



Contents

- 1 Commission
- 2 Reporting
- 9 Litigation
- 11 Advisory Opinions
- 13 Compliance
- 14 Statistics
- 17 Outreach

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

Commissioners:
Matthew S. Petersen,
Chairman
Steven T. Walther,
Vice Chairman
Lee E. Goodman
Caroline C. Hunter
Ann M. Ravel
Ellen L. Weintraub

Staff Director:
Alec Palmer

Acting General Counsel:
Lisa J. Stevenson

The FEC Record is produced
by the Information Division,
Office of Communications.

Toll free 800-424-9530
Local 202-694-1100
Email info@fec.gov

Greg Scott, Asst. Staff Director
George Smaragdis, Deputy
Asst. Staff Director,
Publications
Dorothy Yeager, Senior
Communications Specialist

Commission

[FEC Names Lisa J. Stevenson Acting General Counsel](#)

On September 22, 2016, the Federal Election Commission named Lisa J. Stevenson as Acting General Counsel.

Ms. Stevenson joined the Commission in May 2012, serving as Special Counsel to the General Counsel. In October 2012, she was named Deputy General Counsel for Law, where she advised the General Counsel and assisted in overseeing all of the organizational units of the Office of General Counsel, including Policy, Litigation, and Enforcement.

"We greatly appreciate Lisa's willingness to accept this position and know that she will provide excellent leadership and guidance in this capacity," Chairman Matthew S. Petersen said as he announced the Acting General Counsel's appointment.

Prior to her work at the Commission, Ms. Stevenson was a Partner at Zuckerman Spaeder LLP. Prior to joining Zuckerman Spaeder, she was an Associate with Covington & Burling from 1997 to 2005, and she served as Law Clerk to Honorable Judge James Robertson of the United States District Court for the District of Columbia from 1996 to 1997.

Ms. Stevenson is a 1992 *magna cum laude* graduate of Amherst College and she received her law degree from the University of Michigan in 1996.

(Posted 09/23/2016)

Resources:

- [Press Release](#) (September 22, 2016)
- [About the FEC](#)

Reporting

Revisions to Several FEC Forms and Instructions Released

On October 3, 2016, the Commission posted on its website [revised versions of several reporting forms and instructions](#). The form changes are technical and cosmetic in nature, and are intended to assist with compliance, provide clearer disclosure, and make the agency's forms more consistent with one another. The specific forms and accompanying instructions modified include:

- FEC Form 3 (Report of Receipts and Disbursements): Used by authorized committees of House and Senate candidates;
- FEC Form 3X (Report of Receipts and Disbursements): Used by unauthorized committees including PACs and party committees;
- FEC Form 3P (Report of Receipts and Disbursements): Used by presidential candidates; and
- FEC Form 6 (48-Hour Notice of Contributions and Loans Received): Used by authorized committees of House, Senate and presidential candidates.

Changes to Forms Used by Campaigns

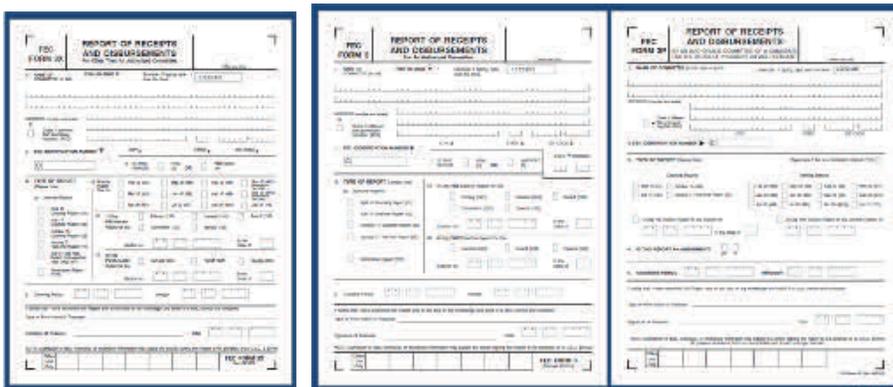
Beyond cosmetic improvements, [Forms 3 and 3P](#) now include:

- Boxes for committee ID numbers when disclosing disbursements for contributions or refunds made to political committees on Schedules B and B-P (Disbursements); and
- A box on Schedules C and C-P (Loans) for indicating that the source of a loan was the personal funds of a candidate.

Form 3P has also been revised by:

- Replacing the primary and general election boxes on the summary page with new boxes to indicate whether the presidential campaign is filing a 12-Day Pre-election report for a primary or general election, or a 30-Day Post-general election report; and
- Making some cosmetic improvements to the summary pages to improve compliance.

Revisions to [FEC Form 6 \[PDF\]](#) are merely cosmetic, and include creating separate boxes for city, state and zip code.



Changes to Forms Used by PACs and Party Committees

Beyond cosmetic improvements, [Form 3X](#) has been revised by:

- Adding clarifications to Schedule A (Receipts) to recognize the receipt of contributions from entities other than individuals;
- Adding boxes for committee ID numbers when disclosing contributions or refunds made to political committees on Schedule B (Disbursements);
- Removing the 24-Hour Notice box from Schedule F (Coordinated Party Expenditures; used only by party committees), as 24-Hour notices are no longer required for coordinated party expenditures; and
- Updating the section of Schedule H1 (Method of Allocation) that applies to PACs to remove the formerly-required flat-minimum percentage and permit PACs to report any allocation of federal/nonfederal funds they have chosen to use to fund administrative expenses, generic voter drive activity and public communications referencing a party. The changes to Schedule H1 do not affect party committees.

