

# Record

April 2011

Federal Election Commission

Volume 37, Number 4

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## 2011 Edition of FEC Regulations Now Available

The 2011 edition of Title 11, Code of Federal Regulations is available from the FEC online at <http://www.fec.gov/law/cfr/cfr.shtml> or in print. You may order a printed copy by calling the FEC's Information Division at (202) 694-1100 or (800) 424-9530 (press 6, when prompted).

## Regulations

### [Interpretive Rule on Electronic Redesignations of Contributions](#)

On March 16, 2011, the Commission approved a Notice of Interpretive Rule regarding redesignations of candidate committees' contributions from one election to another. Commission regulations require that a contributor's redesignation of a contribution for another election (from a primary to a general election, for example) be in writing and be signed by the contributor. 11 CFR 110.1(b)(5) and 110.2(b)(5). However, the Commission has determined that it will interpret the Federal Election Campaign Act (the Act) and Commission regulations in a manner that is consistent with contemporary technological innovations where such technology will not compromise the intent of the Act and regulations. See, for example, AOs 1999-09 and 1995-09.

During the course of an audit of a candidate's authorized committee, the Commission determined that a specific redesignation practice by the committee provided the same degree of assurance of the contributor's identity and the contributor's intent to redesignate the contribution to another election as a handwritten

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## Reports

### April Reporting Reminder

The following reports are due in April:

- All principal campaign committees of House and Senate candidates must file a quarterly report by April 15, 2011. The report covers financial activity from January 1 (or the day after the closing date of the last report) through March 31;
- Principal campaign committees of Presidential candidates must file a report by April 15, if they are quarterly filers (the report covers financial activity from January 1 through March 31), or by April 20, if they are monthly filers (the report covers activity for the month of March); and
- National party committees, political action committees (PACs) following a monthly filing schedule and state, district and local party committees that engage in reportable federal election activity must file a monthly report by April 20. This report covers activity for the month of March. Other PACs and party committees will next file a Mid-Year Report, due July 31.

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## Regulations

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signature. In that case, the political committee informed contributors through postal mail, with a follow-up e-mail, that they could choose to redesignate their contribution to that candidate's other authorized committee by visiting the committee's website. Contributors were also informed that, if they did not redesignate their contributions, they would automatically receive a refund. Contributors who visited the website were asked to fill out an electronic

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form affirmatively authorizing the redesignation of the contribution and verifying their identity by entering their personal information. The committee retained a record of each electronic redesignation in a database, including the personal information provided by each contributor making a redesignation, in a manner consistent with the recordkeeping requirements for signed written redesignations under 11 CFR 110.1(1).

The Commission concluded in that particular audit that the process used by the candidate's committee provided assurance of contributor identity and intent to redesignate a contribution equivalent to a written signature. Since the specific method approved by the Commission requires the contributor to provide personal information that can be verified against a committee's records, it provides a level of assurance as to the contributor's identity and intent.

The Commission will consider other methods of electronic redesignation, provided that they offer a sufficient degree of assurance of the contributor's identity and the contributor's intent to redesignate. Such consideration will be provided on a case-by-case basis unless and until the Commission initiates a rulemaking on this issue.

The Commission's Notice of Interpretive Rule was published in the *Federal Register* on March 23, 2011, and was effective upon publication.

—Myles Martin

## Reports

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### Notification of Filing Deadlines

In addition to publishing this article, the Commission notifies committees of filing deadlines on its website, via its automated Faxline and through reporting reminders called prior notices. Prior notices are distributed exclusively by e-mail. For that reason, it is important that every committee update its Statement of Organization (FEC Form 1) to disclose a current e-mail address. To amend Form 1, electronic filers must submit Form 1 filled out in its entirety. Paper filers should include only the committee's name, address, FEC identification number and the updated or changed portions of the form.

