

Record

April 2010

Federal Election Commission

Volume 36, Number 4

Table of Contents

Court Cases

- 1 Unity08 v. FEC
- 3 Utility Workers Union of America v. FEC
- 4 Fieger v. FEC

Reports

- 1 April Reporting Reminder
- 4 Georgia Special Election: 9th District
- 6 Pennsylvania Special Election: 12th District
- 7 Hawaii Special Election: 1st District

Regulations

- 8 Final Rules on Funds Received in Response to Solicitations; Allocation of Expenses by PACs
- 9 NPRM on Debt Collection

9 Comments Sought on Volunteer Materials Exemption Policy

10 Advisory Opinions

Statistics

- 12 House and Senate Campaign Fundraising
- 13 Party Committee Fundraising

Outreach

- 14 Nonconnected PAC Seminar
- 14 Conference for Campaigns and Party Committees
- 14 Conference for Trade Associations, Membership Organizations and Labor Organizations

15 Index

Reports

April Reporting Reminder

The following reports are due in April:

- All principal campaign committees of House and Senate candidates must file a quarterly report by April 15, 2010. The report covers financial activity from January 1 (or the day after the closing date of the last report) through March 31;
- Principal campaign committees of Presidential candidates must file a report by April 15, if they are quarterly filers (the report covers financial activity from January 1 through March 31), or by April 20, if they are monthly filers (the report covers activity for the month of March); and
- National party committees, political action committees (PACs) following a monthly filing schedule and state, district and local party committees that engage in reportable “federal election activity” (see “State, District and Local Party Committees, on page 5) must file a monthly report by April 20. This report covers activity for the month of March. 11 CFR 104.5.

(continued on page 3)

Court Cases

Unity08 v. FEC

On March 2, 2010, the U.S. Court of Appeals for the District of Columbia Circuit reversed the district court’s decision in *Unity08 v. FEC* (Case No. 08-5526) and ruled in favor of the Plaintiff, Unity08. The appeals court found that Unity08 is not subject to regulation as a political committee unless and until it selects a “clearly identified” candidate.

Background

Unity08, a nonprofit corporation organized under the laws of the District of Columbia, described itself as a “political movement” formed for the purpose of nominating and electing a “Unity Ticket” in the 2008 Presidential election. Unity08 intended to solicit funds via the Internet in order to qualify for a position on the ballot in approximately 37 states and planned to hold an “Internet online nominating convention” to select its candidates for President and Vice President. Unity08 submitted an advisory opinion (AO) request asking whether it would be considered a “political committee” before the conclusion of its online convention in the summer of 2008. In AO 2006-20 (See November 2006 *Record*, page 4), the Commission concluded that Unity08 would be a politi-

(continued on page 2)

Court Cases

(continued from page 1)

cal committee once it spent more than \$1,000 for ballot access, since spending money for ballot access is considered an expenditure under the Federal Election Campaign Act (the Act), Commission regulations and prior advisory opinions. See 11 CFR 100.111(a). Additionally, the Commission determined that Unity08's "major purpose" was the nomination or election of federal candidates, and therefore the FEC was not prevented by the First Amendment from finding that Unity08's activities qualified it as a political committee. Unity08 filed suit seeking to enjoin

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

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

Matthew S. Petersen,
Chairman

Cynthia L. Bauerly,
Vice Chair

Caroline C. Hunter,
Commissioner

Donald F. McGahn II,
Commissioner

Steven T. Walther,
Commissioner

Ellen L. Weintraub,
Commissioner

Alec Palmer,
Acting Staff Director
Thomasenia Duncan,
General Counsel

Published by the Information
Division of the Office of
Communications

Greg J. Scott,
Assistant Staff Director

Amy L. Kort,
Deputy Assistant Staff Director

Myles G. Martin,
Editor

<http://www.fec.gov>

the FEC from enforcing AO 2006-20 against it and seeking a declaratory judgment that the advisory opinion violated its First Amendment rights. The FEC filed for summary judgment, arguing that Unity08 lacked standing to bring the action and that, even if Unity08 had standing, the FEC's decision was neither arbitrary nor capricious, nor did the decision infringe on the Plaintiff's First Amendment rights.

District Court Decision

On October 16, 2008, the district court held that, since Unity08 sought to obtain ballot access merely as a placeholder for its candidates, it was reasonable for the Commission to conclude that any monies Unity08 spent to qualify for the ballot would be considered expenditures under the Act. The court held that Unity08's ballot access was certain to benefit its candidates, who would be identified by party affiliation and office sought, and who would have declared their intentions to run for federal office when this benefit was conferred upon them. Large, unregulated disbursements made to obtain such access would therefore present the possibility of actual or apparent corruption that the Act was intended to limit. The court also concluded that the FEC's determination that Unity08 would qualify as a political committee did not violate the First Amendment because Unity08's major purpose was to nominate and support candidates for federal office. U.S. District Court for the District of Columbia, 1:07-cv-00053-RWR.

Appellate Court Decision

The appeals court reversed the district court's decision and ruled in favor of the Plaintiff.

The appeals court rejected the Commission's argument that the case was moot once Unity08 ceased activity. The court noted that Unity08 claims it will continue operations if it wins this appeal. The court also rejected the Commission's argument that the Administrative

Procedure Act does not authorize review of advisory opinions because the opinion is not "final agency action." The court, quoting *Chicago & Southern Air Lines v. Waterman Steamship Corp.*, 333 U.S. 103, 113 (1948), noted that administrative orders are final when "they impose an obligation, deny a right or fix some legal relationship as a consummation of the administrative process." In this case, the court found that the advisory opinion procedure is complete and deprives the Plaintiff of a legal right—2 U.S.C. § 437f(c)'s reliance defense, which the Plaintiff would enjoy if it had obtained a favorable resolution in the advisory process. Additionally, the court rejected the Commission's argument that the text and structure of the Act indicated Congressional intent to preclude judicial review of Commission advisory opinions. The court stated it was "improbable that Congress's imposition of some procedural rules for investigations should, with little else, be read as an intention to implicitly preclude judicial review, particularly in contexts implicating First Amendment values." Slip op. at 10.

