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Preparing for the 2004 Elections

This article examines issues that individuals who are considering running for federal office, federal candidates and their ongoing committees need to pay special attention to as they begin planning for the 2004 elections:[1]

- Testing the waters;
- Registering as a candidate;
- Redesignating an existing campaign committee; and
- Authorizing additional committees.

Testing the Waters

Before deciding to campaign for federal office, an individual may first want to "test the waters"—in other words, explore the feasibility of becoming a candidate. An individual who merely tests the waters, but does not campaign for

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[1] *An ongoing committee is any committee that plans to continue to raise funds and make expenditures (other than for the purposes of paying winding down costs and retiring past election debts in preparation for terminating as a campaign committee). See 11 CFR 116.1(a) and (b).*

Regulations

Final Rules on the Public Financing of Presidential Candidates and Nominating Conventions

On July 24, 2003, the Commission approved revisions to its regulations governing the public funding of Presidential campaigns and nominating conventions. 11 CFR parts 9001-9039. The revised rules, among other things:

- Apply certain parts of the Bipartisan Campaign Reform Act of 2002 (BCRA) to Presidential nominating conventions;
- Harmonize the rules governing municipal funds and host committees;
- Subject municipal funds to the same disclosure rules as host committees;
- Delete the requirement that only "local" individuals and "local" entities may donate to host committees and municipal funds;
- Modify several provisions governing the General Election Legal and Accounting Compliance Funds (GELAC);
- Limit the use of public funds for winding down costs for primary and general election Presidential candidates; and

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- Create a new "shortfall bridge loan exemption" from a primary candidate's overall expenditure limit.

Presidential Nominating Conventions

Application of the BCRA to convention funding. The Commission adopted new 11 CFR section 9008.55 to address the BCRA's application to convention activities. Under the BCRA, national party committees, their agents and any committee directly or indirectly established, maintained, financed or controlled by a national party committee are generally barred from raising or spending funds outside the limits and prohibitions of the Federal Election Campaign Act (the Act). Because convention committees are, as a matter of law, agents of a national party committee and established, financed, maintained, and controlled by that committee, these restrictions also apply to convention committees.[1] 11 CFR 9008.55(a). See 2 U.S.C. §441i(a) and 11 CFR 300.10(a).

The new regulations do not, however, significantly alter current rules governing the financing of the national conventions, and convention committees may continue to receive in-kind donations from host committees and municipal funds to cover certain convention expenses specified in the regulations.

Federal candidates and officeholders may make a "general solicitation" on behalf of a 501(c) organizations so long as the organization's principal purpose is not to conduct certain federal election activity and the solicitation does not specify how the funds should be used. 11 CFR 300.65. Because the principal purpose of host committees and municipal funds is to promote commerce in the host city, new 11 CFR 9008.55(d) provides that federal candidates and officeholders may make general solicitations without restriction on source or amount on behalf of 501(c) host committees or municipal funds provided that the solicitations do not specify how the funds will or should be spent.

Host committees and municipal funds. The new rules provide for more similar treatment of host committees and municipal funds. The regulations define municipal funds as accounts or funds owned by a government agency, municipality or municipal corporation whose "receipt and use of funds is subject to the control of officials of the state or local government." 11 CFR 9008.50(c). Both host committees and municipal funds must now file an FEC Form 1, Statement of Organization, within 10 days of their formation or within 10 days after the convention city is selected, whichever date is later. Moreover, both types of committees have increased reporting responsibilities and must comply, as appropriate, with the filing requirements at 11 CFR part 104. 11 CFR 9008.51.

The Commission removed the requirement that only "local" businesses, labor organizations, other organizations and individuals are permitted to make donations to host committees and municipal funds. The Commission determined that this restriction no longer served a meaningful purpose because the disbursements that host committees and municipal funds are permitted to make are consistent with the narrow purpose of promoting commerce in the convention city.

Candidate's use of public funds. The new rules allow candidates, including candidates who fail to win their party's nomination, to treat expenses related to the national nominating convention as qualified campaign expenses up to $50,000. 11 CFR 9034.4(a)(6).

GELAC Funds

Solicitation of funds. The new regulations change the starting date for GELAC solicitations from June 1 of the year in which a Presidential election is held to April 1 of that year. The Commission prohibited GELAC solicitations before the June 1 start date to ensure that GELAC funds were not used to defray primary election expenses and to help candidates avoid the refund of GELAC funds if the candidate did not win the nomination. The Commission determined that the earlier starting date was appropriate given the early primary

[1] *The Commission also determined that host committees, which typically do not have the authority to solicit, direct or receive any contribution, donation or transfer of funds on behalf of a national party committee, are not presumed to be agents of the party or convention committee or to be directly or indirectly established, financed, maintained or controlled by them. Committees should look to 11 CFR 300.2(b)(1) and 300.2(c) for guidance.*

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dates for some states in the 2004 elections. 11 CFR 9003.3(a)(1)(i).

Redesignations. The new rules also permit publicly funded Presidential candidates, under certain circumstances, to redesignate the excessive portion of a primary contribution to the GELAC fund without obtaining a signed, written document from the contributor. 11 CFR 9003.3(a)(1). See 11 CFR 110.1(b)(5)(ii)(B).

Use of Funds. Under the new rules, Presidential candidates may use remaining GELAC funds to pay their primary committee's winding down costs, and they must use GELAC funds to pay any of their primary committee's required repayments to the U.S. Treasury before the GELAC funds can be dispensed under 2 U.S.C. §439a, which describes how campaigns may use funds remaining after campaign expenses are paid. 11 CFR 9003.3(a)(2)(i)(D) and (I), 9003.3(a)(2)(iv).

Winding Down Expenses

For general election candidates, the Commission has adopted a "winding down limitation" that caps the total amount of public funds that can be used for winding down expenses at the lesser of 2.5 percent of the expenditure limitation or 2.5 percent of the total of:

- The candidate's expenditures subject to the expenditure limitation as of the end of the expenditure report period; plus
- The candidate's expenses exempt from the expenditure limitation, such as fundraising expenses, as of the end of the expenditure report period.

Regardless of the above calculations, the smallest winding down limitation will be $100,000. 11 CFR 9004.11 (b).

The Commission adopted similar regulations to address primary candidates' winding down expenses. However, for primary election candidates, the applicable winding down limitations are 10 percent rather than 2.5 percent of the candidate's expenditures and expenses or the expenditure limit. 11 CFR 9034.11(b).

The new rules also allow winding down expenses to be allocated between the candidate's primary and general election campaigns using any reasonable allocation method. An allocation method will be considered reasonable so long as it divides the total winding down costs between the primary and the general election committees and results in no less than one third of the total winding down costs allocated to each committee. 11 CFR 9004.11(c) and 90034.11(c).

