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Court Cases

EMILY’s List v. FEC
On February 25, 2005, the U.S. District Court for the District of Columbia denied the plaintiff’s request for a preliminary injunction in this case.

EMILY’s List, a nonconnected political action committee (PAC) that maintains both federal and nonfederal accounts, filed a complaint on January 12 challenging the Commission’s regulations regarding the treatment of funds received in response to certain solicitations and its amended rules regarding federal/nonfederal fund allocation ratios for PACs. The plaintiff alleged that the Commission’s rules violate the Administrative Procedure Act (APA) and the First Amendment, and asked the court to enjoin the Commission from administering or enforcing the regulations.

Background
The rules in question, which were published on November 23, 2004, define as “contributions”:

(continued on page 3)


Reports

April Reporting Reminder
All principal campaign committees of House and Senate candidates must file quarterly in non-election years as well as in election years and, as a result, must file a report by April 15. 11 CFR 104.5(a).

Principal campaign committees of Presidential candidates must file a report on April 15, if they are quarterly filers, or on April 20, if they are monthly filers.

Political action committees (PACs) and party committees that file on a monthly basis, including all national party committees and certain political action committees and state, district and local party committees, have a report due on April 20. (See the April 2003 Record, page 5, for more information on monthly filing for state, district and local party committees.) Committees that were involved in the March 8, 2005, Special General Election in California’s Fifth Congressional District may have special filing requirements in April. See the February 2005 Record, page 3, for more details.

New Reporting Forms and Electronic Filing Software
The Commission recently updated its electronic filing format to Version (continued on page 2)
Reports

(continued from page 1)

5.2 0.1 in order to reflect changes in Commission regulations that took effect on January 1.1 FECFile Version 5.2, supported by the new format, is available for download from the FEC web site at http://www.fec.gov/elecfil/updatelist.htm. Committees using commercial software should contact their vendors for more information about the latest software release. Only reports filed in the new format version will be accepted.

Political action committees and party committees that file on paper reporting forms must use the FEC’s revised Form 3X, which contains updated H Schedules that conform to the new allocation rules for PACs. These rules took effect on January 1. (See the December 2004 Record."

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1 See “Final Rules on Political Committee Status” in the December 2004 Record, page 1.

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The new version of the form is available on the FEC web site at http://www.fec.gov/info/forms.shtml. Filers will receive a copy of the revised Form 3X with their report notices.

Filing Electronically

Under the Commission’s mandatory electronic filing regulations, individuals and organizations2 who receive contributions or make expenditures in excess of $50,000 in a calendar year—or expect to do so—must file all reports and statements with the FEC electronically. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission’s validation program will be considered nonfilers and may be subject to enforcement actions, including administrative fines. 11 CFR 104.18.

Filing Frequency for PACs

PACs may file on either a semiannual or a monthly basis in non-election years. Committees wishing to change their filing frequency must notify the Commission in writing when filing a report under the committee’s current schedule. Electronic filers must file this request electronically. A committee may change its filing frequency only once per calendar year. 11 CFR 104.5(c).

Additional Information

For more information on 2005 reporting dates:

- See the reporting tables in the January 2005 Record;
- Call and request the reporting tables from the FEC at 800/424-9530 or 202/694-1100;
- Fax the reporting tables to yourself using the FEC’s Faxline (202/501-3413, document 586); or
The plaintiff alleged that the Commission failed to give
paid for entirely with federal funds.
identified state candidate, must be
federal candidate, but no clearly
notations that refer to a clearly identified

will also be used for nonfederal elec-
Election Campaign Act even if they
"contributions" under the Federal
plaint after splitting 3-3 on whether
to find reason to believe the CRG
violated the Federal Election Cam-
paign Act.