Additionally, the court agreed with the Plaintiff's argument that Unity08 is not subject to regulation as a political committee unless and until it selects a "clearly identified" candidate. The court applied its ruling in *FEC v. Machinists Non-Partisan Political League*, 655 F.2d 380 (D.C. Cir. 1981), which found that draft groups were outside of the scope of the Act. In *Machinists*, the court used the "major purpose" test in *Buckley v. Valeo*, 424 U.S. 1, 79 (1976), to determine that draft groups "whose activities are not under the control of a 'candidate' or directly related to promoting or defeating a clearly identified 'candidate'" enjoyed protection from regulation under the Act. 655 F.2d at 393. Similar to *Machinists*, Unity08 did not fulfill the "major purpose"

(continued on page 3)

Court Cases

(continued from page 2)

test from *Buckley*. The court also found the risk of corruption from Unity08's activities no greater than the risk presented by the draft groups in *Machinists*.

Finally, the court rejected the Commission's argument that accepting Unity08's reading of *Machinists* would exempt political parties from regulation as political committees each election cycle until they actually nominated their candidates. According to the court, Unity08's request for an AO "presented only the question of whether a group that has never supported a clearly identified candidate—and so far as appears will not support any candidate after the end of its 'draft' process—comes within the holding of *Machinists*." The court found that Unity08 stands in contrast to political parties that have previously supported "clearly identified" candidates and almost invariably intend to support their nominees.

The text of the court's opinion is available at http://www.fec.gov/law/litigation/u08_ac_opinion.pdf

U.S. Court of Appeals for the District of Columbia Circuit (No. 08-5526).

—Stephanie Caccomo

Utility Workers Union of America, Local 369, AFL-CIO v. FEC

On March 8, 2010, the U.S. District Court for the District of Columbia denied the Commission's motion to dismiss and denied Utility Workers Union of America, Local 369's (Plaintiff's) oral motion for summary judgment regarding the Plaintiff's suit against the FEC for dismissing an administrative complaint alleging that Covanta Energy Corporation ("Covanta") unlaw-

fully solicited contributions to its separate segregated fund (SSF) in its employee handbook. The district court remanded the case to the Commission for further explanation and proceedings consistent with the court's opinion.

Background

The Plaintiff filed an administrative complaint with the Commission in October 2008 alleging that Covanta violated the Federal Election Campaign Act (the Act) by including language in its employee handbook that solicited contributions from employees to Covanta's SSF. Under the Act, SSFs may only solicit contributions from a corporation's "restricted class," which consists of stockholders, executive and administrative personnel and the families of both groups. 2 U.S.C. §441b(b). The Plaintiff alleged that the handbook violated the Act by impermissibly soliciting all employees and by not following other requirements.

The FEC dismissed the Plaintiff's complaint. Applying the standard set forth in Commission advisory opinions for determining whether a communication amounts to a solicitation, the Commission concluded that the language in Covanta's employee handbook was not a solicitation because it did not encourage support for the [SSF] or facilitate the making of contributions to the [SSF], but "merely convey[ed] information that might engender inquiry."

The Plaintiff brought suit challenging the Commission's dismissal of its administrative complaint under 2 U.S.C. §437g(a)(8)(A), which states that any party aggrieved by an order of the Commission dismissing a complaint may file a petition with the U.S. District Court for the District of Columbia.

The Plaintiff argued that the Commission's dismissal of the administrative complaint was flawed

and that the Commission's Explanation and Justification (E&J) on SSF solicitations calls into question the Commission's order. That E&J explains that an SSF "may accept unsolicited contributions from persons otherwise permitted by the Act to make contributions. Informing persons of the right to accept such contributions is, however, a solicitation." H.R. Doc. No. 95-44, 109 (January 12, 1977).¹

District Court Decision

The district court held that it could not sustain the Commission's administrative decision because neither the Factual and Legal Analysis explaining the decision nor the precedent it cites enables the court to discern the Commission's rationale in determining that the Covanta handbook did not inform persons of the SSF's right to accept contributions, and thus that it was not a solicitation as interpreted by the E&J.

The court held that a remand to the Commission for further explanation is the appropriate remedy in this situation because, on remand, the Commission may be able to supply a reasoned analysis for its dismissal of the Plaintiff's complaint in a manner consistent with the E&J. The court also held that the Commission did not improperly rely on its own past advisory opinions when it cited them in its order.

The text of the court's opinion is available on the Commission's website at http://www.fec.gov/law/litigation/uwu_opinion.pdf.

United States District Court for the District of Columbia, Civil Action No. 09-01022.

—Myles Martin

(continued on page 4)

¹ The Commission's Explanation and Justification is available on the FEC's website at http://www.fec.gov/law/cfr/ej_compilation/1977/95-44.pdf.

Court Cases

(continued from page 3)

Fieger v. FEC

On February 26, 2010, the U.S. District Court for the Eastern District of Michigan granted the Commission's motion for summary judgment in *Fieger v. FEC* and dismissed the case, finding that the court lacked subject-matter jurisdiction because Geoffrey Fieger (Plaintiff) was not the party who made the Freedom of Information Act (FOIA) requests at issue and so Plaintiff lacked standing to file suit.

Background

In July of 2008, Michael Deszi, an attorney with the law firm Fieger, Fieger, Kenney, Johnson, and Giroux, PC, made a formal request to the Commission for records under FOIA. Mr. Deszi made a second request to the Commission in October 2008. These requests sought documents related to the Commission's interactions with the Department of Justice and the White House.

The Commission provided responsive material, but the Plaintiff's lawsuit asked the district court to order the Commission to do further searching and make further disclosures. The Commission filed a motion for summary judgment arguing that the Plaintiff lacked standing, that the agency had made a good-faith effort to locate the requested items, and that the agency's withholding of certain material was justified.

District Court Decision

The district court held that it was not possible to discern from the two letters Mr. Deszi sent to the Commission that they were requests for documents by or on behalf of Mr. Fieger, since Mr. Fieger did not sign the letters, and nowhere in either letter was there a statement or suggestion that Mr. Deszi had made the requests on Fieger's behalf.

The court held that a plaintiff cannot show injury-in-fact when he

has not made a request for information on his own or explicitly through counsel. The court explained that a plaintiff who bases a FOIA lawsuit upon the request for information by another person does not satisfy the constitutional standing requirement, which requires that he must assert a violation of his own legal rights.

