an in-kind contribution as a result of coordination between a person making an expenditure and a candidate. A payment for a communication that satisfies all three prongs will constitute an

in-kind contribution. The first prong of the test is that the communication must be paid for by a "person" other than the federal candidate, the candidate's authorized committee or their agents, and the second two prongs set out a series of content and conduct standards.

The Davis PSAs do not meet the first prong of the coordinated communication test because Davis's Congressional office will pay for the taping of the announcements—the only costs identified in the request for the PSAs. The Act specifically exempts the federal government or any of its authorities from the definition of "person." 2 U.S.C. §432(11); see also 11 CFR 100.10. Because the use of federal government resources by Representative Davis's Congressional office does not qualify as a payment by a person for a communication, these PSAs fail the three-pronged test and do not qualify as coordinated communications.<sup>1</sup> Thus, no in-kind contribution results from the costs of the PSAs, and Representative Davis will not incur any obligations under the Act from his participation in the announcements.

Similarly, because neither Representative Davis nor the Foundation—nor any other person—will pay to cablecast the announcements, the PSAs do not qualify as electioneering communications, which are limited to communications "disseminated for a fee." 11 CFR 100.29(b)(3)(i). Thus, the PSA's are not coordinated electioneering communications, which are also considered in-kind contributions. 2 U.S.C. §441a(a)(7)(C).

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<sup>1</sup> Because all three prongs must be satisfied for a communication to constitute a "coordinated communication," the Commission did not examine the second and third prongs of the test.

## Advisory Opinions

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### Dissenting Opinion

Commissioner Thomas issued a dissenting opinion on June 14, 2004.

Date Issued: June 10, 2004;  
Length: 4 pages.

—Amy Kort

### AO 2004-15

#### Film Ads Showing Federal Candidates Are Electioneering Communications

Television and radio commercials featuring a Presidential candidate to promote a documentary film would constitute electioneering communications if they air within 60 days before the general election or within 30 days before a primary election or national nominating convention and could be received by more than 50,000 people. 2 U.S.C. §434(f)(3) and 11 CFR 100.29. Ads that constitute electioneering communications may not be paid for by corporations or labor organizations and may trigger reporting obligations. 2 U.S.C. §§434(f) and 441b(b)(2); 11 CFR 104.20, 114.2(b)(2)(iii) and 114.14(b).

#### Background

Under the Federal Election Campaign Act (the Act) and Commission regulations, an electioneering communication is defined, with some exceptions, as any broadcast, cable or satellite communication that refers to a clearly identified federal candidate and is publicly distributed for a fee within 60 days before the general election or 30 days before a primary election or a nominating convention for the office sought by the candidate. 2 U.S.C. §434(f)(3) and 11 CFR 100.29. For Presidential and Vice Presidential candidates, “publicly distributed” means that the communication can be received:

- By 50,000 people or more in a state where a primary election or caucus

is being held within 30 days;

- By 50,000 people or more anywhere in the U.S. from 30 days prior to the convention until the end of the convention; or
- Anywhere in the U.S. within 60 days before the general election. 2 U.S.C. §434(f)(3)(A)(i) and 11 CFR 100.29(b)(3)(ii).

David T. Hardy, President of the Bill of Rights Educational Foundation (the Foundation), is producing a documentary film that focuses on the Bill of Rights. The request stated that the Foundation qualifies as a nonprofit corporation under Section 501(c)(4) of the Internal Revenue Code. The film will include some footage of federal officeholders who are also candidates, including President Bush. Mr. Hardy and the Foundation plan to air radio and television ads for a fee in order to promote the film’s distribution. The ads will not be received in the districts of Congressional candidates who are clearly identified in the ads, but at least one Presidential candidate will be featured.