Committees should begin using the revised forms immediately. Copies can be downloaded from the FEC website at <http://www.fec.gov/info/forms.shtml> or ordered by calling, toll-free, 1-800/424-9530 (press 6) or sending an email to info@fec.gov. Note that the [electronic filing format](#) has also been modified to incorporate the revisions.

(Posted 10/03/2016; By: Dorothy Yeager)

Resources:

- [Commission discussion of proposed revised forms](#) 
- [Proposed draft revisions to forms and instructions](#)

October Reporting Reminder

The following reports are due in October:

- All authorized committees of House and Senate candidates must file a quarterly report by October 15, 2016. The report covers financial activity from July 1 (or the day after the closing date of the last report) through September 30;
- Authorized committees of presidential candidates must file a report by October 15, if they are quarterly filers (the report covers financial activity from July 1 through September 30), or by October 20, if they are monthly filers (the report covers activity for the month of September); and
- National party committees and state, district and local party committees that engage in reportable "federal election activity" (see the "State, District and Local Party Committees" section below) must file a monthly report by October 20. All other party committees and political action committees (PACs) that have chosen to file monthly must also file a report on October 20. This report covers activity for the month of September.

October Reports at a Glance:

10/15 - October Quarterly

10/20 - October Monthly

10/27 - Pre-General

- PACs and party committees following a quarterly reporting schedule must file a quarterly report by October 15, covering activity from July 1 (or the day after the closing date of the last report) through September 30.
- Pre-General reports are due on October 27 (close of books, October 19). Candidate committees must file this report if their candidate is running in the general election. PACs, parties and all other committees that file quarterly must file this report if they make contributions or expenditures in connection with the general election during the October 1-19 reporting period. PACs and party committees that file on a monthly schedule must file the Pre-General report in lieu of the regular November 20 monthly report. If sent by registered or certified mail, the Pre-General must be postmarked on or before October 24. If using overnight mail, the delivery service must receive the report on or before October 24. See "Timely Filing for Paper Filers" below.

Since the October 15 deadline falls on a weekend in 2016, quarterly filers using methods other than electronic filing or registered, certified or overnight mail must ensure that their reports are received by the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline (i.e., Friday, October 14).

Quarterly filers that participate in [special elections](#) may need to file pre- and post-election reports that are not accounted for above. The coverage periods and due dates for those reports are available on our [reporting dates web page](#). Remember, reporting periods always begin the day after the closing date of the last report filed.

The Commission will host [reporting and FECFile webinars](#) for PACs and party committees on September 22 and for candidates on September 28 to help filers prepare their reports.

Notification of Filing Deadlines

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

Treasurer's Responsibilities

The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Federal Election Campaign Act (the Act) and Commission regulations. Committee treasurers are responsible for filing committee reports on time. Not receiving a prior notice does not excuse committee treasurers for failing to comply with any filing deadline.

Filing Electronically

Under the Commission's mandatory electronic filing regulations, individuals and organizations required to file with the FEC that receive contributions or make expenditures, including independent expenditures, aggregating in excess of \$50,000 in a calendar year

— or that have reason to expect to do so — must file all reports and statements electronically. [FN1]

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing date. 11 CFR 100.19(c). Electronic filers who file on paper or submit an electronic report that does not pass the Commission's validation program by that time on the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines. 11 CFR 104.18(a)(2) and (e).

Senate campaigns and other committees that file with the Secretary of the Senate must file their FEC reports on paper, but may file an additional unofficial electronic copy of their report with the Commission in order to enhance disclosure.

The Commission's electronic filing software, FECFile, is free and can be downloaded at <http://www.fec.gov/elecfil/updatelist.html>. All reports filed after February 8, 2016, must be filed in Format Version 8.1.0.4. Reports filed in previous formats will not be accepted. Filers may also use commercial or privately developed software as long as the software meets the Commission's format specifications, which are available on the Commission's website. Committees using commercial software should contact their vendors to ensure their software meets the latest specifications.

Timely Filing for Paper Filers

Registered and Certified Mail. Reports sent by registered or certified mail are considered to be filed on the date of their postmark. 52 U.S.C. § 30104(a)(5) and 11 CFR 104.5(e). Accordingly, quarterly reports sent by registered or certified mail must be postmarked on or before the filing deadline to be considered timely filed, while pre-general reports must be postmarked on or before the mailing deadline (fifteen days before the election). 11 CFR 100.19(b)(1). 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 mailing because the USPS does not keep complete records of items sent by certified or registered mail. 11 CFR 104.5(i).

Overnight Mail. Reports sent via overnight mail [FN2] will be considered timely filed if the report is postmarked on or before the filing deadline. A committee sending its reports by Priority Mail or Priority Express Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. See 52 U.S.C. § 30104(a)(5) and 11 CFR 100.19(b)(1) and 104.5(e) and (i).

Other Means of Filing. Reports sent by other means — including first class mail and courier — must be received by the FEC (or the Secretary of the Senate) before close of business on the filing deadline. See 11 CFR 100.19(b)(2) and 104.5(e). (If the deadline falls on a weekend or federal holiday, such filers should plan accordingly and file reports by the close of business on the last business day before the filing deadline.)