Although the Plaintiff argued that Mr. Deszi was acting as counsel in a representative capacity, the court held that federal FOIA jurisprudence leaves no doubt that a lawyer's request for information must plainly spell out the representative capacity and the identity of the client before that client can bring a FOIA action in his or her own name and that when an attorney files a FOIA request on behalf of a client, the attorney is the one to whom courts have granted standing to sue.

Accordingly, the court granted the Commission's motion for summary judgment and dismissed the case for lack of subject-matter jurisdiction.

Additional Information

The court's decision is available on the Commission's website at http://www.fec.gov/law/litigation/fieger08_opinion.pdf.

U.S. District Court for the Eastern District of Michigan, Southern Division, Case No. 2:08-cv-1425.

—Myles Martin

Reports

(continued from page 1)

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 electronic 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 electronically, or other than Registered, Certified or Overnight Mail (see page 5) must be received by the Commission's (or the Secretary of the Senate'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

(continued on page 5)

Georgia Special Election: 9th District

Georgia will hold a special general election on May 11, 2010, to fill a vacancy caused by the resignation of Rep. Nathan Deal. Under Georgia law, should no candidate receive a majority of votes, a special runoff election will be held between the top two vote-getters on June 8, 2010. The reporting dates for committees involved in these elections are available at http://www.fec.gov/info/report_dates_2010.shtml#special.

Reports

(continued from page 4)

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 web site. FECFile Version 6.4.1.2 is available for download from the FEC website at <http://www.fec.gov/electfil/updatelist.html>. All reports filed after July 8, 2009, must be filed in Format Version 6.4.1.2. 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 available on the Commission's web site. Committees using commercial software should contact their vendors for more information about the Commission's latest software release.

¹The 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).

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 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) 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 2010 Reporting Schedule is also available on the FEC's website (http://www.fec.gov/info/report_dates_2010.shtml), and from Faxline. For more information on reporting, call the FEC at 800/424-9530 or 202/694-1100.

State, District and Local Party Committees

State, district and local party committees that engage in certain

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 on-line tracking system.

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 quarterly basis in 2010. See 11 CFR 104.5(c)(1)(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)(4).

Political Action Committees

PACs (separate segregated funds and nonconnected committees) that filed on a semi-annual basis in 2009 file on a quarterly basis in 2010. 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).

Additional Information

For more information on 2010 reporting dates:

- See the reporting tables in the January 2010 *Record*;
- Call and request the reporting tables from the FEC at 800/424-9530 or 202/694-1100;
- Fax the reporting tables to yourself using the FEC's Faxline (202/501-3413, document 586); or
- Visit the FEC's web page at http://www.fec.gov/info/report_dates_2010.shtml to view the reporting tables online.

—Elizabeth Kurland

(continued on page 6)

Reports

(continued from page 5)

Pennsylvania Special Election Reporting: 12th District

Pennsylvania will hold a Special Election to fill the U.S. House seat in the 12th Congressional District held by the late Representative John P. Murtha. The Special General Election will be held on May 18, 2010.

Candidate committees involved in this election must follow the reporting schedule above. Please note that the reporting period for the Post-General election report spans two election cycles. For this report only, authorized committees must use the Post-Election Detailed Summary Page rather than the normal Detailed Summary Page.

PACs and party committees that file on a quarterly schedule and participate in this election must also follow the schedule at right. PACs and party committees that file monthly must continue to file according to their regular filing schedule.

Filing Electronically

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission's validation program by the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines.

Timely Filing for Paper Filers

Registered and Certified Mail. 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 registered or certified mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing

Pennsylvania 12th District Special Election Reporting

Committees Involved in the Special General (05/18/10) Must File:

	Close of Books ¹	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	April 28	May 3	May 6
Post-General	June 7	June 17	June 17
July Quarterly	June 30	July 15	July 15

¹ This date indicates the end of a reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

because the USPS does not keep complete records of items sent by certified mail. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

Overnight Mail. Reports filed via overnight mail¹ 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. 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 before the Commission's close of business on the filing deadline. 11 CFR 100.19 and 104.5(e).

Forms are available for downloading and printing at the FEC's website (<http://www.fec.gov/info/forms.shtml>) and from FEC Faxline, the agency's automated fax system (202/501-3413).

¹ "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

48-Hour Contribution Notices

Note that 48-hour notices are required of the participating candidate's principal campaign committee if it receives any contribution of \$1,000 or more per source between April 29 and May 15, 2010, for the Special General Election.

24- and 48-Hour Reports of Independent Expenditures

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate at or above \$1,000 between April 29 and May 16, 2010, for the Special General Election. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during a calendar year.

Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from March 19 through May 18, 2010.

Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file re-

(continued on page 7)

Reports

(continued from page 6)

ports in connection with the 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 \$16,000 during the special election reporting period (see reporting schedule chart on page 6). 11 CFR 104.22(a)(5)(v). For more information on these requirements, see the March 2009 *Record*.

—Elizabeth Kurland

Hawaii Special Election Reporting: 1st District

Hawaii will hold a Special Election to fill the U.S. House seat in Hawaii’s 1st Congressional District vacated by Representative Neil Abercrombie. The Special General Election will be held on May 22, 2010.

Candidate committees involved in this election must follow the reporting schedule at right. Please note that the reporting period for the Post-General election report spans two election cycles. For this report only, authorized committees must use the Post-Election Detailed Summary Page rather than the normal Detailed Summary Page.

PACs and party committees that file on a quarterly schedule and participate in this election must also follow the schedule above. PACs and party committees that file monthly must continue to file according to their regular filing schedule.

Filing Electronically

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission’s validation program by the filing deadline will be considered nonfilers and may be subject to en-

Hawaii 1st District Special Election Reporting

Committees Involved in the Special General (05/22/10) Must File:

	Close of Books ¹	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	May 2	May 7	May 10
Post-General	June 11	June 21	June 21
July Quarterly	June 30	July 15	July 15

¹ This date indicates the end of a reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

forcement actions, including administrative fines.

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 registered or certified mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by certified mail. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

Overnight Mail. Reports filed via overnight mail¹ 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. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

¹“Overnight mail” includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service’s on-line tracking system.

Other Means of Filing. Reports sent by other means—including first class mail and courier—must be received by the FEC before the Commission’s close of business on the filing deadline. 11 CFR 100.19 and 104.5(e).