Order
The court remanded MUR 5024
to the Commission until April 15,
2005, to permit the FEC to reconsid-
er its dismissal of the administrative
complaint in light of the McConnell
decision. The court also granted
the FEC’s motion to hold summary
judgment in abeyance.
U.S. District Court for the District
of Columbia, 1:04CV00007.
—Amy Kort

Kean for Congress
Committee v. FEC
On February 15, 2005, the U.S.
District Court for the District of Co-
lumbia granted the FEC’s motion for
summary judgment in this case, and
denied the plaintiff’s cross motion
for summary judgment.

Background
On August 17, 2001, Judicial
Watch, Inc., a nonprofit, public
interest organization, asked the court
to find that the Commission acted
counter to law when it failed to
initiate an investigation in response
to the organization’s administra-
tive complaint. The April 10, 2001,
complaint alleged that Representa-
tive Tom DeLay and the National
Republican Congressional Com-
mittee (NRCC) sold meetings with
top Bush Administration officials in
exchange for campaign contributions
to the NRCC. Judicial Watch con-
tended that the NRCC was required
to report these meetings to the
Commission as “offsets to contribu-
tions” under the Federal Election
Campaign Act (the Act). 2 U.S.C.
§434(b)(4) and 11 CFR 104.3.

Court Decision
The standard for judicial review
in a case such as this, where one
party alleges that an agency’s actions
are contrary to the statute, is called

(continued on page 4)
Court Cases
(continued from page 3)

Chevron review, after the Supreme Court’s decision in Chevron, U.S.A., Inc. v. Natural Resources Defense Council, 467 U.S. 837 (1984). In Chevron review, the court asks first whether Congress has spoken to the precise issue at hand. If so, then the agency’s interpretation of the statute must implement Congress’s unambiguous intent. If, however, Congress has not spoken explicitly to the question at hand, then the court must defer to the agency’s interpretation of the statute if the interpretation is reasonable and is consistent with the statute’s purpose.

In its arguments before the court, the Commission explained that, since its inception in 1975, it has interpreted the statutory requirement of reporting “offsets” to contributions in its strict accounting sense as referring only to financial transactions. Thus, the Commission did not find that the NRCC was required by the Act to report the meetings described in Judicial Watch’s administrative complaint as “offsets” to contributions.

In looking at the language at 2 U.S.C. §434(b)(4), the court found that Congress had not spoken directly to the issue of whether this statutory requirement was meant also to include other non-monetary offsets, such as the alleged contributions-for-access scheme detailed in the plaintiff’s administrative complaint. Furthermore, the court found that the Commission’s interpretation of the statute was not unreasonable, and the “FEC’s decision not to further investigate Judicial Watch’s administrative complaint with regard to section 434(b)(4)(F) was therefore neither contrary to law, arbitrary, capricious, nor an abuse of discretion.”

The plaintiffs had also challenged the Commission’s decision not to investigate beyond the scope of possible violations of this particular provision of the statute, as well as its decision not to report to other law enforcement agencies some or all of the alleged illegal activity described in the administrative complaint.

The court, however, found that it is within the FEC’s discretion to determine whether a violation of the Act has occurred, and only then is it directed to conduct an investigation. Furthermore, the court found that while the Commission can refer apparent violations of the law to other law enforcement agencies, such action “is clearly not mandated by the statute and failure to report does not constitute an abuse of discretion.”

U.S. District Court for the District of Columbia, 1:01CV01747.

—Amy Kort

Alliance for Democracy v. FEC

On February 28, 2005, the U.S. District Court for the District of Columbia granted the Commission’s motion to dismiss this case, finding that the plaintiffs lacked standing.

Background

On January 26, 2004, the Alliance for Democracy, a non-profit, non-partisan advocacy group, Hedy Epstein and Ben Kjelshus (collectively the plaintiffs) filed a court complaint alleging that the Commission wrongfully dismissed the central allegations of the plaintiffs’ administrative complaint, designated MUR 5181. The administrative complaint alleged that Spirit of America PAC (SOA) unlawfully donated a fundraising list of approximately 100,000 donors to Ashcroft 2000, former Attorney General John Ashcroft’s 2000 Senate campaign committee.

According to the administrative complaint, the two committees also failed to disclose the donation of the list or its value.