#### Analysis

Ads that refer to at least one Presidential candidate, are publicly distributed within the electioneering communication periods and can reach at least 50,000 people will meet all of the elements that define an electioneering communication. None of the statutory or regulatory exemptions for electioneering communications will apply to the ads in this opinion.<sup>1</sup> Moreover, Mr. Hardy did not assert that the Foundation was entitled to a media exemption

<sup>1</sup> *Exceptions might apply if a communication was disseminated through means other than broadcast, cable or satellite communication, was a reportable expenditure or independent expenditure, was a candidate debate forum or a promotion of such an event, was a communication by local or state candidates or was made by a charitable organization under 26 U.S.C. 501(c)(3). 11 CFR 100.29(c).*

under the Act, and, thus, the Commission made no finding with respect to the application of the media exemption in this opinion. 2 U.S.C. §434(f)(3)(B)(i). Thus, the ads will be subject to the prohibitions and reporting requirements for electioneering communications.

As a corporation, the Foundation may not finance ads that constitute electioneering communications.<sup>2</sup> However, Mr. Hardy may pay for the ads himself, and he must comply with the Act’s reporting requirements for electioneering communications that aggregate in excess of \$10,000 in a calendar year. 2 U.S.C. §§434(f) and 441b(b)(2); 11 CFR 104.20.

Date Issued: June 25, 2004;  
Length: 4 pages.

—Amy Kort

### AO 2004-17

#### Federal Candidate’s Compensation for Part-Time Employment

Payments that Becky A. Klein, a Congressional candidate, receives as compensation for part-time consulting services rendered to a law firm are not contributions to Ms. Klein’s campaign. The payments from the law firm will be for services actually rendered, and they are excepted from the definition of “contribution” because they qualify as compensation made irrespective of her candidacy.

#### Background

Ms. Klein is a U.S. House candidate, and she intends to accept part-time employment providing consulting services, based on her experience as Chairman of the Texas Public Utility Commission, to a law firm. The law firm will pay her on

<sup>2</sup> *While qualified nonprofit corporations (QNC), as described in 11 CFR 114.10, are exempt from the prohibition on corporate payments for electioneering communications, the Foundation does not qualify as a QNC under Commission regulations.*



an hourly basis for services actually rendered, and the rate of compensation will be comparable to that earned by similarly qualified consultants for similar services. Her work for the law firm will be independent of her campaign, and she will not use the firm's facilities—nor those of any of the firm's clients—for campaign-related activity.

### Analysis

The Federal Election Campaign Act (the Act) prohibits the conversion of campaign funds to any "personal use." 2 U.S.C. 439a. Under Commission regulations, a third party's payment of a candidate's expenses that would otherwise be deemed "personal use" expenses is considered a contribution by the third party, unless the payment would have been made "irrespective of the candidacy." 11 CFR 113.1(g)(6). See also 2 U.S.C. 439a(b)(2). The regulations state that employment-related compensation is considered a contribution unless the compensation:

- Results from *bona fide* employment that is genuinely independent of the candidacy;
- Is exclusively in consideration for services provided by the employee as part of his or her employment; and
- Does not exceed the amount of compensation that would be paid to any other similarly qualified person for the same work over the same time period. 11 CFR 113.1(g)(6)(iii)(A), (B) and (C).

Ms. Klein's proposal meets all three of these requirements. The consulting services arrangement is a *bona fide* employment, and it is genuinely independent of her candidacy. The proposed hourly rate of compensation is exclusively tied to services actually rendered and is not more than what is paid to similarly qualified consultants who perform similar services. Thus, the payments will be made "irrespective of candidacy" and will not be contributions

to Ms. Klein's campaign under the Act or Commission regulations.<sup>1</sup>

Date Issued: June 24, 2004;  
Length: 4 pages.