Forms are available for downloading and printing at the FEC’s website (<http://www.fec.gov/info/forms.shtml>) and from FEC Faxline, the agency’s automated fax system (202/501-3413).

48-Hour Contribution Notices

Note that 48-hour notices are required of the participating candidate’s principal campaign committee if it receives any contribution of \$1,000 or more per source between May 3 and May 19, 2010, for the Special General Election.

24- and 48-Hour Reports of Independent Expenditures

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate at or above \$1,000 between May 3 and May 20, 2010, for the Special General Election. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during a calendar year.

(continued on page 8)

Reports

(continued from page 7)

Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from March 23 through May 22, 2010.

Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the special election reporting period (see reporting schedule chart on page 7). 11 CFR 104.22(a)(5)(v). For more information on these requirements, see the March 2009 *Record*.

—Elizabeth Kurland

Regulations

Final Rules on Funds Received in Response to Solicitations; Allocation of Expenses by PACs

On March 11, 2010, the Commission approved final rules regarding funds received in response to solicitations and the allocation of certain expenses by separate segregated funds (SSFs) and nonconnected political action committees (PACs). The rules were adopted in response to a decision by the United States Court of Appeals for the District of Columbia Circuit in *EMILY's List v. FEC (EMILY's List)*. See the November 2009, *Record*, page 1.

Background

On September 18, 2009, the court of appeals held that Commission regulations at 11 CFR 100.57,

106.6(c) and 106.6(f) violated the First Amendment and also held that 100.57, 106.6(f) and one provision of 106.6(c) exceeded the Commission's authority under the Federal Election Campaign Act (the Act). At the direction of the court of appeals, the U.S. District Court for the District of Columbia ordered that these rules be vacated.

On December 29, 2009, the Commission published a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* in which it sought public comment on the proposed removal of the rules vacated by the court. The Commission received two comments on the proposed rules, which are available on the Commission's website at http://www.fec.gov/law/law_rulemakings.shtml#emilyslistrepeal.

Final Rules

Funds Received in Response to Solicitations. Commission regulations at 11 CFR 100.57 specified that funds provided in response to a communication were to be treated as contributions if the communications indicated that any portion of the funds received would be used to support or oppose the election of a clearly identified federal candidate. 11 CFR 100.57(a). All of the funds received in response to a solicitation that referred both to a clearly identified federal candidate and a political party, but not to any nonfederal candidates, were to be treated as contributions. 100.57(b)(1). Finally, if a solicitation referred to at least one clearly identified federal candidate and one or more clearly identified nonfederal candidate(s), then at least fifty percent of the funds received in response to that solicitation had to be treated as contributions. 100.57(b)(2). The regulation provided an exception for certain solicitations for joint fundraisers conducted between or among authorized committees of federal candidates and the campaign organizations of nonfederal candidates. 100.57(c).

The Commission removed 11 CFR 100.57 in its entirety because the court of appeals held that it is unconstitutional and that it exceeded the Commission's statutory authority under the Act.

Allocation of Expenses. Commission regulations at 11 CFR 106.6 provided SSFs and nonconnected PACs making disbursements in connection with both federal and nonfederal elections with instructions as to how to allocate their administrative expenses and costs for federal and nonfederal activities.

The rule at 106.6(c) required nonconnected committees and SSFs to use at least fifty percent federal funds to pay for administrative expenses, generic voter drives and public communications that referred to a political party, but not to any federal or nonfederal candidates. The rule at 106.6(f) specified that nonconnected committees and SSFs had to pay for public communications and voter drives that referred to both federal and nonfederal candidates using a percentage of federal funds proportionate to the amount of the communication that was devoted to the federal candidates.

The Commission removed 106.6(c) and 106.6(f) in their entirety, as the court of appeals held that both provisions are unconstitutional. The deletion of the regulations apply both to nonconnected committees and to SSFs.

Additional Information

The Final Rules were published in the *Federal Register* on March, 19, 2010, and are effective on April 19, 2009. The Federal Register Notice is available on the Commission's website at http://www.fec.gov/law/cfr/ej_compilation/2010/notice_2010-08.pdf.

—Myles Martin

(continued on page 9)

Regulations

(continued from page 8)

Notice of Proposed Rulemaking on Debt Collection

On February 24, 2010, the Commission published a Notice of Proposed Rulemaking (NPRM) regarding implementation of statutory provisions regarding the collection of debts owed to the U.S. Government. The Commission also proposes integrating its rules regarding the collection of debts arising solely from the Administrative Fine program into the new proposed rules.

Background

The Commission is proposing new rules to implement the Debt Collection Improvement Act of 1996 (DCIA), which governs the federal government's debt collection activities, and mandates that all nontax debts or claims owed to the United States that have been delinquent for 180 days shall be referred to the U.S. Department of the Treasury or a

Treasury-designated collection center for appropriate action to collect or terminate collection of the claim or debt. 31 U.S.C. §3711(g)(1).

The Federal Claims Collection Standards (FCCS) were promulgated by the U.S. Department of the Treasury and the U.S. Department of Justice, which prescribe the standards that federal agencies must use in the administrative collection, offset, compromise and suspension or termination of money, funds or property. 31 CFR parts 900-904.

The Commission's proposed regulations would incorporate by reference the relevant provisions of the DCIA and the FCCS, and the Commission sought comment on all aspects of the proposed rules. The comment period closed on March 26, 2010.

Proposed Rules on Collection of Administrative Debts

The Commission proposes to add new part 8 and new subpart C to 11 CFR Part 111 to provide for debt collection. Together, both parts are designed to cover all types of debt that the Commission must collect. The proposed regulations in part 8 cover only those debts that are either owed to the U.S. government by current or former Commission employees, or arise from the provision of goods or services by contractors or vendors doing business with the Commission. Proposed 11 CFR 8.3 states that the Commission will collect the claims or debts covered by the proposed 11 CFR part 8 in accordance with the DCIA, the FCCS and certain other Treasury regulations governing debt collection. The proposed rule also states that the Commission will refer debts to the Treasury Department no later than 180 days after the debts become

delinquent. 11 CFR 8.3(c). During the 180 days before the mandatory transfer of a debt to the Treasury Department, the Commission may take any action authorized by the DCIA, the FCCS and Commission regulations to attempt to collect the debt.