Shortfall Bridge on Loan Exemption

During recent election cycles, the Presidential Primary Matching Payment Account has occasionally contained insufficient funds to meet the entitlements of all primary candidates on the dates the payments were due. Often candidates obtained, at additional costs, "bridge loans" to pay their expenses until they received their full entitlements several months later. The Commission is creating a new "shortfall bridge loan exemption" from candidates' expenditure limits at new 11 CFR 9035.1(c)(3). Under this exemption, interest charges accrued during the shortfall period on loans secured or guaranteed by matching funds will not count toward the candidate's expenditure limitation.

Additional Information

The full text of these final rules, and their Explanation and Justification, are available on the FEC's web site at http://www.fec.gov/register.htm, along with a transcript of the June 6, 2003, public hearing on these rules. The final rules were published in the August 8, 2003, *Federal Register* (68 FR 47386).◆

—Amy Kort

Notice of Proposed Rulemaking on Multicandidate Committees and Biennial Contribution Limits

On August 14, 2003, the Commission approved a Notice of Proposed Rulemaking (NPRM) proposing changes to its current rules governing:

- Multicandidate political committee status; and
- Biennial contribution limits for individuals.[1]

The NPRM was published in the August 21, 2003, *Federal Register* (68 FR 50488) and is available on the FEC web site at http://www.fec.gov/register.htm.

Multicandidate Committees

Under the Federal Election Campaign Act (the Act) and Commission regulations, a "multicandidate committee" means a political committee that has been registered with the Commission or the Secretary of the Senate for at least six months, has received contributions from more than 50 persons and, except for a state party committee, has made contributions to five or more federal candidates. 2 U.S.C. §441a(a)(4) and 11 CFR 100.5(e)(3). Prior to the Bipartisan Campaign Reform Act of 2002 (BCRA), multicandidate committees had significantly higher contribution limits to candidates than did committees without multicandidate status. However, the BCRA raised the contribution limits for non-multicandidate committees to $2,000 per election to a candidate

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[1] The NPRM also proposes making a conforming amendment to 11 CFR 110.1(c)(3) to reflect a statutory change that raised the annual contribution limit by persons other than political committees to national party committees from $20,000 to $25,000.

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and $25,000 per year to a national party committee.[2] Moreover, the non-multicandidate committee limits are indexed for inflation and may increase over time, while the multicandidate committee limits are not indexed for inflation.

These statutory changes have raised the issue of whether a political committee may "opt out" of multicandidate status, even though it has met the requirements described above. The Commission has preliminarily concluded that under the Act a political committee becomes a multicandidate committee by operation of law rather than by choice. See 2 U.S.C. §441a(a)(4). The Commission proposes amending its regulations to clarify that a political committee automatically becomes a "multicandidate committee" once it satisfies the statutory definition and to require a committee to certify its multicandidate status within 10 days of this date. The Commission requests comments on these proposed rules, as well as any alternative proposals for making multicandidate status optional.

[2] *A multicandidate committee, on the other hand, may contribute $5,000 per election to a candidate and $15,000 per year to a national party committee.*

Federal Register

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

Notice 2003-12
Public Financing of Presidential Candidates and Nominating Conventions, Final Rules (68 FR 47386, August 8, 2003)

Biennial Limits

The BCRA replaced the annual contribution limit for individuals with new biennial contribution limits. The BCRA also removed language from the Act that provided that contributions to a candidate counted against the individual's annual limit for the year of the election for which the contribution was made. However, the Commission retained this language in its regulation at 11 CFR 110.5(c). The Commission proposes amending this section to affirmatively state that, for the purposes of the biennial contribution limits, a contribution to a candidate will be attributed to the two-year period in which the contribution is actually made, regardless of when the candidate's election is held. The Commission seeks comments on whether this proposed revision is consistent with the BCRA and—if the revision is made—when it should become effective.

Comments

Public comments on these proposals must be submitted, in written or electronic form, to Mai T. Dinh, Acting Assistant General Counsel. Comments may be sent by:

- E-mail to multicand03@fec.gov (e-mailed comments must include the commenter's full name, e-mail address and postal address);
- Fax to 202/219-3923 (send a printed copy follow-up to ensure legibility); or
- Overnight mail to the Federal Election Commission, 999 E Street NW, Washington, DC 20436.

All comments must be received by September 19, 2003. If sufficient requests to testify are filed with the Commission, it will hold a public hearing on these proposed rules on October 1. Commenters who wish to testify at the hearing must indicate this intent in their written or electronic comments.✥

—Amy Kort

Notice of Proposed Rulemaking on Candidate Travel

On August 14, 2003, the Commission approved a Notice of Proposed Rulemaking (NPRM) requesting comments on proposed regulations that would establish a simple, uniform payment system covering all candidate travel on either government or private airplanes and other means of transportation. The NPRM was published in the August 21, 2003, *Federal Register* (68 FR 50481) and is available on the FEC web site at http://www.fec.gov/register.htm.

General Rule

The Commission proposes several changes to the candidate travel rules at 11 CFR 114.9(e), which address airplanes and other means of travel owned or leased by corporations or labor organizations. The Commission seeks to replace section 114.9(e) with new section 100.93, and to broaden these rules to include means of transportation owned by any person or government entity.[1] Under the proposed rules, a candidate or authorized committee would not receive a contribution if the committee paid the service provider the full value of the transportation within a time-frame specified in these rules. The Commission seeks comments on these proposed changes, as well as proposals to succinctly define such concepts as "campaign traveler" and "service provider."

Travel via Private Plane

Under the current rules, when a candidate or other campaign passen-

[1] *Campaign travel using a commercial airline or other means of commercial transportation would continue to be subject to the more general definition in 11 CFR 100.52, which describes the provision of any goods or services at less than the usual and normal charge as an in-kind contribution.*

ger uses an airplane owned by a person who is *not* in the business of providing commercial air travel, the candidate's authorized committee must pay the service provider in advance at either the first-class airfare or the normal charter rate, depending on whether a destination city is served by regularly scheduled commercial air service. 11 CFR 114.9(e)(1). The charter rate represents the actual cost that a campaign would incur, but for the use of the corporate or labor airplane, to reach a particular destination by air when that destination is not served by commercial air service. A candidate campaigning in major metropolitan areas with regularly scheduled commercial air service, however, will generally be able to use a private plane and reimburse only the equivalent of a first-class airfare. The Commission is concerned that this reimbursement scheme might be unnecessarily complex and negatively affect campaigning in rural areas. The Commission seeks comments on three alternative reimbursement rules:

1. The first alternative would set the payment rate for each individual traveling for campaign purposes at the amount of the lowest non-discounted first-class airfare to the closest airport that has such service, regardless of whether the actual destination airport is served by regularly scheduled commercial air service. Under this proposal, the campaign committee could also reimburse the provider of a private plane at the coach rate to a destination airport that is regularly served by coach airline service but not first-class service. Committees would have seven calendar days from the date of travel to reimburse the service provider rather than paying in advance. Allowing for payment after travel is completed would assure that the addition of last minute passengers would not cause the service provider to inadvertently make a contribution to the candidate in the amount of those passengers' fares.
2. The second alternative would provide for two different payment rates, closely following the travel valuation rules under the House and Senate ethics rules. The first payment rate would apply to a previously or regularly scheduled flight by the plane's owner or operator between cities with regularly scheduled commercial service. Under these circumstances, the campaign would pay the cost of a first-class ticket from the point of departure to the destination. If only coach service is available, the coach rate would apply. The second payment rate would apply to a flight scheduled specifically for campaign travel or when routes do not have regularly scheduled commercial service. In this case, the committee must pay the charter rate.
3. The third alternative would establish a uniform rule requiring the committee to pay the normal and usual cost of chartering a plane of sufficient size to accommodate all campaign travelers, plus the news media and security personnel where applicable. Because the campaign would be responsible for the cost of chartering the entire plane, the addition of last minute travelers would not increase the cost and the payment amount would be known prior to the time of departure. Thus, under this option, the Commission would continue to require payment in advance for the use of all airplanes not normally used for commercial passenger service.

The Commission requests comments on any of these proposals, as well as other suggestions for establishing air travel rates.

Other Transportation

The Commission proposes requiring travel via means other than airplane to be paid for within 30 calendar days of the receipt of the invoice, but no more than 60 calendar days after the date the travel commenced.

Government Conveyances

The proposed rules would apply the general rules for travel on noncommercial aircraft and other means of transportation to travel on planes or other vehicles owned or leased by the federal government or any state or local government, including such travel by publicly funded Presidential and Vice-Presidential candidates.

Comments

The Commission invites comments on these proposed rules, as well as any other proposed revisions to the treatment of candidate travel expenses. Public comments must be submitted, in written or electronic form, to Mai T. Dinh, Acting Assistant General Counsel. Comments may be sent by:

- E-mail to travel2003@fec.gov (e-mailed comments must include the commenter's full name, e-mail address and postal address);
- Fax to 202/219-3923 (send a printed copy follow-up to ensure legibility); or
- Overnight mail to the Federal Election Commission, 999 E Street NW, Washington, DC 20436.

All comments must be received by September 19, 2003. If sufficient requests to testify are filed with the Commission, it will hold a public hearing on these proposed rules on October 1. Commenters who wish to testify at the hearing must indicate this intent in their written or electronic comments.❖

—Amy Kort

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office, does not have to register or report as a candidate even if the individual raises or spends more than $5,000—the dollar threshold that would normally trigger candidate registration.

Individuals who are testing the waters must still, however, comply with the contribution limits and prohibitions of the Federal Election Campaign Act (the Act). See AO 1998-18. Moreover, once an individual begins to campaign or decides to become a candidate, funds that were raised or spent to test the waters apply to the $5,000 threshold for qualifying as a "candidate."[2] 11 CFR 100.72(a) and 100.131(a).

Testing the Waters vs. Campaigning. An individual may conduct a variety of activities to test the waters. Examples of permissible testing-the-waters activities include polling, travel and telephone calls undertaken to determine whether the individual should become a candidate. 11 CFR 100.72(a) and 100.131(a).

Certain activities, however, indicate that the individual has decided to become a candidate and is no longer testing the waters. In that case, once the individual has raised or spent more than $5,000, he or she must register as a candidate. Intent to become a candidate is apparent, for example, when individuals:

- Make or authorize statements that refer to themselves as candidates ("Smith in 2004" or "Smith for Senate");
- Use general public political advertising to publicize their intention to campaign;
- Raise more money than what is reasonably needed to test the waters or amass funds (seed money) to be used after candidacy is established;
- Conduct activities over a protracted period of time or shortly before the election; or
- Take action to qualify for the ballot. 11 CFR 100.72(b) and 100.131(b).

Recordkeeping. An individual who tests the waters must keep financial records. If the individual later becomes a candidate, the money raised and spent to test the waters must be reported by the campaign as contributions and expenditures. 11 CFR 101.3.

Organizing a Testing-the-Waters Committee. An individual may organize a committee for testing the waters. An exploratory committee or a testing-the-waters committee is not considered a political committee under the Act and is not required to register with the FEC or to file reports. The name of the testing-the-waters committee, and statements made by committee staff, must not refer to the individual as a candidate. Thus, for instance, a testing-the-waters committee may be named "Sam Jones Exploratory Committee," but not "Sam Jones for Congress."

If the committee's activities go beyond testing the waters and the committee begins to campaign, the committee must register with the FEC (as explained below). If the potential candidate decides to run for federal office and becomes a candidate, then he or she may designate the exploratory committee as the principal campaign committee.

Registration by Candidates and Their Committees

An individual running for federal office must register with the FEC once he or she becomes a "candidate" under the Act and Commission regulations. 11 CFR 101.1(a) and 102.12(a).[3] An individual becomes a "candidate" when the individual (or persons authorized to conduct campaign activity on his or her behalf) receives over $5,000 in contributions or makes over $5,000 in expenditures. 11 CFR 100.3(a)(1) and (2). Unauthorized campaign activity on behalf of an individual running for federal office may also trigger candidate status unless the individual disavows the activity by writing a letter to the FEC within 30 days after being notified by the agency that unauthorized activity reported to the FEC has exceeded $5,000. 11 CFR 100.3(a)(3).

U.S. House candidates and their principal campaign committees file their FEC statements and amendments directly with the FEC. U.S. Senate candidates and their principal campaign committees file with the Secretary of the Senate. 11 CFR Part 105.

Filing a Statement of Candidacy. Candidates must file a Statement of Candidacy on FEC Form 2 within 15 days after becoming a "candidate." 11 CFR 101.1(a). Under the Commission's regulations implementing the Bipartisan Campaign Reform Act's "Millionaires' Amendment," House and Senate candidates must disclose on their Statement of Candidacy the amount by which their personal spending for the primary and general elections will exceed the applicable threshold amount set out in the regulations:

- For House candidates the threshold amount is $350,000;
- For Senate candidates the threshold amount is $150,000 plus an amount equal to $0.04 multiplied by the voting age population in their state. 11 CFR 400.9 and 400.20.

[2] *"Candidate" has a special definition under the Federal Election Campaign Act, as explained in this article under the heading "Registration by Candidates and Their Committees."*

[3] *This requirement applies to all candidates, including incumbents who qualify as candidates for a future election (see below).*

A candidate who does not anticipate exceeding the threshold may declare $0.