The FEC closed the investigation of MUR 5181 on December 11, 2003, with a conciliation agreement that imposed a $37,000 civil penalty for violations stemming from the transfer of list rental income. The Commission failed to find probable cause to believe that the transfer of the mailing list constituted an in-kind contribution, or that the value of the list had to be reported as a contribution. See the March 2001 Record, page 8.

Court Decision

In order to have standing in court, the plaintiffs must show an “injury-in-fact” that is fairly traceable to the challenged actions of the defendant and is likely to be redressed by a favorable decision by the court. In this case, the plaintiffs claimed that they suffered an “informational injury” resulting from SOA’s and Ashcroft 2000’s failure to report the exact value of the mailing list in question. However, the court found that, because the Commission has already made public all of the information that it is statutorily required to disclose regarding MUR 5181, the plaintiffs have not suffered an informational injury based on the Commission’s actions. The court granted the Commission’s motion to dismiss the case for lack of jurisdiction.

U.S. District Court for the District of Columbia, 1:04CV00127.

—Amy Kort

Regulations

Notice of Proposed Rulemaking on Candidate Solicitation at State, District and Local Party Fundraising Events

On February 14, 2005, the Commission approved a Notice of Proposed Rulemaking (NPRM) seeking...
comments on proposed changes to its rule governing appearances by federal candidates and officeholders at state, district and local party fundraisers. 11 CFR 300.64.

Background

Under the Federal Election Campaign Act (the Act), federal candidates, officeholders and their agents may not solicit, receive, direct, transfer or spend nonfederal funds in connection federal or nonfederal elections. However, the Act permits them to speak or be featured guests at state, district and local party fundraisers, where nonfederal funds may be raised. See 2 U.S.C. §441i(e).

Currently, Commission regulations permit federal candidates and officeholders to speak at such fundraisers “without restriction or regulation.” However, in Shays v. FEC, the court found that, although this regulation was a permissible interpretation of the statute, the Commission had not satisfied the “reasoned analysis” requirement of the Administrative Procedure Act (APA). The court remanded the regulation to the Commission for further action consistent with its opinion. Accordingly, the Commission is revisiting the exemption for federal candidates and officeholders speaking at party fundraising events.

Proposed Revisions to Explanation and Justification

The Commission proposes revising the Explanation and Justification for the final rule on federal candidate/officeholder activities at party fundraisers in order to comply with the court’s findings. According to the court, the Commission’s explanation and justification for the fundraising provision at 11 CFR 300.64(b) did not satisfy the APA’s reasoned analysis requirement in two respects. First, the court held that the Commission’s construction of the statute as permitting federal candidates and officeholders to speak without restriction or regulation at these events was not compelled by the language of the statute. 2 U.S.C. §441i(e)(3). Second, the court stated that “the FEC has not explained how examining speech at fundraising events implicates constitutional concerns that are not present when examining comments made at other venues.”

The NPRM provides proposed amendments to the Explanation and Justification for the final rule at 11 CFR 300.64(b) that would address the court’s concerns. The Commission requests comments on these proposed amendments. Additionally, commenters are invited to submit other rationales for the current regulation.

Proposed Revision to Regulations

Although amending the Explanation and Justification would be sufficient to comply with the court’s order, the Commission proposes, as a second alternative, to replace the current regulation at section 300.64 with a rule barring federal candidates and officeholders from soliciting, receiving, directing, transferring or spending any nonfederal funds when speaking at party fundraising events. The Commission seeks public comments on this approach, as well as on other considerations. For example, the Commission asks whether, under this approach, federal candidates and officeholders should be permitted to solicit Levin funds at party fundraising events. The Commission also requests comments on whether it would be appropriate to permit written notices or oral disclaimers similar to those discussed in AOs 2003-3 and 2003-36. Those advisory opinions permit federal candidates and officeholders to solicit federally permissible funds at other types of fundraising events by using either written notices or oral disclaimers.

Comments

All comments should be addressed to Ms. Mai T. Dinh, Assistant General Counsel, and must be submitted in either written or electronic form by March 28, 2005.