Additionally, the Commission's proposed rules at 11 CFR part 8 provide for instances where a debtor has sought bankruptcy protection, which may require the Commission to take different action pursuant to bankruptcy law.

The Commission shall also assess interest, penalties and administrative costs on debts owed to the United States, in accordance with federal law. The proposed rules state that the Commission shall waive collection of interest and administrative costs on debts that are paid within 30 days after the date on which interest begins to accrue. The proposed rules also provide that the Commission may, at its discretion, waive collection of interest, penalties or administrative costs on any debt, and sets out the criteria for waiver.

Proposed Rules on Collection of Debts Arising from Enforcement and Administration of Campaign Finance Laws

The Commission proposes to remove current 11 CFR 111.45, which governs debt collection with respect to the Administrative Fine program. Instead, the proposed regulations at 11 CFR part 111, subpart C, would govern the Commission's collection of debts arising from compliance matters, administrative fines, alternative dispute resolution, repayments of public funds and court judgments arising from the Commission's enforcement of the campaign finance laws. The proposed regulations cover the collection of debts only, and will be invoked only after the completion of existing Commission

Commission Seeks Comments on Volunteer Materials Exemption Policy

The Federal Election Commission seeks public comment on alternative drafts of a Volunteer Materials Exemption Policy. Commenters are encouraged to review the drafts and submit comments to VMEpolicy@fec.gov.

Comments on the drafts are due by 5:00pm on April 13, 2010. The drafts are available on the FEC's website at <http://www.fec.gov/law/policy.shtml>.

(continued on page 10)

Regulations

(continued from page 9)

processes during which respondents or other parties have had a full and fair opportunity to demonstrate that no civil penalty or repayment should be imposed.

Like proposed 11 CFR part 8, the proposed regulations at 11 CFR part 11, subpart C state that the Commission will collect claims or debts covered by the proposed 11 CFR part 111, subpart C, in accordance with the DCIA, the FCCS and certain other Treasury regulations governing debt collection, and will refer debts to the Treasury Department no later than 180 days after the debts become delinquent. 11 CFR 111.51.

The proposed regulations at 11 CFR part 111, subpart C, also contain the same provisions governing the impact of bankruptcy law on debt collection and assessment and waiver of interest, penalties and administrative costs contained in proposed 11 CFR part 8, discussed above. 11 CFR 111.54 and 111.55.

The proposed regulations also note that nothing in proposed 11 CFR part 111, subpart C, precludes the Commission from filing suit in court to enforce compliance with a conciliation agreement, seek a civil money penalty, petition the court for a contempt order or otherwise exercise its authority to enforce or administer the Federal Election Campaign Act, the Presidential Election Campaign Fund Act or the Presidential Primary Matching Payment Account Act. 11 CFR 111.53.

Additional Information

The full text of the NPRM is available on the FEC's website at http://www.fec.gov/pdf/nprm/debtcollection/notice_2010-04.pdf.

—Myles Martin

Advisory Opinions

AO 2010-01

State Party Activity on Behalf of Presumptive Nominee

Payments by the Nevada State Democratic Party (the State Party) for campaign materials may be exempt from the definitions of "contribution" and "expenditure" if the materials are distributed by volunteers on behalf of the State Party's presumptive nominees.

Background

The State Party plans to purchase campaign materials to be used in connection with volunteer activities on behalf of candidates seeking to become the State Party's nominees in the general election. Specifically, the State Party plans to have volunteers distribute campaign materials on behalf of federal candidates whom the State Party believes will either run unopposed in the Nevada primary election, or whom the State Party believes are "assured of winning the nomination." The State Party asked whether these proposed disbursements will be exempt from the Federal Election Campaign Act's (the Act's) definitions of "contribution" and "expenditure."

Analysis

Under the Act and Commission regulations, certain disbursements by a state or local committee of a political party are exempt from the definitions of "contribution" and "expenditure" when they are made in connection with volunteer activities. 2 U.S.C. §§431(8)(B)(ix) and (9)(B)(viii); 11 CFR 100.87 and 100.147. This "volunteer materials exemption" is limited in several respects. In this instance, the most important limitation is that the materials purchased by the state or local party committee must be used

in connection with volunteer activities "on behalf of nominees of such party." 2 U.S.C. §§431(8)(B)(ix) and (9)(B)(viii); 11 CFR 100.87, 100.147.

Although neither the Act nor Commission regulations define the term "nominee," the Commission has previously determined that the volunteer materials exemption may apply before the nominee is formally selected through the primary process if the party is able to identify its nominee "as both a matter of fact and as a matter of state law." See Matter Under Review (MUR) 4471.

Under Nevada law, a candidate of a major political party must be nominated in the primary election. In 2010, the Nevada primary will be held on June 8th. However, the period to file as a candidate in the primary closes on March 12, 2010, in effect closing the ballot and establishing the field of candidates seeking major party nominations. At this point, any candidate of the State Party who is on the state ballot and has no primary opponent will be the State Party's presumptive nominee. Any candidate who does have an opponent in the primary will not be the State Party's presumptive nominee.

Therefore, payments made by the State Party Committee, for materials that are used in connection with volunteer activities on behalf of candidates not facing primary challengers, will qualify for the volunteer exemption if those activities take place after March 12. These payments will not count against the State Party's coordinated party expenditure limit or \$5,000 per candidate contribution limit. 2 U.S.C. §441a(a) and §441a(d). By contrast, payments made by the State Party, for materials that are used in connection with volunteer activities on behalf of candidates, will not qualify for the volunteer materials exemption if those activities take place before March 12, 2010. Such pay-

(continued on page 11)

Advisory Opinions

(continued from page 10)

ments would either count against the State Party's contribution limit or its coordinated party expenditure limit, if the expenditures are in connection with the general election.

Date Issued: March 1, 2010;

Length: 5 pages.

—*Christopher B. Berg*

AO 2010-02

State Party Committee May Use Nonfederal Funds To Purchase Office Building

A state party committee may use a building fund account containing nonfederal funds to purchase a state party office building if it enters into a land sale contract with the building's owner. However, since the State Party Committee does not yet know the key terms of the eventual contract, the Commission did not have sufficient information to determine if the particular contract would in fact constitute a land sale contract, and would therefore qualify as a "purchase" of an office building under federal law.