### Treasurer's Responsibilities

The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Federal Election Campaign Act (the Act) and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail (see below), or electronically, must be received by the Commission's (or the Secretary of the Senate Public Records Office's) close of business on the last business day before the deadline.

### Filing Electronically

Under the Commission's mandatory electronic filing regulations, individuals and organizations that receive contributions or make expenditures, including independent expenditures, in excess of \$50,000 in a calendar year—or have reason to expect to do so—must file

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## Reports

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all reports and statements with the FEC electronically.<sup>1</sup> Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission's validation program by the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines. 11 CFR 104.18(e).

Senate committees and other committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may, in addition to their filing with the Secretary of the Senate, file an unofficial copy of their reports with the Commission in order to speed disclosure.

On April 5, a new version of the Commission's free electronic filing software, FECFile, will be available for download from the FEC website at <http://www.fec.gov/electfil/updates.html>. Current FECFile users need only open their software and accept the automatic update to Format Version 7. Reports filed in previous formats will not be accepted. Filers may also use commercial or privately developed software as long as the software meets the Commission's format specifications, which are available on the Commission's website. Committees using commercial software should contact their vendors for more information about the Commission's latest software release.

<sup>1</sup> The regulation covers individuals and organizations required to file reports of contributions and/or expenditures with the Commission, including any person making an independent expenditure. Disbursements for "electioneering communications" do not count toward the \$50,000 threshold for mandatory electronic filing. 11 CFR 104.18(a).

## Timely Filing for Paper Filers

*Registered and Certified Mail.*

Reports sent by Registered or Certified mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified or Registered mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified mail. See 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e) and 100.19.

*Overnight Mail.* Reports filed via overnight mail<sup>2</sup> will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. A committee sending its reports by Express or Priority Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. See 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e), 100.19 and 111.35(b).

*Other Means of Filing.* Reports sent by other means—including first class mail and courier—must be received by the FEC (or the Secretary of the Senate Public Records Office) before close of business on the filing deadline. See 11 CFR 100.19 and 104.5(e).

Paper forms are available for downloading at the FEC's website (<http://www.fec.gov/info/forms.shtml>) and from FEC Faxline, the agency's automated fax system (202/501-3413). The 2011 Reporting Schedule is also available on the FEC's website ([http://www.fec.gov/info/report\\_dates\\_2011.shtml](http://www.fec.gov/info/report_dates_2011.shtml)), and from Faxline. For more information on reporting, call the FEC at 800/424-9530 or 202/694-1100.

<sup>2</sup> "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's online tracking system. 11 CFR 100.19(b)(3)(i).

## Presidential Campaign Committees

The Commission recently updated the disclosure form used by Presidential candidates—FEC Form 3P—to make it more consistent with the disclosure forms used by other candidates, party committees and political action committees. Specifically, the Commission added to the Detailed Summary Page lines 17(a)(i) and (ii) for itemized and unitemized contributions from individuals and persons other than political committees. Presidential candidates must use the revised form for all reports due on or after April 15, 2011. Paper filers may download the updated Form 3P from the FEC's website at <http://www.fec.gov/info/forms.shtml#candidates>.

## State, District and Local Party Committees

State, district and local party committees that engage in certain levels of "federal election activity" must file on a monthly schedule. See 11 CFR 300.36(b) and (c)(1). Committees that do not engage in reportable "federal election activity" may file on a semi-annual basis in 2011. See 11 CFR 104.5(c)(2)(i).

## National Party Committees

National committees of political parties must file on a monthly schedule in all years. 2 U.S.C. §434(a)(4)(B) and 11 CFR 104.5(c).

## Political Action Committees

PACs (separate segregated funds and nonconnected committees) that filed on a quarterly basis in 2010 file on a semi-annual basis in 2011. 11 CFR 104.5(c)(2). Monthly filers continue on the monthly schedule. PACs may change their filing schedule, but must first notify the Commission in writing. Electronic filers must file this request electronically. A committee may change its filing frequency only once a year, after giving notice of change in

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## Reports

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filing frequency to the Commission. The committee will receive a letter indicating the Commission's acknowledgment of the request. All future reports must follow the new filing frequency. 11 CFR 104.5(c).