Written comments should be sent to the Federal Election Commission, 999 E Street NW, Washington, DC 20463. Faxed comments should be sent to 202/219-3923, with a printed copy follow-up to insure legibility. Electronic mail comments should be sent to statepartyfr@fec.gov and may also be submitted through the Federal eRegulations Portal at www.regulations.gov. All electronic comments must include the full name, electronic mail address and postal service address of the commenter. Comments that do not contain this information will not be considered. No oral comments can be accepted. If the Commission receives sufficient requests to testify, it may hold a hearing on these proposed rules. Commenters wishing to testify must indicate this in their comments.

The full text of the NPRM is available on the FEC web site at http://www.fec.gov/law/law_rulemakings.shtml and from the FEC faxline, 202/501-3413.

—Amy Kort

Federal Register


Notice 2005-6
Candidate Solicitation at State, District and Local Party Committee Fundraising Events, Notice of Proposed Rulemaking (70 FR 9013, February 24, 2005)

Notice 2005-7
Price Index Increases for Expenditure and Contribution, Corrected Notice of Expenditure and Contribution Limitation Increases (70 FR 11658, March 9, 2005)
**Advisory Opinions**

**AO 2004-43**  
**Sale of Ad Time Not a Contribution**

A broadcaster’s decision to offer Senator Christopher Bond the Lowest Unit Charge (LUC) for airing campaign ads did not result in an in-kind contribution under the Federal Election Campaign Act (FECA).

**Background**

The Communications Act generally requires broadcasters to charge a candidate the LUC for his or her political ads in the 45 days before a primary election and during the 60 days before a general election. However, a federal candidate is not entitled to the LUC if any of his or her ads make a direct reference to his or her opponent and fail to contain a statement identifying the candidate and stating that the candidate approved the communication.  

A broadcaster’s decision to offer Senator Bond the LUC did not result in an in-kind contribution under the FECA. The Commission reviewed Senator Bond’s ads as provided by MBA and concluded that there was no violation of any disclaimer requirements over which the Commission has jurisdiction. The Commission noted that the FECA’s disclaimer requirements are substantially similar to those of the Communications Act, and that the Commission has substantial expertise in evaluating disclaimer issues. Moreover, the Commission noted that the FCC has not yet promulgated regulations implementing the stand-by-your-ad requirements in the Communications Act and has not put forth a different conclusion on the merits of this case. Thus, because the Commission found that there was no violation of the disclaimer requirements, in this instance, providing the LUC did not result in an in-kind contribution.

**Concurring and Dissenting Opinions**

Chairman Thomas issued a concurring opinion on February 16, and Commissioner Mason issued a concurring opinion on February 17, 2005. Vice Chairman Toner and Commissioner Smith issued a dissenting opinion on February 17, 2005.

Date Issued: February 14, 2005;  
Length: 3 pages.  
—Amy Kort

**Advisory Opinion Requests**

**AOR 2005-2**  
Fundraising in connection with nonfederal elections by federal officeholder who is candidate for state office (Senator Jon Corzine and Corzine for Governor, Inc., February 23, 2005)

**AOR 2005-3**  
Affiliation of membership organizations and solicitation of members of one for contributions to the SSF of the other. (American College of Obstetricians and Gynecologists, March 2, 2005)

**Compliance**

**MUR 5020: Corporate Facilitation**

The Commission has entered into conciliation agreements with Atlantic City Showboat, Inc. (Showboat), Marina Associates, Mirage Resorts, Inc. (Mirage), Herbert Wolfe, David Jonas and the Gormley for Senate Primary Election Fund (the Committee) to resolve violations of the Federal Election Campaign Act (the Act) resulting from contributions facilitated by Showboat, Marina Associates and Mirage to William Gormley’s 2000 Senate campaign in New Jersey. The three conciliation agreements entered into by these respondents resulted in total civil penalties of $115,000.