In addition to sending a paper copy of the Statement to the Secretary of the Senate, Senate candidates must also send copies by fax or e-mail to the Commission and to each opposing candidate.[4] 11 CFR 400.20(b)(1).

House candidates who do not intend to exceed the personal spending threshold may send a paper copy of FEC Form 2 to the Commission and must also fax or e-mail copies of the form to each opposing candidate.[5] 11 CFR 400.20(b)(2). However, House candidates who raise or spend more than $50,000 in a calendar year, or who expect to do so, must file their Statement of Candidacy (and all future reports, notices or statements) electronically. 11 CFR 104.18. As a result, House candidates who declare their intent to exceed the threshold amount in personal spending must file FEC Form 2 electronically in addition to sending copies to opposing candidates via fax or e-mail. 11 CFR 400.20(b)(2).

Registration by Principal Campaign Committee. Within 10 days after the candidate files FEC Form 2, the principal campaign committee or other authorized committee must register by filing FEC Form 1, Statement of Organization, with the Commission or the Secretary of the Senate, as appropriate. 11 CFR 102.1(a). Please note that the name of the committee must include the candidate's name. 11 CFR 102.14(a). Additionally, the principal campaign committees of House and Senate candidates must disclose on FEC Form 1 the committee's fax number and web site URL, if available, and e-mail address. 11 CFR 102.2(a)(1)(vii) and (viii).

Ballot Access. Registration with the FEC does not mean that the individual has qualified for the ballot. State law governs ballot access requirements for federal offices; for information, consult the appropriate state authority (generally, the secretary of state's office).

Candidates Who Ran in a Previous Election

A candidate who ran in 2002, or another previous election, must file a new FEC Form 2 (Statement of Candidacy) within 15 days after qualifying as a candidate (as described above) for the 2004 election or another future election. The candidate may either designate a new principal campaign committee or redesignate his or her previous principal campaign committee (if it has not terminated). A newly designated committee will receive a new FEC identification number, while a redesignated committee will retain its original identification number.

If the candidate redesignates an existing committee, the committee need only amend its FEC Form 1 (Statement of Organization) if there has been any change in the information, such as a change in the committee's name. The committee must file the amendment within 10 days of the change in information. 11 CFR 102.2(a)(2).

Other Authorized Committees

In addition to designating the principal campaign committee, a candidate may designate other authorized committees to receive contributions and make expenditures on his or her behalf, using the following steps:

- The candidate designates the additional authorized committee by filing a written designation with the principal campaign committee. 11 CFR 101.1(b) and 102.13(a)(1).
- Within 10 days of being designated by the candidate, the authorized committee must register by filing a Statement of Organization (FEC Form 1) with the candidate's principal campaign committee. 11 CFR 102.1(b). The name of the authorized committee must include the candidate's name. 11 CFR 102.14(a).
- The principal campaign committee, in turn, files both forms with the appropriate federal, and if necessary state, offices, as explained above.

More Information

If you have any questions or would like more information about any of these requirements, please call the FEC's Information Division at 800/424-9530 (press 1, then 3) or 202/694-1100.✥

—Amy Kort

[4] *Filers can send a copy of the form, or the information required on the form, to the FEC either via fax at 202/219-0174 or via e-mail at 2022190174@fec.gov.*

[5] *Committees that are not required to file electronically under 11 CFR 104.18 may nevertheless choose to file their reports and statements electronically rather than on paper.*

Advisory Opinions

AO 2003-12
Federal Candidate/ Officeholder's Support of Ballot Initiative

U.S. Representative Jeff Flake may serve as Chairman of a state committee seeking to qualify a state referendum and solicit funds on the committee's behalf, and the committee may conduct voter registration, get-out-the-vote activities and an advertising campaign that clearly identifies federal candidates. However, since Representative Flake established the committee, and all of the committee's intended activities are either in connection with a federal election or "in connection with an election other

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than an election for Federal office," the committee and Mr. Flake may only raise and spend funds within the limits and prohibitions of the Federal Election Campaign Act (the Act). See 2 U.S.C. §§441(e)(1) and 441a(a)(1), (2) and (3).

Background

Representative Flake is a candidate for re-election in 2004, and his principal campaign committee is Jeff Flake for Congress. Stop Taxpayer Money for Politicians (STMP) is a so-called "527 organization" that was established in January 2003. Representative Flake signed the documents that formed STMP and was STMP's first Chairman. Representative Flake resigned from STMP in March, but now intends to resume his role as Chairman and to have staff and agents of Jeff Flake for Congress provide significant support to STMP. STMP plans to promote a state referendum to repeal portions of Arizona's campaign finance statute.

Analysis

Application of the Act to STMP. The Bipartisan Campaign Reform Act of 2002 (BCRA) prohibits federal candidates and officeholders, as well as their agents and entities "directly or indirectly established, financed, maintained, or controlled" by them, from soliciting, receiving, directing, transferring or spending:

- Funds in connection with a federal election, including funds for "federal election activity," unless the funds are subject to the limits, prohibitions and reporting requirements of the Act; and
- Funds in connection with any election other than an election for federal office unless the funds are not from sources barred from contributing to federal elections or in excess of the Act's contribution limits for candidates and political committees.

2 U.S.C. §441i(e)(1)(A) and (B); 11 CFR 300.61 and 300.62.

The scope of section 441i(e)(1)(B), which describes "any election other than an election for Federal office," is not limited to elections for political office. STMP's planned activities—other than its federal election activity (FEA) and electioneering communications, which would be in connection with a federal election—would fall into this category.[1] The Commission determined that all activities of a ballot measure committee established, financed, maintained or controlled by a federal candidate are "in connection with any election other than an election for Federal office," including the signature gathering and ballot qualification stage and activity to win passage of the measure after it qualifies for the ballot. In contrast, the activities of a ballot measure committee that is not established, financed, maintained or controlled by a federal candidate, officeholder or an agent of either are not "in connection with any election other than an election for Federal office" until the committee qualifies an initiative or ballot measure for the ballot.[2]

Moreover, Representative Flake established STMP. The ten factors in 11 CFR 300.2(c), derived from the affiliation factors in 11 CFR 100.5(g) and 110.3, are used to determine whether a person or entity "directly or indirectly established, financed, maintained, or controlled" another person or entity for purposes of BCRA. Because Representative Flake was among the people who formed STMP, signed documents with the Arizona Secretary of State forming the committee and was its first Chairman, and because a campaign consultant to Representative Flake also aided STMP with its campaign filings, Representative Flake had an active and significant role in the committee's formation. 11 CFR 300.2(c)(2)(ix).[3] As a result, STMP and all of Representative Flake's activities on its behalf are restricted by the Act's fundraising limits and prohibitions.