### Additional Information

For more information on 2011 reporting dates:

- See the reporting tables in the January 2011 *Record*;
- Call and request the reporting tables from the FEC at 800/424-9530 or 202/694-1100;
- Fax the reporting tables to yourself using the FEC's Faxline (202/501-3413, document 586); or
- Visit the FEC's web page at [http://www.fec.gov/info/report\\_dates\\_2011.shtml](http://www.fec.gov/info/report_dates_2011.shtml) to view the reporting tables online.

—Elizabeth Kurland

## New York Special Election Reporting: 26<sup>th</sup> District

New York will hold a Special Election to fill the U.S. House seat in New York's 26<sup>th</sup> Congressional District vacated by Representative Christopher Lee. The Special General will be held May 24, 2011.

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

PACs and party committees that file on a semi-annual schedule and participate in this election must also follow the schedule above. PACs and party committees that file monthly

## New York 26th District Special Election Reporting

### Political Committees Involved in the Special General (05/24/11) Must File:

	Close of Books <sup>1</sup>	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	May 4	May 9	May 12
Post-General	June 13	June 23	June 23
July Quarterly	June 30	July 15	July 15

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

must continue to file according to their regular filing schedule.

### Filing Electronically

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

### Timely Filing for Paper Filers

*Registered and Certified Mail.* Reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by registered or certified mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by certified mail. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e) and 111.35(b)(1).

*Overnight Mail.* Reports filed via overnight mail<sup>1</sup> will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. A committee sending its reports by Express or Priority Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e) and 100.19.

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

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

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<sup>1</sup> "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system. 11 CFR 100.19(b)(3)(i).

## Reports

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### 48-Hour Contribution Notices

Note that 48-hour notices are required of the participating candidate's principal campaign committee if it receives any contribution of \$1,000 or more per source between May 5 and May 21, 2011, for the Special General Election.

### 24- and 48-Hour Reports of Independent Expenditures

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate at or above \$1,000 between May 5 and May 22, 2011, for the Special General Election. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during a calendar year on or before May 4, 2011.

### Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from March 25 through May 24, 2011.

### Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special election must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,200 during the special election reporting period (see reporting schedule chart on page 4). 11 CFR 104.22(a)(5)(v). For more information on these requirements, see the March 2009 *Record*.

—Elizabeth Kurland

## California Special Election Reporting: 36<sup>th</sup> District

The Special General Election to fill the U.S. House seat in California's 36<sup>th</sup> Congressional District vacated by Representative Jane Harman will be held on May 17, 2011. Under California law, a majority winner in a special election is declared elected. Should no candidate achieve a majority vote, a Special Runoff Election will be held on July 12, 2011, among the top vote-getters.

Candidate committees involved in this election must follow the reporting schedule on page 6. Please note that the reporting period for the Post-General election report spans two election cycles. For this report only, authorized committees must use the Post-Election Detailed Summary Page rather than the normal Detailed Summary Page.

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

### Filing Electronically

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

### Timely Filing for Paper Filers

#### *Registered and Certified Mail.*

Reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by registered or certified mail should keep its mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by certified mail. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e) and 111.35(b).

*Overnight Mail.* Reports filed via overnight mail<sup>1</sup> will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. A committee sending its reports by Express or Priority Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e) and 100.19.

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

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

### 48-Hour Contribution Notices

Note that 48-hour notices are required of the participating candidate's principal campaign committee if it receives any contribution of \$1,000 or more per source between

(continued on page 6)

<sup>1</sup>"Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system. 11 CFR 100.19(b)(3)(i).