**Background**

The Act prohibits a corporation from making a contribution of money or anything of value in connection with any election for federal office. 2 U.S.C. §441b(a). Corporations, including officers, directors or other representatives acting as agents for the corporation, are also prohibited from “facilitating the making of contributions to candidates or political committees, other than to the separate segregated funds of the corporations.” Facilitation means “using corporate . . . resources or facilities to engage in fundraising activities in connection with any federal election.” 11 CFR 114.2(f)(1).

Generally, communications by a corporation to its executives or administrative personnel are not considered contributions. 2 U.S.C. 110.53(d)(1).

Analysis

In this case, a broadcaster’s provision of the LUC to Senator Bond did not result in an in-kind contribution. The Commission reviewed Senator Bond’s ads as provided by MBA and concluded that there was no violation of any disclaimer requirement over which the Commission has jurisdiction. The Commission noted that the FECA’s disclaimer requirements are substantially similar to those of the Communications Act, and that the Commission has substantial expertise in evaluating disclaimer issues. Moreover, the Commission noted that the FCC has not yet promulgated regulations implementing the stand-by-your-ad requirements in the Communications Act and has not put forth a different conclusion on the merits of this case. Thus, because the Commission found that there was no violation of the disclaimer requirements, in this instance, providing the LUC did not result in an in-kind contribution.
§441b(b)(2)(A). However, if the activity goes beyond mere communication and becomes facilitation, that activity results in a prohibited contribution by the corporation or its officers or directors because the corporation has provided something of value to the candidate or campaign committee. See 11 CFR 114.2(f)(1) and (2) and AOs 1987-29 and 1986-4.1

Conciliation Agreements

Agreement with Showboat, Marina Associates, Mr. Jonas and Mr. Wolfe. According to the conciliation agreement with Showboat, Marina Associates, Mr. Jonas and Mr. Wolfe, Mr. Gormley contacted Mr. Wolfe, an executive at Showboat, in early 2000 and asked him to raise funds for the campaign. During an executive meeting at Showboat, Mr. Wolfe invited employees to contribute to the campaign, telling them that contributions left with his secretary would be forwarded to the Committee.

Mr. Wolfe asked Mr. Jonas, an executive at Marina Associates, to raise funds for the campaign at Marina Associates. Mr. Jonas and his supervisor sent a memorandum to management team members asking them to consider making a contribution. Marina Associates employees who contributed to the Committee delivered their contributions to Mr. Jonas’s office, as requested by the memorandum, and left them with his secretary, who kept them in her desk. Thereafter, a representative from the Committee went to Mr. Wolfe’s and Mr. Jonas’s casino offices to pick up the contribution checks that had been collected. The campaign committee reported depositing $13,000 in contributions from Showboat employees and their spouses. It reported depositing $24,275 in contributions from Marina Associates employees and their spouses.

In order to settle the matter, Showboat, Marina Associates and their employees did not contest the finding that they violated the Act by using corporate resources improperly to facilitate contributions. Showboat, Marina Associates, Mr. Jonas and Mr. Wolfe are jointly and severally responsible for a $53,000 civil penalty, and they will cease and desist from violating the Act.

Agreement with Mirage. According to the conciliation agreement with Mirage, Mirage held a fundraiser for the Committee on February 9, 2000, at the Le Cirque restaurant in Las Vegas, Nevada. Mirage planned and organized the fundraiser, including reserving a location, arranging for catering, sending invitations and soliciting contributions. Mirage initially sent invitations only to executives within its restricted class. Subsequently, Punam Mathur, then a Mirage executive, talked to other people about the fundraiser, including several people outside the restricted class and outside the corporation. She invited these individuals to attend the fundraiser and contribute. Ms. Mathur also instructed her assistant to fax invitations to individuals outside the corporation, work out a catering menu for the fundraiser, obtain a contribution commitment from some non-attendees and send a messenger to collect contribution checks—all as part of her work responsibilities. Following the fundraiser, which was attended by 29 individuals, Mirage collected and forwarded $28,000 in contributions, including checks dated before and after the fundraiser, to the Committee.