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. 11 CFR 104.18(a). Disbursements for "electioneering communications" are not considered "expenditures" and thus do not count toward the \$50,000 threshold for mandatory electronic filing. See 11 CFR 104.18(a).

²As used here, "overnight mail" includes Priority or Priority Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's online tracking system. See 11 CFR 100.19(b)(1) and (b)(3)(i). Note that "Express Mail" as referred to in FEC regulations has been renamed "Priority Express Mail" by the USPS.

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

State, District and Local Party Committees

As noted above, state, district and local party committees that engage in reportable "federal election activity" must file on a monthly schedule. See 11 CFR 300.36(b) and (c) (1). Committees that do not engage in reportable "federal election activity" may file on a quarterly basis in 2016. See 11 CFR 104.5(c)(1)(i).

National Party Committees

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

Political Action Committees

PACs (separate segregated funds, committees with non-contribution accounts (Hybrid PACs), independent expenditure-only committees (Super PACs) and other nonconnected committees) that filed on a semi-annual basis in 2015 file on a quarterly basis in 2016. Monthly filers continue on a monthly schedule. PACs may change their filing schedule, but must first notify the Commission in writing. Electronic filers must file this request electronically. A committee may change its filing frequency only once a year. 11 CFR 104.5(c). The committee will receive a letter from the Commission approving the frequency change.

Additional Information

For more information on 2016 reporting dates:

- Call and request the reporting tables from the FEC at 800/424-9530 or 202/694-1100;
- Fax the reporting tables to yourself using the FEC's [Faxline](#) (202/501-3413, document 586); or
- Visit the FEC's web page at http://www.fec.gov/info/report_dates_2016.shtml to view the reporting tables online.

(Posted 09/13/2016; By: Katherine Carothers)

Resources:

- [2016 Reporting Dates](#)
- [Compliance Map](#)
- [FEC Electronic Filing](#)

[Kentucky Special Election Reporting: 1st District](#)

Kentucky will hold a special general election to fill the U.S. House seat in Kentucky's 1st Congressional District vacated by Representative Ed Whitfield. The Special General will be held November 8, 2016.

Candidate committees involved in this election must follow this reporting schedule:

Report	Close of Books	Mailing Deadline	Filing Deadline
Pre-General	October 19, 2016	October 24, 2016	October 27, 2016
48-Hour Notices	October 20 - November 05, 2016		
Post-General	November 28, 2016	December 08, 2016	December 08, 2016
Year-End	December 31, 2016	January 31, 2017	January 31, 2017

Additional details are available at http://www.fec.gov/pages/report_notices/2016/ky01.shtml.

That schedule also applies to PACs and party committees that file on a quarterly basis in 2016 and participate in this election. PACs and party committees that file monthly should continue to file according to their regular filing schedule. Please note that the FEC does not have authority to extend filing deadlines, even when they fall on weekends.

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 are considered to be filed on the date of their postmark. See 52 U.S.C. § 30104(a)(2)(A)(i), (a)(4)(A)(ii) and (a)(5); 11 CFR 104.5(e). Accordingly, pre-election reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed; other reports must be postmarked by the filing deadline. 11 CFR 100.19(b). 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 mailing because the USPS does not keep complete records of items sent by certified or registered mail. 11 CFR 104.5(i).

Overnight Mail. Reports filed via overnight mail [FN1] will be considered timely filed if the report is received by the delivery service on or before the mailing/filing deadline. A committee sending its reports by Priority Mail or Priority Express Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. 52 U.S.C. § 30104(a)(5) and 11 CFR 100.19 and 104.5(e).

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

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). (If the deadline falls on a weekend or federal holiday, such filers should plan accordingly and file reports by the close of business on the last business day before the filing deadline.)

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

48-Hour Contribution Notices

A participating candidate’s principal campaign committee must file a 48-hour notice each time it receives a contribution of \$1,000 or more per source from October 20 through November 5, 2016, 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 \$1,000 or more from October 20 through November 6, 2016, for the Special General. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more up to and including the 20th day before an election. The 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to October 20, 2016, for the Special General.

Electioneering Communications

The 60-day electioneering communications period for the Special General Election runs from September 9 through November 8, 2016.

Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from any lobbyist/registrant or lobbyist/registrant PAC that aggregate in excess of \$17,600 during the special election reporting periods. 11 CFR 104.22(a)(5)(v) and (b).

(Posted 09/21/2016; By: Katherine Carothers)

Resources:

- [Kentucky 1st District Special Election Prior Notice](#)
- [2016 Reporting Dates](#)
- [Kentucky 1st District Special Election Compliance Page](#)
- [Federal Register Notice](#) [PDF]

Litigation

[FEC v. O'Donnell et al. \(1:15-cv-17\) \(District Court\)](#)

On September 21, 2016, the United States District Court for the District of Delaware (the "Court") granted the Commission's motion for summary judgment with regard to liability, concluding that Christine O'Donnell and her campaign committee impermissibly converted campaign funds to her personal use.

Background

In January 2010, Friends of Christine O'Donnell (the "Committee") rented a three-bedroom townhouse in Greenville, Delaware, to use as headquarters during O'Donnell's 2010 campaign for Senate. The Committee continued to use the townhouse after the November election.