## Reports

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April 28 and May 14, 2011, for the Special General Election, and between June 23 and July 9, 2011, for the Special Runoff Election.

### 24- and 48-Hour Reports of Independent Expenditures

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate at or above \$1,000 between April 28 and May 15, 2011, for the Special General Election, and between June 23 and July 10, 2011, for the Special Runoff Election. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during a calendar year on or before April 27 for the Special General and up to June 22 for the Special Runoff.

### Electioneering Communications

The 60-day electioneering communications period in connection with the Special General Election runs from March 18 through May 17, 2011. The 60-day electioneering communications period in connection with the Special Runoff Election runs from May 13 through July 12, 2011.

### Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special election must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registant PACs that aggregate in excess of \$16,200 during the special election reporting period (see reporting schedule chart at right). 11 CFR 104.22(a)(5)(v). For more information on these requirements, see the March 2009 Record.

—Elizabeth Kurland

## California 36th District Special Election Reporting

### If Only the Special General (05/17/11) is Held, Committees Must File:

	Close of Books <sup>1</sup>	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	April 27	May 2	May 5
Post-General	June 6	June 16	June 16
July Quarterly	June 30	July 15	July 15

### Committees Involved in Both the Special General (05/17/11) and Special Runoff (07/12/11) Must File:

	Close of Books	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	April 27	May 2	May 5
Pre-Runoff	June 22	June 27	June 30
July Quarterly	June 30	July 15	July 15
Post-Runoff	August 1	August 11	August 11
Oct. Quarterly	September 30	October 15	October 15 <sup>2</sup>

### If Two Elections are Held, a Committee Involved in Only the Special General (05/17/11) Must File:

	Close of Books	Reg./Cert./Overnight Mailing Date	Filing Date
Pre-General	April 27	May 2	May 5
July Quarterly	June 30	July 15	July 15

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

<sup>2</sup> Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

## Advisory Opinions

### Advisory Opinion Requests

#### AOR 2011-05

Use of campaign funds for home security system (Representative Lee Terry, Member of Congress, March 16, 2011)

## Outreach

### Outreach Update for 2011-12

As announced last fall, the FEC has modified its educational outreach program for the 2011-12 election cycle to offer more oppor-

### New Version of FECFile Available Starting April 5

On April 5, a new version of FECFile will be available on the FEC website at <http://www.fec.gov/electfil/updates.html>. Current FECFile users need only open their software and accept the automatic update to Format Version 7. Reports filed in previous formats will no longer be accepted. Filers may also use commercial or privately developed software as long as the software meets the Commission's format specifications, which are available on the Commission's website. Committees using commercial software should contact their vendors for more information about the Commission's latest software release.

tunities for training on the campaign finance laws at less cost to attendees.

The biggest change involves the agency's annual series of conferences in Washington, DC. The Commission has replaced those two-day conferences with less expensive day-long seminars held at FEC headquarters. By hosting the workshops in its own meeting rooms, the FEC has been able to reduce registration fees dramatically.

Demand for these seminars has exceeded expectations. Last month's party seminar was near capacity, and the upcoming candidate and corporate PAC seminars are both sold out. To help meet this demand, the Commission will not only offer a second corporate seminar on May 18, but also expects to offer all 2012 seminars simultaneously via web conference, significantly expanding seminar capacity.

In addition, the FEC will offer comprehensive, two-day regional conferences this fall in Minneapolis (September 7-8) and San Diego (October 25-26), and during the first half of 2012 in Miami and Boston.

The latest information regarding the agency's 2011-12 outreach programs is always available on-line at <http://www.fec.gov/info/outreach.shtml>. While you're there, sign-up to receive FECMail updates every time new information is posted. Just click on the blue envelope at the top of the page to subscribe.