Mirage admitted to violating the law by using corporate resources to facilitate contributions to the Committee. Mirage must pay a $40,000 civil penalty and will cease and desist from violating the Act. The Commission found reason to believe that Ms. Mathur violated the law for consenting to the facilitation. As part of the conciliation agreement with Mirage, Ms. Mathur, without admitting or denying any violations of the Act, agreed to cease and desist from violating the Act. The Commission took no further action against Ms. Mathur and sent her an admonishment letter.

Agreement with Gormley for Senate Primary Election Fund. According to the conciliation agreement with the Committee, the Committee accepted $63,275 in contributions facilitated by Showboat, Marina Associates and Mirage (one contribution for $2,000 was returned to the donor). In addition, the Committee accepted an excessive in-kind contribution of $723 in the form of an airline ticket to attend the Las Vegas fundraiser and failed to report the contribution, and it failed to report an in-kind contribution of $220 from the candidate for payment of his hotel bill in Las Vegas. The Committee must pay a $22,000 civil penalty and will cease and desist from violating the Act.

Additional Information

For additional information on this case, please visit the Commission’s Public Records Office or consult the Enforcement Query System on the FEC’s web site and enter case number 5020.

—Amy Kort

1 Exceptions to the general prohibition against corporate facilitation include soliciting contributions to be sent directly to candidates so long as the solicitation is directed to the corporation’s restricted class and soliciting contributions that are to be collected and forwarded by the corporation’s separate segregated fund. 11 CFR 114.2(f)(3)(ii) and (4)(ii).
### Matching Funds for 2004 Presidential Primary Candidates: February Certification

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Certification February 2005</th>
<th>Cumulative Certifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wesley K. Clark (D)</td>
<td>$0</td>
<td>$7,615,360.39</td>
</tr>
<tr>
<td>John R. Edwards (D)</td>
<td>$0</td>
<td>$6,654,161.44</td>
</tr>
<tr>
<td>Richard A. Gephardt (D)</td>
<td>$0</td>
<td>$4,104,319.82</td>
</tr>
<tr>
<td>Dennis J. Kucinich (D)</td>
<td>$0</td>
<td>$3,291,962.59</td>
</tr>
<tr>
<td>Lyndon H. LaRouche, Jr. (D)</td>
<td>$0</td>
<td>$1,456,019.13</td>
</tr>
<tr>
<td>Joseph Lieberman (D)</td>
<td>$0</td>
<td>$4,267,796.85</td>
</tr>
<tr>
<td>Ralph Nader (I)</td>
<td>$5,142.50</td>
<td>$891,028.39</td>
</tr>
<tr>
<td>Alfred C. Sharpton (D)</td>
<td>$0</td>
<td>$100,000.00*</td>
</tr>
</tbody>
</table>

* General Clark publicly withdrew from the Presidential race on February 11, 2004.
* Congressman Kucinich became ineligible to receive matching funds on March 4, 2004.
* Mr. LaRouche became ineligible to receive matching funds on March 4, 2004.
* Ralph Nader became ineligible to receive matching funds on September 2, 2004.
* On May 10, 2004, the Commission determined that Reverend Sharpton must repay this amount to the U.S. Treasury for matching funds he received in excess of his entitlement. See the July 2004 Record, page 8.

This annual publication provides a listing of the federal and state agencies responsible for the disclosure of campaign finances, lobbying, personal finances, public financing, candidates on ballots, election results, spending on state initiatives and other financial filings. Additionally, it includes contact information for national and international associations that deal with campaign finance and elections. The contact information for each agency includes e-mail and Internet addresses.