Background

The West Virginia Republican Party, Inc. (State Party Committee), is a political committee registered with the Commission as a state committee of a political party. 2 U.S.C. §431(15) and 11 CFR 100.14. The State Party Committee rents its current party headquarters under a lease with an option to purchase. To pay the rent on this building, it uses funds derived from the sale of its previous headquarters.

Shortly before November 6, 2002, the effective date of the Bipartisan Campaign Reform Act (BCRA), the West Virginia State Republican Executive Committee, the predeces-

sor committee to the current State Party Committee, received corporate contributions that it deposited in a building fund account to be used to purchase an office building to be used as the state party's headquarters, which it purchased in January 2003. In February 2008, the State Party Committee sold the building and some of the proceeds were placed in the building fund account, which is segregated from the State Party Committee's federal account. Beginning in September 2009, the State Party Committee began to lease a different office building. This lease included an option to purchase the building.

The State Party Committee proposes to use the proceeds from the sale of its previous headquarters (plus accrued interest on the proceeds) to pay the rent on the current lease. If the State Party Committee is unable to use solely nonfederal funds from the sales proceeds to pay for such rent, the state party committee proposes to exercise the option to purchase and enter into a "land sales contract" with the building's owner. The State Party Committee would then use the remaining proceeds in the building fund account to make payments on the land sales contract.

Under the land sales contract, the State Party Committee would hold the equitable title to the property, and the seller would retain legal title to the property until the final payment on the contract is made. The State Party Committee could not provide additional information about the possible land sale contract because the terms of the contract have not yet been negotiated with the owner of the building.

Analysis

The State Party Committee may use its building fund account, which contains nonfederal funds, to make

the payments required on a land sales contract on the current office building. The Federal Election Campaign Act and Commission regulations permit a state party committee to use exclusively nonfederal funds to purchase an office building, provided that the use of such funds is permitted under state law. 2 U.S.C. §453(b) and 11 CFR 300.35. The Commission has previously treated a land sale contract as a contract to purchase a building. See AO 1993-9.

Since the State Party Committee has not yet entered into a contract, the Commission could not make a definitive conclusion as to whether an eventual contract between the current owner and the state party committee would qualify as a "purchase" for the purposes of 2 U.S.C. §453(b) and 11 CFR 300.35.

The Commission could not approve a response by the required four affirmative votes as to whether the State Party Committee could use only the proceeds of the sale of its previous office building (which consisted of nonfederal funds), to make payments on its lease with an option to buy its current office building.

Date Issued: March 12, 2010;

Length: 4 pages.

—*Myles Martin*

Advisory Opinion Requests

AOR 2010-03

Fundraising by federal candidates and officeholders for redistricting trust (National Democratic Redistricting Trust, February 19, 2010).

AOR 2010-04

Composition of restricted class (Wawa, March 11, 2010).

Statistics

House and Senate Campaigns Raise Nearly \$600 Million in 2009

Congressional campaign receipts totaled \$597.5 million from January 1 through December 31, 2009, the first calendar year of the 2009-2010 election cycle. This reflects an increase of almost 18 percent over 2007 (the first calendar year of the 2007-2008 election cycle), according to reports filed with the Commission. Congressional Democratic, Republican and other party candidates increased their fundraising totals by raising \$321.3 million, \$275.9 million and \$384,000, respectively, when compared to the same one-year period in the previous election cycle.

Senate candidates raised \$236.3 million in 2009, an increase of 43.7 percent from 2007. During 2009, Senate candidates reported expenditures of \$102.6 million, up from \$57.9 million spent during 2007, and ended 2009 with a cash balance of \$203.6 million. Six years ago, when the same Senate seats were up for election, candidates raised \$166.7 million during the year before the mid-term elections. However, there are two additional open seats this

PACRONYMS Now Available

The December 2009 edition of PACRONYMS, a list of the acronyms, abbreviations and common names of federal political action committees (PACs), is available on the Commission's website.

PACRONYMS is available at <http://www.fec.gov/pubrec/pacronyms/pacronyms.shtml> and is also available from the FEC's Public Records Office at (202) 694-1120.

election cycle due to the vacancies created by the Senate resignations of Vice President Joe Biden and Secretary of State Hillary Clinton. In addition, a Senate vacancy occurred in Massachusetts after Senator Edward Kennedy's death.

Candidates for the U.S. House of Representatives raised \$361.2 million in 2009, an increase of over 5 percent compared to 2007 levels. These campaigns spent \$195.9 million, more than 5 percent over total expenditures in 2007. They entered the election year with cash-on-hand of \$326.2 million, up 10 percent from the \$296.6 million reported at the end of 2007.

Receipts for House Democratic campaigns were \$199.9 million in 2009, a decrease of less than 1 percent from their 2007 total. While Democratic House incumbents increased their fundraising total compared to 2007, Democratic House challengers and open seat candidates reported a decrease in the amount of contributions received compared to 2007. Republican House candidates raised \$161 million in 2009, a 12.9 percent increase from 2007. Unlike Democratic House candidates, Republican House challengers and open seat candidates reported an increase in contributions in 2009, while incumbents reported a decrease in contributions compared to 2007.

Individual contributions remain the largest source of Congressional campaign revenues. The \$363.9 million contributed by individuals in 2009 was almost 31 percent more than in 2007 and represented 61 percent of all fundraising during the year, up from 55 percent in 2007. The Bipartisan Campaign Reform Act of 2002 (BCRA) increased campaign contribution limits for individuals from \$1,000 per election to \$2,000 and indexed them for inflation. The limit for individual contributions in 2009-2010 is \$2,400 per election, or a total of \$4,800 for a primary and general election.

Although contribution limits to Congressional campaigns from political action committees (PACs) and other candidate committees were left largely unchanged under BCRA, contributions from these entities increased by 1.5 percent to \$159.8 million in 2009. Contributions and loans made by candidates to their own campaigns totaled \$51.5 million or 8.6 percent of all funds raised, an increase of \$23.4 million from 2007.

Receipts include contributions, transfers from other committees, loans, refunds from vendors, interest income and other revenue.

The full text of the Commission's press release on candidate fundraising in 2009 is available on the Commission's website at <http://www.fec.gov/press/press2010/20100322Candidate.shtml>.