—Amy Kort

## Advisory Opinion Requests

### AOR 2004-19

Commercial web site collecting and forwarding contributions to candidates who may or may not be known when the contribution is made (DollarVote.org, Inc., June 9, 2004)

### AOR 2004-20

Impact of new Connecticut election law on status of Connecticut convention as separate election (Adam Wood, Campaign Manager for Farrell for Congress, June 15, 2004)

### AOR 2004-21

Commercial web site to allow contributors to direct contributions to charity when an equal contribution is made to a competing candidate or cause (Matthew L. Ginsberg and On Time Systems, Inc., May 20, 2004)

### AOR 2004-22

Retiring House member's transfer of campaign funds to state party committee for state party office building renovation (Representative Doug Bereuter, June 8, 2004)

<sup>1</sup> *The Commission noted that Ms. Klein's situation seemed virtually indistinguishable from that presented in AO 1979-74, which was the culmination of a series of advisory opinions reaffirming that "an individual may pursue gainful employment while a candidate for Federal office" and establishing and refining the criteria for when compensation received by a candidate would not be a contribution from the employer. The three part test in AO 1979-74 was subsequently codified in Commission regulations at 11 CFR 113.1(g)(6)(iii).*

### AOR 2004-23

Affiliation between corporation and physician practices with which it has exclusive management service agreements (U.S. Oncology, Inc. Good Government Committee, June 10, 2004)

### AOR 2004-24

Software vendor proposing to use contributor information obtained from FEC web site to provide contributors' contribution histories to its clients (NGP Software, Inc., June 25, 2004).

### AOR 2004-25

Federal candidate/officeholder's donation of personal funds to organizations that engage in voter registration activity (Senator Jon Corzine, June 28, 2004)

## Court Cases

### John Hagelin, et. al. v. FEC

On May 5, 2004, John Hagelin, Ralph Nader, Patrick Buchanan, Howard Phillips, Winona LaDuke, the Green Party of the United States and the Constitution Party asked the U.S. District Court for the District of Columbia to find that the Commission wrongfully dismissed their administrative complaint dated June 17, 2003. The administrative complaint alleged that the Commission on Presidential Debates, Inc. (CPD) violated the Federal Election Campaign Act (the Act) in 2000, that it continues to violate the Act and that its actions have a direct impact on the 2004 Presidential election cycle currently underway. See also *Hagelin et al. v. FEC* in the June 2004 [Record](#), page 11.

### Background

The CPD, a nonprofit, 501(c)(3) corporation, sponsored four nationally televised debates between the Presidential and Vice-Presidential

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## Court Cases

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candidates of the Republican and Democratic Parties in the 2000 elections. The Act exempts nonpartisan activity designed to encourage individuals to vote or to register to vote from the definition of regulated expenditures. 2 U.S.C. §431(9)(B)(ii). The Commission has interpreted this statute to permit nonprofit 501(c)(3) or (c)(4) organizations that do not endorse, support or oppose political candidates or parties to stage candidate debates per 11 CFR 110.13(a); see 11 CFR 114.4 (f). Additionally, such a qualifying nonprofit organization may use its own funds and accept funds donated by corporations or labor organizations to defray costs incurred in staging candidate debates. 11 CFR 114.4(f)(1).

### Administrative Complaint

The plaintiffs alleged that the CPD was founded and controlled by the Republican and Democratic Parties and their representatives. They argued that the CPD raised significant monies and obtained numerous corporate co-sponsors of its debates in 2000. According to the administrative complaint, because the CPD does not meet the criteria for a qualifying organization under 11 CFR 110.13 and 114.4(f)(1), the corporate monies raised and expended were illegal contributions and expenditures. Furthermore, the plaintiffs claim that CPD meets the definition of political committee under the Act<sup>1</sup> and is required to register and report with the FEC.

<sup>1</sup> The term "political committee" means any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year.

### Court Complaint

The plaintiffs allege that the FEC's dismissal of the administrative complaint was arbitrary and capricious, an abuse of discretion and contrary to law. They further assert that the dismissal was based on an impermissible interpretation of the Act. See 2 U.S.C. §437g(a)(8)(A). The plaintiffs ask the court to declare that the FEC's dismissal of the administrative complaint was contrary to law and to remand the matter to the FEC with an order to conform to the declaration within 30 days.

U.S. District Court for the District of Columbia, 04-CV-00731(HHK).