The Directory is available in paper copy, on diskette and on the FEC web site at [http://www.fec.gov](http://www.fec.gov).
Alternative Dispute Resolution

ADR Program Update

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

1. The Commission reached agreement with Carol Moseley Braun for President and Moti Agarwal, its treasurer, concerning the committee’s failure to disclose outstanding debt. The respondents contended there is a *bona fide* disagreement about whether they owe a debt to an individual who filed the complaint with the Commission that became the source of this ADR case. The respondents cite a lack of evidence to support that complaint. Nevertheless, committee members are generally obliged to report a debt, even if that debt is in dispute. In this case, the respondents agreed that if the complainant provides sufficient evidence to support his claim of an outstanding debt, then they will amend their FEC reports to list the claim as a *bona fide* debt. In the interim, the respondents agreed to comply with FEC regulations and to file an amended 2003 Year End Report listing the amount in dispute. The respondents also agreed to note the amount of the disputed debt on the next appropriate monthly report and to continue to list the disputed debt on subsequent reports until the debt is resolved or the committee is terminated. (ADR 162/MUR 5412)

2. The Commission reached agreement with U.S. Cuba Democracy PAC and Gus Machado, its treasurer, regarding excessive contributions and failure to report disbursements accurately. These respondents contended that the violation in question resulted from an inadvertent reporting error. The committee listed an expenditure for a luncheon as an incurred debt and independent expenditure, rather than as an operating expense. Upon learning of the error, the respondents filed an amended report correctly identifying the debt as an operating expense. The respondents acknowledged their unintended error in the subject report filed with the Commission. In order to resolve this matter and ensure consistent and accurate compliance with FEC regulations—including any future regulatory changes—the respondents agreed to select and send two representatives from the committee to attend an FEC seminar on federal election campaign reporting requirements within 14 months of the effective date of this agreement.

With respect to two additional respondents named in this case, Martinez for Senate and its treasurer Charles W. Pluckett, the ADR Office recommended that the case be closed, and the Commission agreed and closed the file. (ADR 182/MUR 5448)

3. The Commission closed the file regarding Kerry for President, Inc. and Robert Farmer, its treasurer, concerning the committee’s alleged failure to accurately report a contribution. The ADR Office recommended that the case be closed, and the Commission agreed and closed the file. (ADR219/MUR 5478)

4. The Commission reached agreement with Victory 2004/California Republican Party and Douglas Boyd, its treasurer, regarding failure to report receipts, reimbursements and debts and failure to report accurately allocable operating expenditures and contributions. The respondents acknowledged that continuing software problems resulted in inadvertent violations of the Act and agreed to pay a $15,000 civil penalty. In an effort to avoid similar errors in the future, the respondents agreed to work with the Commission’s Reports Analysis Division to ensure all reports are accurate and to have committee staff attend an FEC seminar within 12 months of the effective date of this agreement. (ADR 187*)

5. The Commission reached agreement with Congressional Majority Committee and Robin L. Foster, its treasurer, regarding the committee’s failure to report disbursements. The respondents stated that they inadvertently failed to include disbursements for a portion of the period covered by the 2003 July Quarterly Report and agreed to pay a $1,000 civil penalty. In an effort to avoid similar errors in the future, the respondents agreed to develop a compliance/financial manual for use by committee staff and to have the compliance/financial manager attend an FEC seminar within 12 months of the effective date of this agreement. (ADR 188*)

6. The Commission closed the file involving Steven Fulop for Congress, Inc., Dave Lankelevich, its treasurer, Reform Democratic Organization of Jersey City and Edward Santiago, its treasurer, regarding allegations involving failure to file a timely Statement of Candidacy and to report in-kind contributions. The ADR Office recommended that the case be closed, and the Commission

(continued on page 10)

*Cases marked with an asterisk were internally generated within the FEC.*
agreed and closed the file. (ADR 206/MUR 5462)

7. The Commission closed the file involving Friends of Larry Klayman, its treasurer, James R. Graham, and Larry Klayman regarding the alleged personal use of campaign funds. The ADR Office recommended that the case be closed, and the Commission agreed and closed the file. (ADR 214/ MUR 5532)

8. The Commission closed the file involving Robert G. Whittel for Congress, its treasurer, Jason Melton, and Robert G. Whittel regarding the alleged failure to report disbursements and to file timely disclosure reports. The ADR Office recommended that the case be closed, and the Commission agreed and closed the file. (ADR 220/ MUR 5482)