—Myles Martin

(continued on page 13)

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.

Statistics

(continued from page 12)

Party Committees Report Slight Increase in 2009 Receipts

The national, state and local committees of the Republican and Democratic parties collected a total of \$425.8 million in contributions in the first calendar year of the 2010 election cycle, an increase of 1.5 percent over the same period in the 2008 election cycle, according to reports filed with the Commission. Republican party committees reported raising \$206.2 million in federal funds in 2009, down less than 1 percent from the \$208.3 million they raised in 2007. Their Democratic counterparts reported raising \$219.5 million—4 percent more than the \$211.3 million they raised during the same period in the last cycle.

National committees of the major parties are required to submit financial reports on a monthly basis. As a result, it is possible to compare their activity over a 13-month period from January 1, 2009, through January 31, 2010. During this period,

the three national committees of the Democratic party—the Democratic National Committee (DNC), the Democratic Senatorial Campaign Committee (DSCC) and the Democratic Congressional Campaign Committee (DCCC)—reported raising a total of nearly \$202 million. This represents an increase of 6 percent over the same period in 2007-2008 and 33 percent over the first 13 months of the 2006 election cycle. The three Republican national party committees—the Republican National Committee (RNC), the National Republican Senatorial Committee (NRSC) and the National Republican Congressional Committee (NRCC)—reported raising a combined \$188.7 million during the same period. This represents an increase of over 1 percent from 2007-2008 and a decrease of more than 17 percent from 2005-2006.

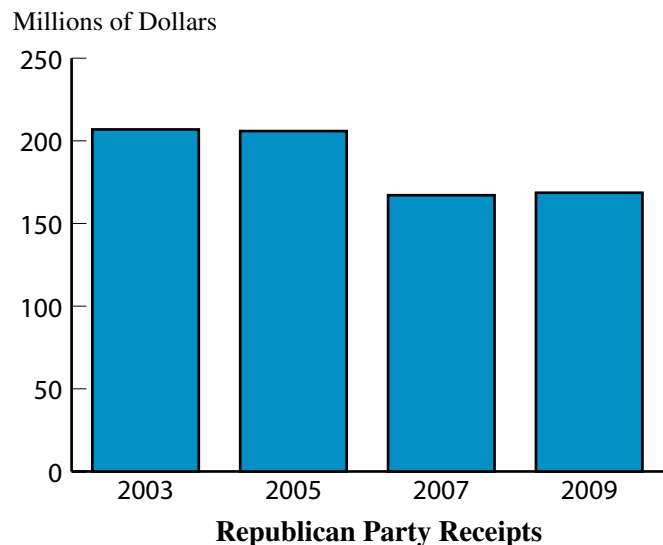
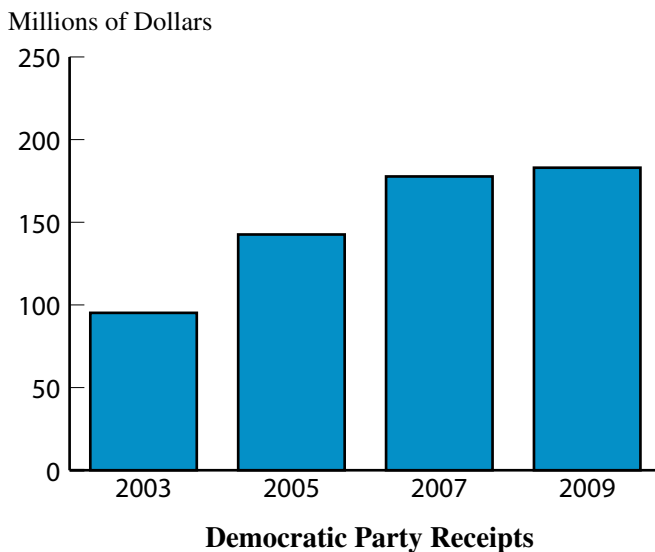
The DSCC and DCCC each reported a decrease in their total receipts compared to the same 13-month period in prior cycles, while the DNC reported an increase. The DSCC and DCCC reported a total of \$48.7 and \$60.3 million in re-

ceipts—a drop of 18 percent and 16 percent, respectively, from the last cycle. The DNC raised nearly \$93 million through January 31, 2010, representing a 54 percent increase in receipts from the same period in 2007-2008 and a 52 percent increase from that period in 2005-2006.

Of the six national party committees, the RNC raised the most, disclosing \$101.7 million in receipts, an increase of over 4 percent from its 13-month total in 2007-2008, but a decrease of almost 15 percent from its 2005-2006 total for the same period. The NRSC saw its receipts increase by 31 percent over its 2007-2008 period total, disclosing \$46.3 million in receipts. The NRCC reported receiving \$40.7 million, a decrease of almost 24 percent from the amount raised for the same 13-month period in the last cycle.

The full text of the Commission’s press release on party committee fundraising in 2009 is available at <http://www.fec.gov/press/press2010/20100309Party.shtml>.
—Myles Martin

National Party Committee Receipts in Non-Election Years, 2003-2009



Outreach

Seminar for Nonconnected Political Action Committees

On April 7, 2010, the Commission will hold a one-day seminar for nonconnected committees (i.e., PACs not sponsored by a corporation, union, trade association or incorporated membership organization) at its headquarters at 999 E Street, NW, in Washington, DC. This seminar is recommended for:

- Treasurers of leadership PACs, partnership PACs and other nonconnected PACs;
- Staff of the above organizations who have responsibility for compliance with federal campaign finance laws;
- Attorneys, accountants and consultants who have clients that are nonconnected PACs or unregistered “section 527” organizations; and
- Anyone who wants to gain in-depth knowledge of federal campaign finance laws, including the recently enacted lobbyist bundling and disclosure rules, as they apply to leadership PACs and other types of nonconnected committees.

The seminar will address issues such as fundraising and reporting, as well as the FEC’s rules on when section 527 organizations trigger federal reporting requirements. Experienced FEC staff will specifically discuss recent changes to the campaign finance law, as well as the rules specific to leadership PACs and partnership PACs.