—Amy Kort

### FEC v. California Democratic Party, et al.

On June 4, 2004, the U.S. District Court for the Eastern District of California ordered the defendants to pay a \$30,000 civil penalty and enjoined them from further similar violations of the Federal Election Campaign Act (the Act).

The plaintiff and defendants stipulated to the entry of the court's order, which followed the court's February 13, 2004, decision to grant the Commission's motion for summary judgment, finding that the defendants violated the Act by:

- Using nonfederal funds to pay for mass mailings and radio advertisements that constituted express advocacy of a clearly identified federal candidate;
- Failing to include the required disclaimers; and
- Failing to report the ads as independent expenditures.

Under the Act, political party committees may only spend funds that are consistent with the limits and prohibitions of the Act to influence a federal election. Among other restrictions, the Act prohibits corporations and labor unions from making any contributions in connection with a federal election, and

also prohibits a political committee from receiving such contributions. 2 U.S.C. §441b. See also 2 U.S.C. §§441a, 441c, 441e, 441f and 441g; 11 CFR parts 100, 110, 114 and 115. A party committee that maintains both federal and nonfederal accounts may pay for some mixed federal/nonfederal activities with a combination of federal and nonfederal funds using the allocation rules set forth in Commission regulations.<sup>1</sup> However, any expenditure made by a political party committee for activities that expressly advocate the election or defeat of a clearly identified federal candidate must be made with federally permissible funds.

On February 13, the court also denied the defendants' motion for summary judgment. See the April 2004 *Record*, page 8.

U.S. District Court for the Eastern District of California, S-03-0547 FCD DAD.

—Amy Kort

### FEC v. Dear for Congress, et al.

On June 7, 2004, the parties solely, for the purpose of settling this case, stipulated that the court could enter a consent judgment, with the defendants neither admitting nor denying the findings included in the judgment. In the consent judgment, the U.S. District Court for the Eastern District of New York provided declaratory, injunctive and monetary relief in favor of the Commission. The court decreed that one or more of the defendants violated the Federal Election Campaign Act's:

- Contribution limits (2 U.S.C. §441a(a)(1)(A));

<sup>1</sup> The defendants' activities described in this case occurred before the Bipartisan Campaign Reform Act of 2002 took effect. Thus, the court considered the statutory and regulatory provisions in effect at that time.

- Reporting requirements (2 U.S.C. §§434(a)(6)(A), 434(b)(2), 434(b)(4), 434(b)(4)(F) and 434(b)(8));
- Prohibition on contributions made in the name of another (2 U.S.C. §441f); and
- Prohibition on corporate contributions (2 U.S.C. §441b(a)).

The court ordered Dear for Congress, Dear 2000 and Friends of Noah Dear to pay to the Commission all funds remaining in their accounts as of the date that the parties entered into the stipulated agreement, and the court ordered Abraham Roth, as treasurer, to pay a \$45,000 civil penalty to the FEC. In addition, the court enjoined the defendants from committing further such violations of the Act. See the August 2003 *Record*, page 4.

U.S. District Court for the Eastern District of New York, 03CV2897.

—Amy Kort

### Shawn O'Hara v. FEC

On June 29, 2004, the U.S. Court of Appeals for the District of Columbia Circuit dismissed as untimely the petitioner's request for review of the Commission's repayment determination against the National Committee of the Reform Party of the USA (RPUSA). Under that determination, the RPUSA must repay \$333,558, plus interest, to the U.S. Treasury, representing public funds for the RPUSA's 2000 Presidential nominating convention that were not permissibly spent under the Presidential Election Campaign Fund Act. The court found that the petition for review of the repayment determination was filed beyond the 30-day period for filing such petitions. See the June 2004 *Record*, page 6.

U.S. Court of Appeals for the District of Columbia Circuit, 04-1106.

—Amy Kort

## New Litigation

### John C. Cooksey v FEC

On May 26, 2004, John C. Cooksey and Cooksey for Senate Finance Committee (the Committee) filed a complaint in the U.S. District Court for the Western District of Louisiana. The plaintiffs ask the court to review a civil penalty assessed by the Commission under its administrative fines regulations.