### DC Seminar for Corporations and Their PACs

This May, the Commission will provide a one-day seminar for corporations and their PACs at its headquarters in Washington, DC.<sup>1</sup> The seminar, which will be held on May 11 and again on May 18, is recommended for:

- Treasurers and staff of corporations and their PACs who have responsibility for compliance with federal campaign finance laws;
- Attorneys, accountants and consultants who have clients that are corporations;
- Anyone who wants to gain in-depth knowledge of federal campaign finance law as it applies to corporations; and
- Anyone who wants to learn about recent and possible future changes resulting from legislation and litigation.

The seminar will address fundraising and reporting rules, as well as recent changes to the law. Specific workshops are designed for those seeking an introduction to the basic provisions of the law, as well as those with more experience in campaign finance law. Experienced FEC staff and Commissioners will conduct the workshops.

The registration fee for this seminar is \$100 per attendee. Payment by credit card is required prior to the seminar. The FEC recommends waiting to make hotel and air reservations until you have received confirmation of your registration. A full refund will be made for all cancellations received before 5 p.m.

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<sup>1</sup> This seminar replaces the FEC's annual Washington, DC, conference for corporate PACs. For additional information, see the October 2010 Record, page 14.

## Outreach

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EDT on May 6, 2011. Complete information is available on the FEC website at <http://www.fec.gov/info/conferences/2011/corporateseminar.shtml>, along with the seminar agenda and a list of hotels located near the FEC. Questions about the seminar should be directed to the Information Division by phone at 800/424-9530 (press 6), or locally at 202/694-1100, or via e-mail to [Conferences@fec.gov](mailto:Conferences@fec.gov).

—Katherine Carothers

### 2011 Conferences and Seminars

#### Seminars for Corporations and Their PACs

May 11 and 18, 2011  
FEC Headquarters  
Washington, DC  
**Sold Out**

#### Seminar for Trade Associations, Membership Organizations, Labor Organizations and Their PACs

June 8, 2011  
FEC Headquarters  
Washington, DC

#### Regional Conference For Campaigns, Party Committees and Corporate/Labor/Trade PACs

September 7-8, 2011  
Minneapolis, MN

#### Regional Conference For Campaigns, Party Committees and Corporate/Labor/Trade PACs

October 25-26, 2011  
San Diego, CA

## DC Seminar for Trade, Member and Labor PACs

On June 8, 2011, the Commission will host a one-day seminar for trade associations, membership and labor organizations and their PACs at its headquarters in Washington, DC.<sup>1</sup> This seminar is recommended for:

- Treasurers and staff of trade associations, membership and labor organizations and their PACs who have responsibility for compliance with federal campaign finance laws;
- Attorneys, accountants and consultants who have clients that are these types of organizations;
- Anyone who wants to gain in-depth knowledge of federal campaign finance law as it applies to these types of organizations; and
- Anyone who wants to learn about recent and possible future changes resulting from legislation and litigation.

The seminar will address fundraising and reporting rules, as well as recent changes to the law. Specific workshops are designed for those seeking an introduction to the basic provisions of the law, as well as those with more experience in campaign finance law. Experienced FEC staff and Commissioners will conduct the workshops.

The registration fee for this seminar is \$100 per attendee. Payment by credit card is required prior to the seminar. The FEC recommends waiting to make hotel and air reservations until you have received confirmation of your registration. A full refund will be made for all cancellations received before 5 p.m. EDT on June 3, 2011. Complete information is available on the FEC

<sup>1</sup> This seminar replaces the FEC's annual Washington, DC, conference for corporate PACs. For additional information, see the October 2010 Record, page 14.

website at <http://www.fec.gov/info/conferences/2011/tradememberlaborseminar.shtml>, along with the seminar agenda and a list of hotels located near the FEC. Attendance is limited and registration will be accepted on a first-come, first-served basis. Questions about the seminar should be directed to the Information Division by phone at 800/424-9530 (press 6), or locally at 202/694-1100, or via e-mail to [Conferences@fec.gov](mailto:Conferences@fec.gov).

—Katherine Carothers

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