Ms. O'Donnell lived on the upper floor, above the campaign offices from early 2010 through March 2011, during which the Committee paid rent and utilities for the townhouse. According to its FEC reports, the Committee paid rent and utilities totaling in excess of \$20,000 during that time, and received reimbursements of \$770 from Ms. O'Donnell in April, June, August and September of 2010 and again in March of 2011.

Decision

The Commission alleged that Ms. O'Donnell, Friends of Christine O'Donnell and Matthew Moran, in his official capacity as the campaign committee's treasurer (the defendants), violated sections of the Federal Election Campaign Act ("the Act") and FEC regulations that prohibit personal use of campaign funds. The Act and regulations define "personal use" as the use of campaign funds "to fulfill any ... expense of a person that would exist irrespective of the candidate's election campaign[.]" 52 U.S.C. § 30114(b)(2). Mortgage, rent and utility payments for any part of a candidate's personal residence are specifically prohibited. 52 U.S.C. § 30114(b)(2); 11 CFR 113.1(g)(1)(i)(E).

The defendants countered that the Commission's interpretation of the regulation implementing the statute was incorrect, and if not, that the statute is unconstitutional. The defendants contended that the ban on paying "rent" applied only to property owned by the candidate. The Court disagreed, noting that the statutory text makes no distinction between property owned by the candidate and property owned by another. The Court further held that the defendants' constitutional challenge failed because the prohibition on converting campaign funds to personal use does not regulate or affect speech.

The Court granted the FEC's motion for summary judgment as to liability and its motion for dismissal of the defendants' counterclaims. The Court noted that it could not determine an appropriate remedy based on the present record. Instead, the Court directed the parties to provide their views on how the case should proceed.

(Posted 09/26/2016; By: Christopher Berg)

Resources:

- *FEC v. O'Donnell et al.* [Ongoing Litigation Page](#)

[CREW v. FEC \(D.D.C. 1:14-cv-1419\) \(District Court\)](#)

On September 19, 2016, the United States District Court for the District of Columbia (the "Court") ruled that the Commission's dismissal of two administrative complaints filed by Citizens for Responsibility and Ethics in Washington and its founder Melanie Sloan ("CREW") was contrary to law.

Background

In 2012, CREW filed administrative complaints with the FEC against Americans for Job Security (MUR 6538) and American Action Network (MUR 6589). The complaints alleged that the groups should have registered as political committees because they received more than \$1,000 in "contributions" or made more than \$1,000 in "expenditures," as those terms are defined in the Federal Election Campaign Act (the Act), and their major purpose was allegedly the nomination or election of federal candidates. The Commission, by a vote of three to three, did not find reason to believe that either AJS or AAN had violated the Act, and closed both cases. (The Act requires an affirmative vote of four or more Commission members to find reason to believe that FECA has been violated. 52 U.S.C. § 30109(a)(2).)

On August 20, 2014, CREW filed an action for judicial review of the Commission's dismissal of CREW's administrative complaints. CREW challenged the controlling Commissioners' approach of applying the "major purpose test" by focusing on express advocacy spending and excluding AJS's and AAN's spending on electioneering communications. CREW also challenged the controlling Commissioners' approach of considering AAN and AJS's relevant spending over the course of each organization's lifetime instead of during a calendar year. And finally, CREW alleged that the controlling Commissioners had improperly applied a 50% plus spending threshold for relevant expenditures. CREW separately claimed that the dismissal decisions amounted to "de facto rules" that violated the Administrative Procedure Act (APA), but in August 2015, the Court dismissed CREW's APA claims because FECA's judicial review provision, 52 USC § 30109(a)(8), provides an "adequate, alternative means to challenge" the dismissal decisions. The parties, including intervenor-defendant AAN, subsequently filed cross-motions for summary judgment on the remaining FECA-related claims.

Decision

The Court determined that *Citizen's United v. FEC* and subsequent lower court decisions recognized a distinction between less-restrictive disclosure requirements and a more restrictive ban on speech. The court concluded that the controlling Commissioners' decision to apply an express advocacy/issue speech distinction in the context of FECA's political committee requirements—excluding the groups' electioneering communications from relevant electoral spending in conducting their major purpose analysis—was contrary to law.

The Court also concluded that a major purpose evaluation that considers the entire lifetime of the organization is neither unreasonable nor contrary to law "as a general matter." But the court found that in the AAN and AJS matters, the Commissioners had "refus[ed] to give any weight whatsoever to an organizations' relative spending in the most recent calendar year" and that such an approach, "at least as applied to" a fifteen year-old organization like AJS, was contrary to law "in that it tends to ignore crucial facts indicating whether an organization's major purpose has changed."

With respect to CREW's arguments regarding the Commission's alleged application of a 50% plus spending threshold for defining major purpose, the Court rejected the premise of that argument, explaining that "most importantly, it is far from apparent that the Commissioners did apply any such 50%-plus spending threshold for defining major purpose," and further concluded that "[a] reasonable application of a 50%-plus rule would not appear to be arbitrary and capricious."

Ultimately, the Court found that the Commission's dismissal of CREW's administrative complaints against AJS and AAN was contrary to law, and directed the Commission to conform with its declaration within 30 days.