*Background.* On April 29, 2003, the Commission notified the Committee that it believed the Committee had failed to file a 2002 30-Day Post-General report, as required under 2 U.S.C. §434(a). On May 2 the Commission notified the Committee of its reason-to-believe finding that the Committee had violated 2 U.S.C. §434(a) and its initial civil penalty calculation of \$9,500.

The Committee challenged the Commission's reason-to-believe finding under the administrative process provided for in Commission regulations. 11 CFR 111.35-111.37. The Commission subsequently reduced the penalty amount to \$8,000 after the Committee submitted new information that allowed the Commission to calculate the penalty based on actual data rather than on the estimates used for the initial penalty calculation. On April 22, 2004, the Commission made a final determination that the Committee had violated 2 U.S.C. §434(a) and assessed an \$8,000 civil money penalty.

*Court Complaint.* In their complaint the plaintiffs allege that the penalty is unfounded and/or excessive and is based on a factual error regarding the circumstances of the allegedly untimely report. The plaintiffs further argue that the existence of extraordinary circumstances that lasted for more than 48 hours and were beyond the Committee's control relieves the Committee from the Commission's penalty. See 11 CFR 111.35(b).

The plaintiffs ask the court to reduce and/or waive the \$8,000 civil penalty.

U.S. District Court for the Western District of Louisiana, 3:04CV1152.

—Amy Kort

## Alternative Dispute Resolution

### ADR Program Update

The Commission recently resolved five additional cases under the Alternative Dispute Resolution (ADR) program. The respondents, the alleged violations of the Federal Election Campaign Act (the Act) and the final disposition of the cases are listed below.

1. The Commission reached agreement with Fannie Lou Hammer PAC and Edwin Washington, its treasurer, regarding the PAC's failure to register and report. The respondents acknowledged that, although the Commission had administratively terminated their PAC in November 2002, their expenditures in connection with federal election campaigns in 2002 voided the terms of this administrative termination.

The respondents agreed to pay a \$500 civil penalty. In addition, they agreed to complete and file with the Commission the missing campaign finance reports for the period from January 1999 through March 2004 and set up and maintain in the Committee's offices a resource file on the Act to provide guidance for the current and future officers of the PAC. The respondents will also send an appropriate representative to attend an FEC seminar on federal election campaign reporting requirements within the next year and will identify one staff member to be

(continued on page 12)

## Alternative Dispute Resolution

(continued from page 11)

responsible for compliance with the Act. (ADR 154/MUR 5377)

2. The Commission closed the file regarding Eric Tanenblatt, Bush-Cheney '04, Inc. and its treasurer, David Herndon, the State of Georgia and the Office of the Governor in Georgia concerning the alleged use of state resources in connection with a federal election and alleged excessive contributions. The ADR Office recommended that the case be closed and the Commission agreed to close the file. (ADR 161/MUR 5402)

3. The Commission closed the file regarding Pro Choice Voter and its treasurer, Elizabeth Shollenberger, and Westchester Coalition for Legal Abortion, Inc. and its President, Catherine Lederer-Plaskett, concerning the alleged failure to file disclosure reports and accurately report debt. The ADR Office recommended that the case be closed and the Commission agreed to close the file. (ADR 164/MUR 5404)

4. The Commission closed the file regarding Gutknecht for U.S. Congress, David Byer, its treasurer, and Leonard Prescott concerning the alleged failure to provide accurate contributor information. The ADR Office recommended the case be closed and the Commission agreed to close the file. (ADR 165/MUR 5399)

5. The Commission closed the file regarding Albert F. Turner, Friends of Albert Turner and its treasurer, Leslie Ford, Perry County Civic League and Milton E. McGregor regarding the alleged:

- Solicitation of contributions on the premises of a non-profit tax exempt organization;
- Coordination of efforts with a political organization to collect contributions in violation of the Act;

- Solicitation of soft money contributions;
- Violation of the Act's ban on corporate contributions; and
- Failure to register.