Organizing and staffing STMP; coordination. Representative Flake may serve as Chair, Officer or

[1] *The Commission found that the phrasing "any election other than an election for federal office" differs significantly from the wording of other provisions of the Act, such as the prohibition on contributions and expenditures "in connection with any election to any political office" by national banks and corporations organized by the authority of Congress. 2 U.S.C. §441b(a). Where Congress uses different terms, it must be presumed that it means different things. The Commission determined that Congress expressly chose to limit the reach of section 441b(a) to elections for a "political office" and broadened the sweep for the restrictions at section 441i(e)(1)(B).*

[2] *Some ballot initiative and referenda questions do not qualify for the ballot and never appear before voters on any ballot. The Commission found that there is a clear delineation between pre-ballot qualification activities, which do not occur in close proximity to an election, and post-ballot qualification activities, which do occur close to an election. All activities of a ballot measure committee will be considered "in connection with any election other than an election for federal office" once the initiative or referendum qualifies for the ballot.*

[3] *STMP is not affiliated with Jeff Flake for Congress because the relationship is sufficiently similar to that between a campaign committee and a traditional leadership PAC. STMP and Representative Flake may raise up to a total of $5,000 per calendar year from any particular permissible source without regard to the amounts contributed to Jeff Flake for Congress.*

Director of STMP, STMP may employ agents and employees of and consultants to Jeff Flake for Congress, and these individuals may participate in all aspects of STMP's governance.

These individuals' participation in STMP's activities could contribute to a particular STMP communication being "coordinated" with Representative Flake or Jeff Flake for Congress. Commission regulations define "coordinated" as "made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents." 11 CFR 109.20(a). The regulations further provide a three-pronged test that must be satisfied to conclude that payments for a coordinated communication are made for influencing a federal election and, thus, constitute in-kind contributions. 11 CFR 109.21(a)(1).

Fundraising for STMP while it is a 527 organization. Representative Flake may support STMP by hosting, speaking and appearing as a featured guest at fundraising events and soliciting for STMP by phone or by signing fundraising letters. However, he must comply with the Act's restrictions on fundraising by federal candidates and officeholders, and cannot solicit funds that are outside of the Act's amount limits and source prohibitions.[4] 11 CFR 300.60(d), 300.61 and 300.62.

Fundraising for STMP if it becomes a tax-exempt organization. Under the Act, a federal candidate or officeholder may make a "general solicitation" for a 501(c) organization, without regard to the Act's limits and prohibitions, if the organization does not as its principal purpose engage in certain types of FEA and the solicitation does not specify how the funds will or should be spent. The candidate or officeholder may make a "specific solicitation," limited to $20,000 per contributor, per year, in certain cases where the organization does not meet these criteria. 2 U.S.C. §441(e)(4). However, the candidate or officeholder cannot make a "general solicitation" or a "specific solicitation" on behalf of a 501(c) organization that he or she established, financed, maintains or controls. Thus, Representative Flake can only solicit up to $5,000 per contributor per year on behalf of STMP even if it becomes a nonprofit organization.

Public Advocacy. Representative Flake may publicly urge voters to sign petitions during the signature gathering and ballot qualification phase and publicly advocate his support for the measure during the initiative campaign phase. However, any solicitations he makes on the committee's behalf must comply with the limits and prohibitions of the Act.

Activities paid for by STMP. Some of STMP's planned voter registration, get-out-the vote activities and public communications will likely constitute FEA, which, because Representative Flake established the committee, must be paid with funds subject to the limits, prohibitions and reporting requirements of the Act.[5] Other voter registration activity will not constitute FEA, and may be paid with funds that comply with the Act's amount limitations and source prohibitions, but not its reporting requirements. Also, because STMP may only raise and spend money that is legal under the Act, it must pay its staff with federally permissible funds.

Because STMP's activities are "in connection with any election other than an election for Federal office," and because STMP is established, financed, maintained or controlled by Representative Flake, STMP cannot use funds that are legal under Arizona law but impermissible under the Act for any activities, including to pay for activities that advocate ballot measures and/or state candidates, such as messages that say:

- "Support Ballot Measure X";
- "Support Ballot Measure X. Go vote on November 2"; or
- "Support Ballot Measure X and State Senator Jones and State Representative Smith by voting on November 2."

Electioneering Communications. STMP also plans to broadcast ads in support of the ballot measure that will clearly identify a federal candidate, be publicly distributed within 60 days of the general election and be able to be received by at least 50,000 people in the Representative's congressional district or throughout the state. These ads would be "electioneering communications" as defined in Commission regulations, and funds from national banks, labor organizations or foreign nationals could not be used to pay for the ads. See 2 U.S.C. §§441b(b)(2), 441e(a)(2); 11 CFR 100.29(a) and 114.2.

STMP may broadcast these ads because it will only have permissible funds in its accounts to pay its expenses, including these communications.[6] STMP must disclose,

(continued on page 10)

[4] *AO 2003-3 describes how a federal candidate or officeholder may participate in a state committee fundraiser. Note, however, that, unlike a state party committee, STMP could not use nonfederal funds to pay for the fundraiser because it can only raise and spend federal funds.*

[5] *Because only state, local and district party committees can raise and spend Levin funds, STMP cannot pay for any activities by allocating the costs between federal and Levin funds.*

[6] *STMP is an unincorporated organization. Were it incorporated, it would be barred from making electioneering communications unless it met the Commission's criteria for a qualified nonprofit corporation. 11 CFR 114.2(b)(2)(iii) and 114.10.*

Advisory Opinions

(continued from page 9)

among other things, the identification of the person making the disbursement for the ad, of any person sharing or exercising direction or control over the activities of that person, as well as certain payments for electioneering communications and certain donors to STMP. 2 U.S.C. §434(f) and 11 CFR 104.20. Representative Flake, his agents and consultants to Jeff Flake for Congress may participate in the creation, production and distribution of the ads. However, as discussed above, such activity may contribute to the ad satisfying the test for a "coordinated communication," in which case the ad would be considered and in-kind contribution.

Date Issued: July 29, 2003; Length: 19 pages.✥

—Amy Kort

AO 2003-17

Use of Campaign Funds to Pay for Criminal Defense

James W. Treffinger, a former Senate candidate facing criminal indictments, may use campaign funds to pay for the portion of his legal fees that relate to his status as a candidate for federal office.

Mr. Treffinger was a Senate candidate from New Jersey during the 2000 and 2002 elections, and also the County Executive for Essex County, New Jersey. He was indicted in the District of New Jersey on 20 counts of criminal activity relating primarily to alleged schemes to defraud the Essex County government. Mr. Treffinger asked the Commission if his excess campaign funds could be used to pay for his legal defense.