(Posted 09/21/2016; By: Christopher Berg)

Resources

- *CREW v. FEC* (14-1419) [Ongoing Litigation Page](#)

Advisory Opinions

[AO 2016-09: Candidate Entitled to Separate Limit for New Court-Ordered Primary Election](#)

Editor's Note: On September 14, 2016, after this AO was issued, the U.S. Court of Appeals for the 2nd Circuit issued a ruling that canceled the October 6 primary.

Candidates running in the court ordered October 6 primary election in New York's 3rd congressional district are entitled to an additional contribution limit for the new election. The court's order nullified the results of the original June 28 primary in that district.

Background

Jack Martins, a candidate in the 3rd district for New York for the U.S. House of Representatives, was running in a primary election scheduled on June 28, 2016. Before June 28, the New York State Board of Elections (NYSBOE) had determined that a potential primary opponent, Philip Pidot, had not secured enough signatures and thus failed to qualify for the June ballot. In accordance with New York state law, because the June primary was uncontested, the NYSBOE deemed Mr. Martins to be the general election nominee and did not certify any candidates for the June primary ballot.

On June 24, 2016, the New York Supreme Court ruled that while Mr. Pidot had obtained the needed number of signatures, it was too late to require the state to place his name on the ballot. Subsequently, Mr. Pidot filed suit in federal court and on August 17, 2016, the U.S. District Court for the Northern District of NY ordered the NYSBOE to hold a Republican primary on October 6, with both Mr. Pidot and Mr. Martin's names on the ballot.

Mr. Martin and his principal campaign committee, Martins for Congress, asked the Commission if it could raise funds under a separate contribution limit for the court-ordered October 6 primary election.

Analysis

Under the Federal Election Campaign Act ("the Act"), candidates and their authorized committees are allowed separate contribution limits with respect to any election for federal office. 52 U.S.C. § 30116(a)(1)(A) and (2)(A). An "election" includes any general, special, primary, or runoff election where an individual, "whether opposed or unopposed, seek[s] nomination for election, or election, to Federal office." 11 CFR 100.2(a). A primary election is defined as "an election held prior to the general election, as a direct result of which candidates are nominated, in accordance with applicable State law, for election to Federal office in a subsequent election." 11 CFR 100.2(c)(1).

Contribution limits apply separately with respect to each election in which a candidate participates. 11 CFR 110.1(j)(1). Accordingly, in Advisory Opinions (AOs), the Commission has permitted separate contribution limits when a judicial decision creates a new election under the Act and Commission regulations. See AOs [2016-03](#) (George Holding for Congress), [2006-26](#) (Texans for Henry Bonilla), [1996-37](#) (Brady for Congress) and [1996-36](#) (Congressman Martin Frost, *et al.*).

In this case, the original June 28 primary was essentially nullified and the state of New York was compelled to hold a new election, causing Mr. Martins to no longer be the party's nominee. As a result, Mr. Martin's campaign may accept contributions for that election under a new contribution limit. See AO 2006-26.

Date issued: 09/13/2016; 3 pages.

(Posted 09/20/2016; By: Dorothy Yeager)

Resources:

- [AO 2016-09](#) [PDF]
- [Commission Tally Vote](#) [PDF]

[Pending Advisory Opinion Requests as of September 30, 2016](#)

Advisory Opinion Requests (AORs) pending before the Commission as of the end of the month are listed below. Procedures for commenting on pending AORs are [described here](#).

- [AOR 2016-11](#) [PDF] Membership organization/trade association affiliation and solicitation (Plains Cotton Growers; received on August 31, 2016)
- [AOR 2016-12](#) [PDF] Application of coordination rules to activity of Super PAC and candidate (Citizens Super PAC; received on September 13, 2016)
- [AOR 2016-13](#) [PDF] Contribution limits for campaigns with new primary that was canceled (Martins for Congress; received on September 19, 2016)
- [AOR 2016-14](#) [PDF] Status as state party committees of national party (11 Libertarian State committees; received on September 19, 2016)
- [AOR 2016-15](#) [PDF] Contribution limits for joint fundraising committee (Gary Johnson Victory Fund; received on September 19, 2016)

(Posted 09/30/2016; By: Dorothy Yeager)

Resources:

- [Advisory Opinion Search](#)

Compliance

[FEC Cites Campaign in Massachusetts for Failure to File Required Report](#)

The Federal Election Commission has cited a campaign committee for failing to file the 12-Day Pre-Primary Report required by the Federal Election Campaign Act of 1971, as amended (the Act), for the primary election being held on September 8, 2016, in Massachusetts.

As of September 6, 2016, the required 12-Day Pre-Primary disclosure report had not been received from:

- Committee to Elect Tom O'Malley (MA/09)

The pre-primary report was due on August 27, 2016, and should have included financial activity for the period July 1 through August 19. If sent by certified or registered mail, the report should have been postmarked by August 24. The Commission notified committees involved in the primary elections of their potential filing requirements on August 3, 2016. Those committees that did not file by the due date were sent notification on August 29, 2016, that their reports had not been received and that their names would be published if they did not respond within four business days.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 09/06/2016)

Resources:

- [FEC Non-Filer Press Release](#) (September 6, 2016)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)

Statistics

[FEC Summarizes First 18 Months of Campaign Activity for 2015-2016 Election Cycle](#)

The Commission has released its statistical summary of 18-month campaign activity for the 2015-2016 election cycle. This summary covers funds raised and spent in connection with federal elections between January 1, 2015 and June 30, 2016.