The ADR Office recommended the case be closed and the Commission agreed to close the file. (ADR 168/MUR 5419)

—Amy Kort

## Publications

### 2003 Annual Report Available

Printed copies of the Commission's *Annual Report 2003* are now available. To receive a free copy, call the Information Division at 800/424-9530, or locally at 202/694-1100. The *Annual Report 2003* is also available online at <http://www.fec.gov/pages/anreport.htm>.

—Amy Kort

### Selected Court Case Abstracts Available Online

The 2004 edition of the *Selected Court Case Abstracts* is now available on the FEC web site at <http://www.fec.gov/pdf/cca.pdf>. The *Selected Court Case Abstracts*, current as of March 2004, includes summaries of court cases pertinent to the Federal Election Campaign Act. Most of the abstracts originally appeared in the *Record*.

A printed version of the 2004 edition of the *Selected Court Case Abstracts* will be available in the fall. The availability of the printed version will be announced in a future issue of the *Record*.

—Amy Kort

## Enforcement Query System Now Available on FEC Web Site

The FEC recently launched its Enforcement Query System (EQS), a web-based search tool that allows users to find and examine public documents regarding closed Commission enforcement matters. Using current scanning, optical character recognition and text search technologies, the system permits intuitive and flexible searches of case documents and other materials.

Currently, the EQS contains complete public case files for all MURs closed since January 1, 2001. Users of the system can search for specific words or phrases from the text of all public case documents. They can also identify single matters under review (MURs) or groups of cases by searching additional identifying information about cases prepared as part of the Case Management System. Included among these criteria are case names and numbers, complainants and respondents, timeframes, dispositions, legal issues and penalty amounts.

The system was recently updated to offer additional case information and navigation tools, including:

- A redesigned Case Summary section that includes the name of a respondent committee treasurer and any prior committee treasurer; and
- An On-Line Tutorial to help users to utilize the system's search capabilities more fully.

The Enforcement Query System may be accessed on the Commission's web site at <http://www.fec.gov>.

## Public Funding

### Commission Certifies Matching Funds for Presidential Candidate

On June 29, 2004, the Commission certified \$298,758.66 in federal matching funds to Ralph Nader. The U.S. Treasury Department made the payments on July 1, 2004.

### Presidential Matching Payment Account

Under the Presidential Primary Matching Payment Account Act, the federal government will match up to \$250 of an individual's total contributions to an eligible Presidential primary candidate. A candidate must establish eligibility to receive matching payments by raising in excess of \$5,000 in each of at least 20 states (i.e., over \$100,000). Although an individual may contribute up to \$2,000 to a primary candidate, only a maximum of \$250 per individual applies toward the \$5,000 threshold in each state. Candidates who receive matching payments must agree to limit their committee's spending, limit their personal spending for the campaign to \$50,000 and submit to an audit by the Commission. 26 U.S.C. §§9033(a) and (b) and 9035; 11 CFR 9033.1, 9033.2, 9035.1(a)(2) and 9035.2(a)(1).

Candidates may submit requests for matching funds once each month. The Commission will certify an amount to be paid by the U.S. Treasury the following month. 26 CFR 702.9037-2. Only contributions from individuals in amounts of \$250 or less are matchable.

The chart at right lists the amount most recently certified to each eligible candidate who has elected to participate in the matching fund program, along with the cumulative amount that each candidate has been certified to date.

—Amy Kort

### Matching Funds for 2004 Presidential Candidates: June Certification

Candidate	Certification June 2004	Cumulative Certifications
Wesley K. Clark (D) <sup>1</sup>	\$0	\$7,615,360.39
John R. Edwards (D) <sup>2</sup>	\$0	\$6,521,338.88
Richard A. Gephardt (D) <sup>3</sup>	\$0	\$4,104,319.82
Dennis J. Kucinich (D) <sup>4</sup>	\$0	\$2,661,079.59 <sup>5</sup>
Lyndon H. LaRouche, Jr. (D) <sup>6</sup>	\$0	\$1,408,993.13
Joseph Lieberman (D) <sup>7</sup>	\$0	\$4,257,830.85
Ralph Nader (D)	\$298,758.66	\$398,758.66
Alfred C. Sharpton (D)	\$0	\$100,000.00 <sup>8</sup>

<sup>1</sup> General Clark publicly withdrew from the Presidential race on February 11, 2004.