According to federal law, there are four categories of permissible uses of campaign funds:

- Otherwise authorized expenditures in connection with a candidate's campaign for federal office;
- Ordinary and necessary expenses incurred in connection with a federal officeholder's duties;
- Contributions to charitable organizations; and,
- Transfers to national, state or local party committees.

Federal law generally prohibits the conversion of campaign funds to "personal use," which occurs when funds are used for expenses that would exist "irrespective" of the candidate's election campaign or duties as a federal officeholder. 11 CFR 113.1(g). The question of whether the payment of legal fees constitutes personal use is dealt with on a case-by-case basis.

The Commission determined that nine of the 20 criminal counts in the indictment against Mr. Treffinger related directly to his federal campaign. Accordingly, Mr. Treffinger may pay 45 percent (9/20) of his legal expenses with his campaign funds. The criminal indictments for which Mr. Treffinger may use his campaign funds include:

- Submitting a false quarterly report to the FEC;
- Defrauding Essex county by using Essex County Employees to staff his campaign at the expense of the County;
- Aiding and assisting his campaign in making false reports to the Commission; and
- Knowingly and willfully conspiring to misrepresent himself and a committee under his control.

Treffinger's committee must maintain the appropriate documents of any disbursements made to pay these legal fees, and must report all such disbursements with the FEC as operating expenditures, with the purpose noted. Under his plea agreement with the U.S. Attorney, Mr. Treffinger is required to pay $29,471 in restitution to Essex County for the monies paid by the county to two of its employees who were working for Mr. Treffinger's campaign. Under the Act, however, such payment by Essex County is considered an excessive in-kind contribution to Mr. Treffinger's campaign that must be refunded. Therefore, the AO requires Mr. Treffinger to refund the $29,471 contribution to Essex County within 30 days of receipt of the AO rather than after his September 10 sentencing under his plea agreement. This payment must take priority over the payment of any legal fees by the committee.

Date Issued: July 17, 2003; Length: 10 pages.✥

—Gary Mullen

AO 2003-18

Transfer of General Election Funds to a Charitable Organization

Because the candidate failed to reach the general election, the Bob Smith for U.S. Senate committee may not transfer funds designated for the general election to a charitable organization.

Background

Bob Smith was a candidate for the U.S. Senate from New Hampshire in 2002, but was defeated in the primary.

His committee, Bob Smith for U.S. Senate, received contributions designated for the general election. The committee contacted the general election contributors and offered a refund of their contributions. Refund checks were then sent to every contributor that either requested a refund or failed to respond to the letter. Each check bore the restriction that it must be cashed within 90 days. Roughly $60,000 in refund checks were not cashed.

Mr. Smith sought to transfer any remaining committee funds to the American Patriot Fund (APF), a charitable organization established

by Mr. Smith that was seeking 501(c)(3) status from the IRS.[1]

Analysis

A candidate committee may accept funds for the general election prior to the primary if the contributions are specifically designated for the general election and if the committee employs a reasonable accounting method to distinguish them from primary election contributions. 11 CFR 102.9(e).

If the candidate does not reach the general election, contributions designated for the general election must, within 60 days, be refunded to the contributor, redesignated to a different election or a combination of both. 11 CFR 110.1(b)(5) and 110.2(b)(5). Commission regulations do not provide for these contributions to be donated to charity. See 11 CFR 102.9(e)(3), 110.1(b)(3)(i) and 110.2(b)(3)(i).

Because Mr. Smith was not a candidate in the general election, the committee did not have the option of donating to APF funds from the uncashed refunds of general election contributions. The Act and Commission regulations do not directly address the situation where an attempt to refund such contributions proves unsuccessful. However, in analogous circumstances the regulations require disgorgement to the U.S. Treasury. See 11 CFR 300.12(c) and (d) and 9007.6, 9008.16 and 9038.6.

In addition, the regulations governing such refunds of general election contributions do not specify a time-frame in which the refund process must be completed—that is, in which the refund checks must clear the committee's bank accounts. In this case, the committee properly issued refund checks, and it allowed 90 days for the checks to be cashed. However, another regulation allows six months from a refund check's date for the check to be cashed or deposited before it must be disgorged to the U.S. Treasury.[2] In this case, the Commission granted the committee an additional 90 days from its receipt of this advisory opinion to complete the refund process. Any general election contributions in the committee's possession at the end of 90 days must be disgorged to the U.S. Treasury on that date.

Date Issued: July 28, 2003; Length: 4 pages.✥

—Phillip Deen

Advisory Opinion Requests

AOR 2003-20

Congressman's solicitation of donations to charitable organization that awards scholarships (The Honorable Silvestre Reyes and The Hispanic College Fund, Inc., July, 18, 2003)

AOR 2003-21

Disaffiliation of corporations' SSFs (Lehman Brothers, Inc., July, 22, 2003)

AOR 2003-22

Collection and forwarding of contributions to trade association SSF by executives of corporate members (American Bankers Association, July 28, 2003)✥

[1] *If the American Patriot Fund was denied 501(c)(3) status, the funds would be given to another charitable organization.*

[2] *Under Commission regulations implementing the so-called "Millionaire's Amendment," refund checks for "excess contributions" must be issued within 50 days of the relevant election, and any refund check not cashed or deposited within six months of the date on the check must be disgorged to the Treasury. 11 CFR 400.53. See also 11 CFR 400.51.*

BCRA on the FEC's Web Site

The Commission has added a new section to its web site (www.fec.gov) devoted to the Bipartisan Campaign Reform Act of 2002 (BCRA).

The page provides links to:

- The Federal Election Campaign Act, as amended by the BCRA;
- Summaries of major BCRA-related changes to the federal campaign finance law;
- Summaries of current litigation involving challenges to the new law;
- *Federal Register* notices announcing new and revised Commission regulations that implement the BCRA;
- BCRA-related advisory opinions; and
- Information on educational outreach offered by the Commission, including upcoming Roundtable sessions and the Commission's 2003 conference schedule.

The section also allows individuals to view the Commission's calendar for rulemakings, including dates for the Notices of Proposed Rulemaking, public hearings, final rules and effective dates for regulations concerning:

- Soft money;
- Electioneering Communications;
- Contribution Limitations and Prohibitions;
- Coordinated and Independent Expenditures;
- The Millionaires' Amendment;
- Consolidated Reporting rules; and
- Other provisions of the BCRA.

The BCRA section of the web site will be continuously updated. Visit www.fec.gov and click on the BCRA icon.