Presidential Candidates

Presidential candidates raised \$936.6 million and spent \$857.9 million during the first 15 months of the 2015-2016 election cycle. The 103 presidential candidates who had filed campaign finance reports also disclosed combined totals of \$16.3 million in debts and \$82.9 million in cash on hand as of June 30, 2016.

Congressional Candidates

Candidates for the U.S. House and Senate running in the 2016 election cycle reported raising a combined \$1.1 billion and spending \$698.9 million between January 1, 2015 and June 30, 2016. The 195 Senate candidates reported total receipts of \$366.1 million, disbursements of \$219.2 million, debts of \$22.9 million and cash-on-hand of \$255.4 million. Meanwhile, 1,361 House candidates reported total receipts of \$725.9 million, disbursements of \$479.6 million, debts of \$68.1 million and cash-on-hand of \$426.4 million. (Note that these figures include activity in connection with several special elections in 2015 and 2016.)

Political Party Committees

For the 2015-2016 election cycle through June 30, 2016, national, state and local political party committees reported combined total receipts of \$839.8 million in federal funds, disbursements of \$625.9 million, debts of \$25.6 million, and cash-on-hand of \$235.2 million. Individuals were the largest source of federal funds for party committees. Legislation signed into law in December 2014 enabled national party committees to establish accounts to defray expenses incurred with respect to presidential nominating conventions, national party headquarters buildings and election recounts and contests. The resulting new accounts reported receiving a combined total of \$86.7 million between January 1, 2015 and June 30, 2016.

Political Action Committees (PACs)

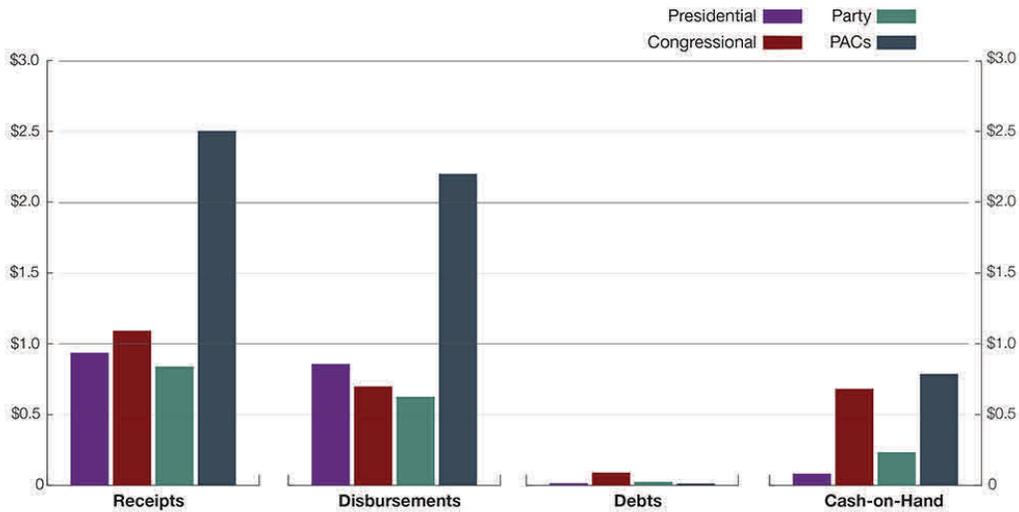
Based on reports filed with the Commission for the 2015-16 election cycle through June 30, 2016, 8,169 federal PACs reported total receipts of \$2.5 billion, disbursements of \$2.2 billion, debts of \$13.4 million and combined cash-on-hand of \$787.1 million. Contributions by PACs to presidential and congressional candidates seeking office in the 2015-2016 election cycle totaled \$2.4 million and \$325.4 million, respectively, as of June 30, 2016.

Independent Expenditures

Independent expenditures reported to the Commission through June 30, 2016 in connection with presidential and congressional elections in the 2015-2016 election cycle totaled \$434.2 million.

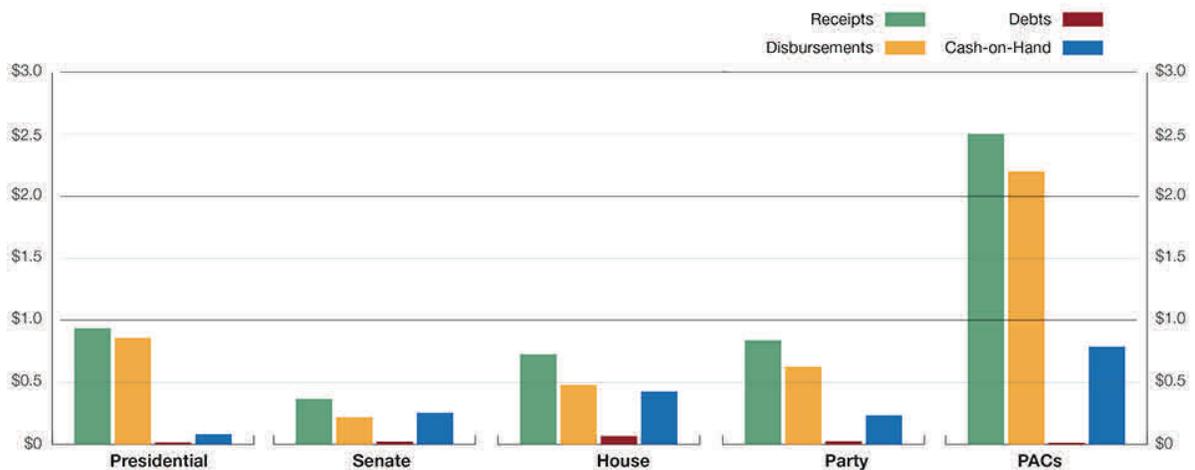
2015–2016 Campaign Finance Activity To Date, by Category