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 5 p.m. EDT on April 2. Complete information is available

on the FEC website at <http://www.fec.gov/info/conferences/2010/nonconnected2010.shtml>, along with the seminar agenda and a list of hotels located near the FEC. Further 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

Washington, DC, Conference for Campaigns and Party Committees

The Commission will hold a conference for House and Senate campaigns and political party committees in Washington, DC, on May 3-4, 2010. Commissioners and staff will conduct a variety of technical workshops on federal campaign finance law. Workshops are designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law. For additional information, to view the conference agenda or to register for the conference, please visit the conference website at <http://www.fec.gov/info/conferences/2010/candparty10.shtml>.

Hotel Information. The conference will be held at the Omni Shoreham hotel in northwest Washington, DC, near the National Zoo and the Woodley-Park-National Zoo Metro subway station (Red Line). To make your hotel reservations and reserve this group rate, call 1-800-THE-OMNI and identify yourself as attending the Federal Election Commission conference. (Alternatively, click the link on the FEC’s conference website.) The FEC recommends waiting until you have received confirmation or your conference registration from Sylvester Management Corporation.

Registration Information. The registration fee for this conference is \$550, which includes a \$25 non-

refundable transaction fee. Complete registration information is available online at <http://www.fec.gov/info/conferences/2010/candparty10.shtml>.

FEC Conference Questions

Please direct all questions about conference registration and fees to Sylvester Management Corporation (Phone: 1-800/246-7277; e-mail: toni@sylvestermanagement.com). For questions about other conferences and workshops in 2010, please call the FEC’s Information Division at 1-800/424-9530 (press 6) or (202) 694-1100, or send an e-mail to Conferences@fec.gov.

—Katherine Carothers

Washington, DC, Conference for Trade Associations, Membership Organizations and Labor Organizations

The Commission will hold its annual conference for trade associations, membership organizations and labor organizations and their PACs in Arlington, VA, on June 8-9, 2010. Commissioners and staff will

(continued on page 15)

Conferences in 2010

Nonconnected Committees Seminar

April 7, 2010
FEC Headquarters
Washington, DC

Conference for Candidates and Party Committees

May 3-4, 2010
Omni Shoreham Hotel
Washington, DC

Conference for Trade Associations, Membership Organizations, Labor Organizations and their PACs

June 8-9, 2010
Doubletree Crystal City
Arlington, VA

Outreach

(continued from page 14)

conduct a variety of technical workshops on federal campaign finance law. Workshops are designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law. For additional information, to view the conference agenda or to register for the conference, please visit the conference website at <http://www.fec.gov/info/outreach.shtml#conferences>.

Hotel Information. The conference will be held at the DoubleTree Crystal City Hotel in Arlington, VA (near the Pentagon). A room rate of \$226 single/\$246 double is available to conference attendees who make reservations on or before May 7, 2010. To make your hotel reservations and reserve this group rate, call 1-800-HHONORS and identify yourself as attending the Federal Election Commission conference. The hotel is in walking distance (10 minutes) from the Pentagon City Metro subway station. The FEC recommends waiting to make hotel and air reservations until you have received confirmation or your conference registration from Sylvester Management Corporation.

Registration Information. The registration fee is \$499 per attendee, which includes a \$25 non-refundable transaction fee. A late registration fee of \$51 will be added to registrations received after 5 p.m. EDT on May 7. For additional information, or to register for the conference, please visit the conference website at <http://www.fec.gov/info/outreach.shtml#conferences>.

FEC Conference Questions

Please direct all questions about the June conference registration and fees to Sylvester Management Corporation at 1-800/246-7277 or by e-mail to toni@sylvestermanagement.com. For all questions about the conference program, or to receive e-mail notification of upcoming

conferences and workshops, call the FEC's Information Division at 1-800/424-9530 (press 6) or locally at 202/694-1100, or send an e-mail to Conferences@fec.gov.

—Dorothy Yeager

Index

The first number in each citation refers to the numeric month of the 2010 *Record* issue in which the article appeared. The second number, following the colon, indicates the page number in that issue. For example, "1:4" means that the article is in the January issue on page four.

Advisory Opinions

- 2009-29: Membership organization may establish SSF without vote of its membership, 2:4
- 2009-30: Trade association corporate members may use treasury funds to assist their SSFs, 3:9
- 2009-31: Employees may use credits to make contributions to SSF, 3:10
- 2009-32: Proposed sale of art on behalf of committees is not a contribution, 3:10
- 2010-01: State party activity on behalf of presumptive nominee, 4:10
- 2010-02: State party committee may use nonfederal funds to purchase office building, 4:11

Commission

- Commission statement on Citizens United v. FEC, 3:1
- FEC Elects Chairman and Vice Chair for 2010, 1:1
- FEC Introduces new compliance map, 2:2
- Message from the Chairman, 2:1

Compliance

- Nonfilers, 3:12

Court Cases

- _____ v. FEC
 - Cao, 3:1
 - Citizens United, 2:1
 - Fieger, 4:4

- Unity08, 4:1
- Utility Workers, et. al, 4:3

Inflation Adjustments

- 2010 Coordinated party expenditure limits, 3:5
- Lobbyist bundling threshold unchanged for 2010, 3:6

Outreach

- Conferences in 2010, 1:14; 2:5; 3:12-13; 4:14
- Nonconnected Committee Seminar, 2:7; 3:13; 4:14-15
- Roundtable on new travel rules, 1:15; 2:6
- Year-End reporting roundtable, 1:14

Regulations

- Final Rules on campaign travel, 1:1
- Final Rules on funds received in response to solicitations; allocation of expenses by PACs, 4:8
- Hearing on proposed federal election activity (FEA) rules, 3:8
- NPRM on debt collection, 4:9
- NPRM on federal candidates' and officeholders' participation in party fundraisers, 1:5
- NPRM on funds received in response to solicitations; allocation of expenses by certain committees, 2:4
- Petition for rulemaking on *Citizens United*, 3:7
- Public hearing rescheduled for March 16, 3:7
- Supplemental NPRM on Coordinated Communications, 3:7

Reports

- Florida Special Election Reporting: 19th District, 1:12
- Georgia Special Election Reporting: 9th District, 4:4
- Hawaii Special Election Reporting: 1st District, 4:7
- Pennsylvania Special Election Reporting: 12th District, 4:6
- Reports Due in 2010, 1:8; 4:1

Statistics

- House and Senate campaigns raise nearly \$600 million in 2009, 4:12
- Party committees report slight increase in 2009 receipts, 4:13