Administrative Fines

Committees Fined for Nonfiled and Late Reports

The Commission recently publicized its final action on 35 new Administrative Fine cases, bringing the total number of cases released to the public to 640, with $883,604 in fines collected.

Civil money penalties for late reports are determined by the number of days the report was late, the amount of financial activity involved and any prior penalties for violations under the administrative fines regulations. Penalties for late reports—and for reports filed so late as to be considered nonfiled—are also determined by the financial activity for the reporting period and any prior violations. Election sensitive reports, which include reports and notices filed prior to an election (i.e., 12 day pre-election, October quarterly and October monthly reports), receive higher penalties. Penalties for 48-hour notices that are filed late or not at all are determined by the amount of the contribution(s) not timely reported and any prior violations.

The committees and the treasurers are assessed civil money penalties when the Commission makes its final determination. Unpaid civil money penalties are referred to the Department of the Treasury for collection.

The committees listed in the chart at right, along with their treasurers, were assessed civil money penalties under the administrative fines regulations.

Closed Administrative Fine case files are available through the FEC Press Office, at 800/424-9530 (press 2), and the Public Records Office, at 800/424-9530 (press 3).✥

—Amy Kort

Committees Fined and Penalties Assessed

1. Alexa for Congress	$600
2. Barcia for Congress July Quarterly 2002	$1,725
3. Barcia for Congress October Quarterly 2002	$825
4. Battles for Congress	$700
5. Ben Allen for Congress	$2,100
6. Bill Martin Congressional Committee	$275
7. Borski for Congress Committee	$2,700
8. Casey for Congress Committee	$275
9. Celanese Americas Corporation PAC	$1,000
10. Christy Ferguson for Congress Committee	$500
11. Composition Roofers Local Union #30 Political Action & Education Fund	$600
12. Condit for Congress	$250
13. Conservative Leadership PAC	$1,500
14. Dan Hagood for Congress, Inc.	$900
15. Donna 2002 Congressional Campaign Committee	$1,000
16. Drobac for Congress	$950
17. Ducworth for Congress	$1,775
18. Florida Sugar Cane League PAC	$1,500
19. Friends of Ken Eggleston	$0[1]
20. Gerald Willis for Congress	$900
21. Handrahan for Congress	$1,050
22. Harmsen for Congress	$1,800
23. Hornberger for Senate	$650
24. Indiana BANKPAC—Federal	$600
25. International Brotherhood of Boilermakers, Blacksmiths, Forgers & Helpers of America (Local 169 Boilermakers PAC)	$450
26. International Federation/Professional and Technical Engineers Legislative Education Action Program—PAC	$2,000
27. McCoy for Congress	$0[1]
28. Patriot PAC	$2,500
29. Phil Sudan for Congress	$775
30. Ron Daugherty for Congress October Quarterly 2002	____[2]
31. Ron Daugherty for Congress 12-Day Pre-General 2002	____[2]
32. Sean Mahoney for Congress	$9,000
33. Society of Thoracic Surgeons PAC (STS PAC)	$1,188
34. Supporters of Engineers Local 3 Endorsed Candidates (SELEC)	$1,000
35. Tom Sawyer Committee	$1,550

[1]This penalty was reduced due to the level of activity on the report.

[2]The Commission took no further action in this case.

Alternative Dispute Resolution

ADR Program Update

The Commission recently resolved 13 additional cases under the Alternative Dispute Resolution (ADR) program. The respondents, the alleged violations of the Federal Election Campaign Act (the Act) and the penalties assessed are listed below.

1. The Commission reached agreement with Dutch Ruppersberger for Congress, its treasurer, David Deger, and C. A. Dutch Ruppersberger concerning the use of nonfederal funds to purchase materials for a federal campaign. The respondents agreed to appoint an FEC compliance officer and have a staff person attend an FEC-sponsored seminar within the next year. (ADR 081; MUR 5267)

2. The Commission reached agreement with Ross for Congress and its treasurer, Veronica McLeod, regarding the committee's failure to disclose loan information, including failing to file Schedule C-1 and to clarify whether the candidate used personal funds or borrowed loan money from another source. The respondents agreed to work with the FEC staff to file amended reports in order to terminate the committee. (ADR 084)

3. The Commission reached agreement with Mark Fleisher concerning his failure to register and report timely. Mr. Fleisher acknowledged that his Statement of Candidacy was not filed timely and accepted admonishment for the late filing. The ADR Office concluded, based on a review of documents, that allegations that Mr. Fleisher exceeded the reporting threshold were unsubstantiated. The ADR Office determined that the aforementioned resolutions conclude this matter, and the Commission concurred by dismissing the matter. (ADR 088; MUR 5291)

4. The Commission closed the case involving the Jeff Ballenger for Congress Committee and M. Eastman Chance, its treasurer. The case had concerned the failure to provide a signed Schedule C-1 for one loan reported as coming from a lending institution and the failure to clarify the source of another loan reported as coming from the candidate. Because the respondents had filed revised reports with the required documentation, the ADR Office recommended the case be closed and the Commission concurred by closing the file. (ADR 093)

5. The Commission reached agreement with the Committee to Elect Lindsey Graham and its treasurer, Neil Byerley, concerning excessive contributions. The respondents acknowledged that a violation of the Act occurred and, upon learning of the prohibited contributions, issued refunds of all excessive contributions—with the exception of $810 that was disgorged to the U.S. Treasury. In addition, the respondents sent committee staff to an FEC seminar on campaign finance in February 2003, instituted new procedures for recording and reporting campaign finances and have agreed to appoint an FEC Compliance Officer. In their negotiated settlement with the Commission, the respondents agreed to pay a $1,000 civil penalty. (ADR 103)

6. The Commission reached agreement with the Marquette County Democratic Party and William G. Davis, its treasurer, regarding the committee's failure to register. The respondents acknowledged the requirement to register and subsequently filed a Statement of Organization. The respondents agreed to select a representative to attend an FEC-sponsored workshop within the next year and to maintain permanent files with copies of federal election laws, regulations and guidelines regarding FEC-related activity. (ADR 105; MUR 5311)

7. The Commission reached agreement with Sean Mahoney for Congress and its assistant treasurer, James McKay, concerning the committee's failure to accurately disclose loans. The respondents agreed to amend reports previously filed with the Commission, create procedures to avoid similar reporting errors and send a representative to an FEC-sponsored workshop within the next year. (ADR 107)

8. The Commission reached agreement with the Leelanau County Democratic Committee and John C. Dick, its treasurer, regarding the committee's failure to register. The respondents acknowledged that they violated the Act when they failed to register with the Commission and agreed to complete the registration process. The respondents will also establish and maintain a file on FEC regulations to provide guidance on matters pertaining to federal election campaign activity and attend an FEC-sponsored workshop within the next year. (ADR 108; MUR 5309)

9. The Commission reached agreement with Phelps for Congress, its treasurer Todd Stonewater, David Phelps and Great Ideas for Advertising, Inc., regarding corporate contributions and excessive contributions. Phelps for Congress, Mr. Stonewater and Mr. Phelps acknowledged that a violation of the Act occurred during the tenure of a previous treasurer. On learning of the prohibited and excessive contributions, the current treasurer refunded the contributions. Phelps for Congress, Mr. Stonewater and Mr. Phelps agreed to terminate the committee and to pay a $300 civil penalty.