(numbers expressed in billions)



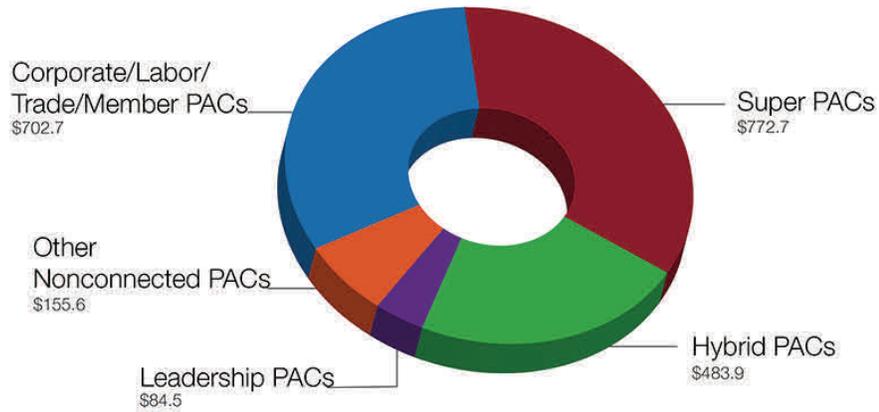
2015–2016 Campaign Finance Activity To Date, by Group

(numbers expressed in billions)



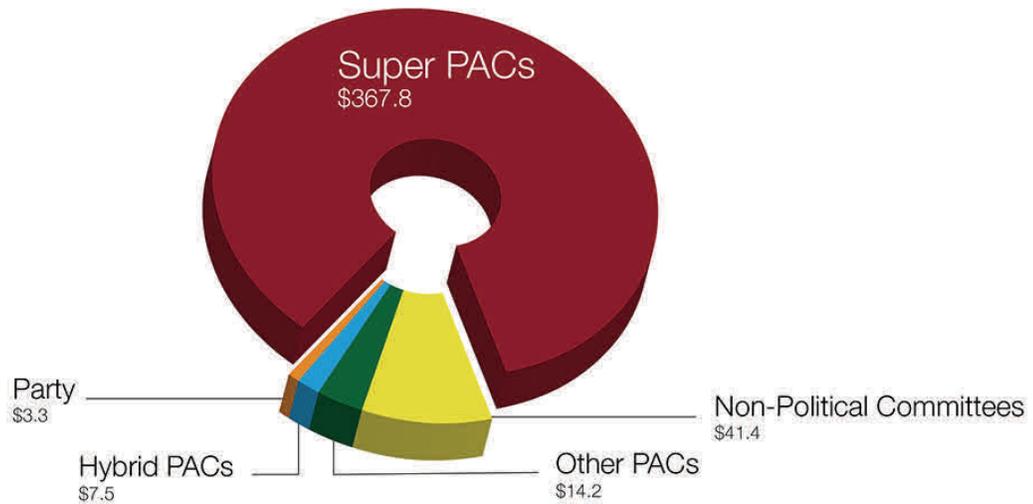
Total PAC Disbursements Made by Type Through June 30, 2016

(numbers expressed in millions)



Independent Expenditures Made Through June 30, 2016

(numbers expressed in millions)



Independent expenditure-only political committees (Super PACs) accounted for \$367.8 million of all independent expenditures disclosed to the Commission, while committees with non-contribution accounts (Hybrid PACs) reported spending \$7.5 million, and other PACs reported spending \$14.2 million. Independent expenditures made by persons other than political committees totaled \$41.3 million, and party committees reported independent expenditures totaling \$3.3 million.

Other Reportable Communications

Electioneering communications filings totaled \$1.4 million in the 2015-2016 election cycle through June 30, 2016. An electioneering communication is a broadcast, cable or satellite communication that refers to a clearly identified candidate (but that does not contain express advocacy) and is distributed within 30 days prior to a primary election or within 60 days prior to a general election. See 52 U.S.C. § 30104(f) and 11 CFR 100.29 and 104.20. Express advocacy communications by corporations and labor organizations to their "restricted classes," (i.e., "Communications Costs") must be disclosed when the cost exceeds \$2,000 per election. See 52 U.S.C. § 30101(9)(B)(iii) and 11 CFR 100.134 and 104.6. The Commission received 41 such filings disclosing spending of \$8.7 million between January 1, 2015 and June 30, 2016.

Data summary tables for reports submitted to the Commission through June 30, 2016 are listed below for:

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

(Posted 09/12/2016; By: Dorothy Yeager. Graphics by James Jones)

Resources:

- [FEC Statistical Summary](#) (September 9, 2016)
- [Campaign Finance Disclosure Portal](#)

Outreach

[Internet Activity Conducted by Federal Political Committees](#)

This article provides an overview of provisions in the Federal Election Campaign Act (the Act), as well as regulations and advisory opinions (AOs) implementing and interpreting them, that apply to the use of the Internet by federal political committees. For more information on whether and how political committees must register and report with the FEC, see 11 CFR 102.1 and the Commission's "[Registration Toolkits](#)."