9. The Commission closed the file involving Friends of Schumer and Steven Goldenkranz, its treasurer, regarding the alleged use of government funds to pay for travel in a federal election. The ADR Office recommended that the case be closed, and the Commission agreed and closed the file. (ADR 221/ MUR 5490)

—Amy Kort

Roundtable Schedule

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
<th>Intended Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 6, 2005</td>
<td>Reporting Requirements for Candidates and their Committees, followed by</td>
<td>Individuals responsible for filing FEC reports for</td>
</tr>
<tr>
<td>9:30-11:30</td>
<td>Reception to Meet FEC Reports Analysis and Electronic Filing Staff</td>
<td>candidate committees</td>
</tr>
</tbody>
</table>

FEC Campaign Finance Law Conferences in 2005

Each year the Federal Election Commission sponsors a number of conferences where Commissioners and FEC staff conduct a variety of technical workshops on the campaign finance law. Discussion topics include fundraising, reporting and communications. Workshops are designed for those seeking an introduction to the basic provisions of the law as well as for those more experienced in campaign finance law. The schedule on page 11 lists the dates and locations for conferences to be held in 2005. This year, conferences held in Washington, DC, will feature an opportunity for each participant to meet the FEC Campaign Finance Analyst who reviews his or her committee’s FEC reports.

Conference for Corporations and their PACs

The Commission will hold a conference for corporations and their PACs April 25 through 27, 2005, at the Loews L’Enfant Plaza Hotel in Washington, DC. The registration fee for this conference is $375 for participants who register on or before March 24, and $385 for late registrations.

Due to the high level of interest in this conference, the FEC can only accept registrations from two individuals representing any single organization. Registration is accepted on a first-come, first-served basis, and FEC conferences often fill to capacity, so please register as early as possible.

The Loews L’Enfant Plaza Hotel is located at 480 L’Enfant Plaza SW, Washington, DC. A room rate of $189 (single or double) is available for conference participants who make reservations on or before March 24. Call 1-800/635-5065 to make room reservations. You must mention that you are attending the FEC conference in order to receive the special group rate. After March 24, room rates are based on avail-
ability. Parking is available at the hotel for a fee of $15 per day and $22 overnight. The hotel is located near the L’Enfant Plaza Metro and the Virginia Railway Express stations.

Conference for Trade Associations, Labor Organizations, Membership Organizations and their PACs
The FEC will host a conference for trade associations, labor organizations and membership organizations (and the PACs of any of these groups) this spring. The conference will take place June 1-3 in Chicago, IL. The registration fee is $400 per attendee, and a late fee of $10 will be added to registrations received after May 11.

The conference will be held at the Hyatt Regency Chicago on the Riverwalk, 151 E. Wacker Drive, Chicago, IL 60601. The hotel is located one block off of Chicago’s Magnificent Mile. Complete registration information will be available online soon.

Registration Information
Complete registration information for FEC conferences is available on the FEC web site at http://www.fec.gov/info/outreach.shtml#conferences.

Please direct all questions about conference registration and fees to Sylvester Management Corporation at 1-800/246-7277. For questions about the conference program, or to receive e-mail notification when registration begins, call the FEC’s Information Division at 1-800/424-9530 (or locally at 202/694-1100) or send an e-mail to Conferences@fec.gov.

—Amy Kort

Conferences Schedule for 2005

Conference for Corporations and their PACs
April 25-27, 2005
Loews L’Enfant Plaza Washington, DC

Conference for Trade Associations, Membership Organizations, Labor Organizations and their PACs
June 1-3, 2005
Hyatt Regency Chicago Chicago, IL

Conference for Campaigns, Parties and Corporate/Labor/Trade PACs
September 14-15, 2005
Hyatt Regency Islandia San Diego, CA

Conference for Campaigns, Parties and Corporate/Labor/Trade PACs
October 25-26, 2005
Crowne Plaza Hotel San Antonio Riverwalk San Antonio, TX

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