Great Ideas for Advertising, Inc., acknowledged that a violation occurred and, on learning of the prohibited contribution, secured a

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Alternative Dispute Resolution

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refund. This respondent agreed to circulate a memorandum to all corporate officers and staff concerning the prohibition against contributions or expenditures in connection with federal elections.

The ADR Office recommended that the Commission dismiss the matter as it pertained to Larry's Electric, Diefenbach Construction, Arclay Company, LLC, Medicap Pharmacy and Kevin Davis. The Commission agreed. (ADR 113; MUR 5303)

10. The Commission reached agreement with the Clinton Township Democratic Club and Judith L. Strong, its treasurer, regarding the committee's failure to file campaign finance reports. The respondents acknowledged that they violated the Act and agreed to hire an accountant familiar with the Commission's reporting requirements to regularly review their records and reports. The respondents also agreed to send a representative to an FEC-sponsored workshop within the next year and to pay a $500 civil penalty. (ADR 114; MUR 5306)

11. The Commission reached agreement with the Mike Halleck for Congress Committee, is treasurer Charles Presley, and the Columbiana County (Ohio) Republican Central Committee regarding excessive contributions. Mike Halleck for Congress and Mr. Presley acknowledged accepting an excessive contribution and failing to refund the excessive portion during the 30-day period provided for in Commission regulations. These respondents agreed to attend an FEC-sponsored seminar within the next year, file for termination and pay a $250 civil penalty.

The Columbiana County Republican Central Committee agreed to select a committee representative to attend an FEC-sponsored workshop within the next year, establish and maintain a file on FEC regulations to provide guidance to the committee on matters pertaining to federal election campaign activity and pay a $250 civil penalty. (ADR 118; MUR 5324)

12. The Commission dismissed another matter as it pertained to the Halleck for Congress Committee and Mr. Presley, and reached agreement on the matter with the Gallia County Republican Century Club and its treasurer Thomas Moulton, Jr., concerning excessive contributions.

A review of the Halleck for Congress Committee's reports confirmed that the excessive contribution in question was refunded to the contributor within the required 30-day period. The ADR Office thus concluded that allegations that the Halleck for Congress Committee and Mr. Presley violated the Act were unsubstantiated in this matter, and the Commission concurred by dismissing the matter as it pertained to these respondents.

The Commission reached agreement in the matter pertaining to the Gallia County Republican Century Club and Mr. Moulton. The respondents acknowledged that their contribution to the Halleck for Congress Committee exceeded the Act's contribution limits. These respondents agreed to establish and maintain a file on FEC regulations to provide guidance to the Club on matters pertaining to federal election campaign activity and to pay a $200 civil penalty. (ADR 121; MUR 5329)

13. The Commission reached agreement with the Hagelin 2000 Committee and its treasurer, Blanche Woodward, concerning corporate contributions and excessive contributions discovered during a Commission audit. The respondents agreed to acknowledge the errors that contributed to the audit findings and the admonishment conveyed in the text of the agreement. The respondents will complete their FEC reports and then file for termination in accordance with the provision of the Act. (ADR 123)❖

—Amy Kort

Publications

Commission Releases *Federal Elections 2002*

The Commission has released *Federal Elections 2002*, detailing the official primary, runoff and general election results for the 2002 Congressional elections. For each state, *Federal Elections 2002* lists the names of candidates on the ballot, party affiliations and the number and percentages of votes each candidate received. It also provides charts that illustrate and summarize election results. The publication's statistical data, which is based on official figures provided by state election officials, includes election results as amended through May 2003.

Federal Elections 2002 is available on the FEC web site at http://www.fec.gov/pubrec/fe2002/cover.htm. To obtain a free copy, or for more information, contact the Public Records Office at 800/424-9530 (press 3) or 202/694-1120.❖

—Amy Kort

Outreach

Conferences in Chicago and San Diego

In September and October the Commission will hold conferences for House and Senate campaigns, political party committees and corporations, labor organizations, trade associations, membership organizations and their respective PACs. The conferences will consist of a series of workshops conducted by Commissioners and experienced FEC staff who will explain how the

federal campaign finance law, as amended by the Bipartisan Campaign Reform Act of 2002 (BCRA), applies to each of these groups. Workshops will specifically address rules for fundraising and reporting, and will explain the new provisions of the BCRA. A representative from the IRS will also be available to answer election-related tax questions.

Conference in Chicago

The FEC will hold a conference in Chicago, IL, September 9-10, 2003, at the Millennium Knickerbocker Hotel. The registration fee for this conference is $395, which covers the cost of the conference, materials and meals, plus a $10 late fee (for registration forms received after August 18).

The Millennium Knickerbocker Hotel is located at 163 E. Walton Place on Chicago's "Magnificent Mile." Call 800/621-8140 or 312/751-8100 to make reservations, or access the Millennium Knickerbocker's reservations web page via the FEC web site at http://www.fec.gov/pages/infosvc.htm#Conferences.

Conference in San Diego

The FEC will hold a conference in San Diego, CA, October 28-29, 2003, at the Hyatt Regency Islandia. The registration fee is $385, which covers the cost of the conference, materials and meals. A $10 late fee will be assessed for registration forms received after October 6.

The Hyatt Regency Islandia is located at 1441 Quivira Road on San Diego's Mission Bay. A room rate of $159 per night is available for conference attendees who make reservations on or before October 6. To make reservations call 800/233-1234 and state that you are attending the FEC conference, or access the Hyatt Regency Islandia's reservations web page via the FEC web site at http://www.fec.gov/pages/infosvc.htm#Conferences.

Registration Information

Conference registration information is available online. Conference registrations will be accepted on a first-come, first-served basis. FEC conferences are selling out quickly this year, so please register early. For registration information:

- Call Sylvester Management Corporation at 800/246-7277;
- Visit the FEC web site at http://www.fec.gov/pages/infosvc.htm#Conferences; or
- Send an e-mail to lauren@sylvestermanagement.com.

—*Amy Kort*

Public Appearances

September 3, 2003
American University
Washington, DC
Vice-Chairman Smith

September 16, 2003
The Claremont Institute
Washington, DC
Commissioner Mason

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