<sup>2</sup> Senator Edwards publicly withdrew from the Presidential race on March 3, 2004.

<sup>3</sup> Congressman Gephardt publicly withdrew from the Presidential race on January 2, 2004.

<sup>4</sup> Congressman Kucinich became ineligible to receive matching funds on March 4, 2004.

<sup>5</sup> This amount reflects what the candidate has been paid. His cumulative certifications were higher, but the Commission rescinded part of that amount.

<sup>6</sup> Mr. LaRouche became ineligible to receive matching funds on March 4, 2004.

<sup>7</sup> Senator Lieberman publicly withdrew from the Presidential race on February 3, 2004.

<sup>8</sup> On May 10, 2004, the Commission determined that Reverend Sharpton must repay this amount to the U.S. Treasury for matching funds he received in excess of his entitlement. See the July 2004 Record, page 8.

## Nonfiler

### Congressional Committee Fails to File Pre-Primary Report

The Joe Byrd for Congress committee failed to file a 12-Day Pre-Primary report for the July 20, 2004, primary election in North Carolina.

Prior to the reporting deadline, the Commission notified committees of their filing obligations. Committees that failed to file the required reports were subsequently notified that their reports had not been received and that their names would

be published if they did not respond within four business days.

The Federal Election Campaign Act requires the Commission to publish the names of principal campaign committees if they fail to file 12 day pre-election reports or the quarterly report due before the candidate's election. 2 U.S.C. §437g(b). The agency may also pursue enforcement actions against nonfilers and late filers on a case-by-case basis.

—Amy Kort

## Outreach

### Roundtable on Pre-Election Communications

On August 4, 2004, the Commission will host a roundtable session on new rules for pre-election communications, including coordinated communications within 120 days of an election and electioneering communications within 60 days of the general election. (See the chart at right for details.) These types of communications have been the subject of a number of recent Commission advisory opinions, including AOs 2004-14 and 2004-15, which are summarized in this issue of the *Record*.

Attendance is limited to 30 people per session, and registration is accepted on a first-come, first-served basis. Please call the FEC before registering or sending money

### FEC Accepts Credit Cards

The Federal Election Commission now accepts American Express, Diners Club and Discover Cards in addition to Via and MasterCard. While most FEC materials are available free of charge, some campaign finance reports and statements, statistical compilations, indexes and directories require payment.

Walk-in visitors and those placing requests by telephone may use any of the above-listed credit cards, cash or checks. Individuals and organizations may also place funds on deposit with the office to purchase these items. Since prepayment is required, using a credit card or funds placed on deposit can speed the process and delivery of orders. For further information, contact the Public Records Office at 800/424-9530 or 202/694-1120.

### Roundtable Schedule

Date	Subject	Intended Audience
August 4 9:30-11 a.m.	<b>New Rules on Pre-Election Communications:</b> <ul style="list-style-type: none"> <li>• Coordinated Communications within 120 days of an election; and</li> <li>• Electioneering Communications within 60 days of the general election.</li> </ul>	<ul style="list-style-type: none"> <li>• Candidates;</li> <li>• Government affairs representatives; and</li> <li>• Persons making coordinated communications or electioneering communications.</li> </ul>

to ensure that openings remain. The registration form is available on the FEC web site at <http://www.fec.gov/pages/infosvc.htm> and from Faxline, the FEC's automated fax system (202/501-3413, request document 590). For more information, call the Information Division at 800/424-9530, or locally at 202/694-1100.

—Amy Kort

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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](http://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.

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