Disclaimer Requirements for Political Committees' Own Websites and Email

The Act and FEC regulations require all political committees to place disclaimers on their public websites. Moreover, if a political committee sends more than 500 substantially similar emails, each message must include a disclaimer. 11 CFR 110.11(a). For specific disclaimer requirements, see 11 CFR 110.11(b) and the Commission's brochure "[Special Notices on Political Ads and Solicitations](#)."

Political Committees' Paid Advertisements on Other Persons' Websites

All political committee communications that are placed on another person's website for a fee are considered "general public political advertising," and are thus "public communications" under the law. 11 CFR 100.26. FEC rules on coordinated communications ([11 CFR 109.21](#)) and disclaimer requirements ([11 CFR 110.11\(a\)](#)) apply to paid web advertisements by a political committee. Note, however, that political committees do not need to display disclaimers on web-based text ads they place through an automated ad program if the full disclaimer instead appears on a "landing page" when a user clicks through the text ad. See [AO 2010-19](#) (Google, Inc.).

Online Fundraising Guidelines

The Commission has issued several AOs clarifying that political committees engaged in online fundraising must comply with the Act's recordkeeping and reporting provisions and be able to ascertain whether contributions received are permissible. These requirements apply whether the committees are selling merchandise or other items, or simply collecting straightforward donations online.

Recordkeeping and Screening Requirements. First, committees using the Internet for fundraising must comply with the contribution recordkeeping requirements. In particular, they must make "best efforts" to obtain and report the identification of donors who contribute more than \$200 during a calendar year. 11 CFR 104.7; See [AO 2011-13](#) (DSCC). Also, committees must maintain electronic records and contributor data for three years after the date on which it reported the contributions. 11 CFR 102.9(c).

Second, committees must examine all contributions received for potential illegality. 11 CFR 103.3(b). In a series of AOs, the Commission has approved committee proposals to safeguard against soliciting prohibited contributions, including informing potential contributors of all of the Act's prohibitions, including the prohibitions on contributions from corporations, labor organizations, federal government contractors and foreign nationals, and the restrictions at 11 CFR 110.19 on contributions from minors. [AOs 2011-13](#) (DSCC), [2007-30](#) (Chris Dodd for President), and AOs cited within contain detailed examples of Commission-approved language and mechanisms for vetting contributors.

Use of Commercial Vendors to Process Contributions Raised Online. The Commission has also permitted businesses to administer online fundraising for political committees, so long as they:

- Provide their services at the usual and normal charge and in their ordinary course of business;
- Use separate merchant accounts and timely forward contributions to political committees; and
- Forward relevant contributor information. See [AOs 2012-35](#) (GTSG) and [2012-31](#) (AT&T).

Processing fees charged by commercial vendors for their services to political committees are considered to be part of the contributions made by individual contributors to the political committee. See [AOs 2007-04](#) (Atlatl, Inc.), [2004-19](#) (DollarVote) and [2002-07](#) (Careau), and AOs cited within.

Additional Rules for Corporate/Labor/Trade PACs. In addition to complying with the fundraising guidance above, separate segregated funds established by corporations, labor organizations or trade associations must also ensure that their online solicitations comply

with the basic solicitation rules for SSFs. Generally, SSFs may only solicit contributions from the restricted class of their connected organizations and must include special notices regarding the voluntary nature of an SSF contribution.

In AOs, the Commission has required SSF Intranet and websites to be accessible only to the restricted class. To enable this, the Commission has approved the use of a password log-in for the SSF web page. The log-in page must include a statement that the SSF may only solicit its restricted class for contributions and that the SSF will refund contributions from those outside the restricted class. Once accessed by a member of the restricted class, the web page with the solicitation must include the [required solicitation notices for SSFs](#). AOs [2006-03](#) (Whirlpool) and [2000-07](#) (Alcatel).

The connected organization may also maintain an email list to send PAC solicitations to members of the organization's restricted class. Those solicitations must include the required notices for every SSF solicitation under 11 CFR 114.5. AO 2000-07.

Internet Activity Conducted by Vendors

A commercial Internet services vendor may offer its services to a political committee without making a contribution to the committee, as long as it charges the usual and normal fee for its services. Failure to do so could result in a prohibited contribution. For example, in [AO 2004-06](#) (Meetup, Inc.), an online service offering a web platform for arranging local gatherings was permitted to provide both its free and fee-based services to federal candidates and political committees as long as it did so on the same terms it offered to all similarly situated persons in the general public. In contrast, in [AO 1996-02](#) (CompuServe, Inc.), the Commission concluded that a corporation could not provide free online accounts to candidates, because the company normally charged a fee.

Recently, the Commission has approved a number of proposals involving online platforms that offer services to potential political contributors. The Commission found that entities that process contributions as a service to contributors, and not to the recipient political committees, are not making contributions to those committees. See [AO 2015-15](#) (WeSupportThat.com) and AOs cited within.

(Posted 09/14/2016; By: Dorothy Yeager)

Resources:

- Brochure: [Contributions](#)
- Brochure: [Special Notices on Political Ads and Solicitations](#)
- [Campaign Guides](#)