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## Litigation

### *Vroom v. FEC*

On June 28, 2013, the United States District Court for the District of Columbia dismissed Peter J. Vroom's amended complaint, concluding that he lacked standing to challenge the Commission's dismissal of his administrative complaint. In that complaint, Mr. Vroom had alleged that Penske PAC and General Electric PAC (GEPAC) had filed false and misleading information about their corporate relationship with the Commission, leading the Commission wrongly to allow the two PACs to disaffiliate in [AO 2009-18](#).

### Complaint

After the Commission dismissed Mr. Vroom's administrative complaint, he filed a court challenge to the Commission's decision on January 27, 2012. The Court dismissed that complaint without prejudice for lack of jurisdiction on December 6, 2012. Four weeks later, Mr. Vroom filed an amended complaint against the Commission, alleging informational injury. Mr. Vroom argued that the Commission's dismissal of his administrative complaint denied him the ability to "fully and accurately determine the source, magnitude and ultimate recipients of political contributions made by [GEPAC]."

### Standing

The Federal Election Campaign Act (the Act) permits any person who believes the law has been violated to file a complaint with the FEC and, subsequently, to seek judicial review if they believe the Commission dismissed the complaint unlawfully. 2 U.S.C. §437g.

The Act itself, however, does not confer standing under Article III of the Constitution. To have standing, the plaintiff must have suffered an "injury in fact" that is traceable to the defendant's action or inaction and is "likely" to be "redressed by a favorable decision." *Lujan v. Defenders of Wildlife*, 504 U.S. 560, 660-61 (1992). Allegations of "informational injury" can provide the requisite injury-in-fact for standing; that is, when the action or inaction of the Commission deprives voters of information that would help them evaluate candidates for office, those voters may have standing to complain. *Federal Election Commission v. Akins*, 524 U.S. 11, 21 (1998).

### **Court Opinion**

The Court dismissed Mr. Vroom’s complaint because it did not identify any information not currently available that would be made available were GEPAC and Penske PAC no longer disaffiliated. In fact, Mr. Vroom relied upon the FEC’s public data for GEPAC and Penske PAC to argue that the Commission erred in its decision. Absent an injury in fact, the Court determined Mr. Vroom lacked standing to bring the suit.

Date Issued: 6/28/2013; 7 pp.

U.S. District Court for the District of Columbia: Case 1:12-cv-00143-RMC

*(Posted 8/1/2013; By: Christopher Berg)*

### **Resources:**

- [District Court Memorandum Opinion](#)
- [Vroom v. FEC Litigation Page](#)
- [FEC 2012 Record Article](#)
- [Advisory Opinion 2009-18](#)

## Advisory Opinions

### **AO 2013-09 – PAC Must Meet Three Criteria for Multicandidate Status**

A political committee may not make contributions to a candidate in excess of \$2,600 per election until it meets all three criteria for multicandidate status.

#### **Background**

Special Operations Speaks PAC (“SOS”) is a nonconnected hybrid political committee that registered as a political committee on July 2, 2012. It states that it has made contributions to three federal candidates and has “thousands of grassroots contributors.”

SOS contributed \$2,600 to the campaign of Col. Robert Maness — a 2014 candidate for the U.S. Senate from Louisiana. The committee wants to contribute an additional \$2,400 to the campaign, and the campaign would like to accept the additional contribution.

#### **Analysis**

Under the Federal Election Campaign Act (the Act) and Commission regulations, non-multicandidate committees may contribute up to \$2,600 per election to a federal candidate during the 2013-14 election cycle. 2 U.S.C. §441a(a)(1)(A); see also 11 CFR 110.1(b). A multicandidate committee may contribute up to \$5,000 per candidate, per election. 2 U.S.C. §441a(a)(2)(A); see also 11 CFR 110.2(b). Recipient candidates cannot knowingly accept any contribution that exceeds these limits. 2 U.S.C. §441a(f); see also 11 CFR 110.9.

The Act defines a multicandidate committee as a political committee that has:

- Been registered with the FEC for at least six months;
- Received contributions from more than 50 persons; and
- Made contributions to five or more candidates for federal office. 2 U.S.C. §441a(a)(4); see also 11 CFR 100.5(e)(3) (defining “multicandidate committee”).

SOS has been registered with the Commission as a political committee for more than six months and has received contributions from more than 50 persons, but it has made contributions to only three federal candidates. Nevertheless, SOS believes it should be given multicandidate status, because it has found only three candidates who fit the group’s mission.

Based on the statute and regulations, the Commission concluded that the committee must meet all three criteria for multicandidate status. As a result, SOS is subject to the contribution limits of section 441a(a)(1)(A), and may not make contributions to any candidate with respect to any election which, in the aggregate, exceed \$2,600. Moreover, candidates such as Col. Robert Maness, may not knowingly accept contributions from SOS that exceed \$2,600 per election.

*Date Issued: August 22, 2012; Length: 4 pages.*

*(Posted 08/30/13; By: Alex Knott)*

#### **Resources:**

- [Advisory Opinion 2013-09](#) [PDF; 4 pages]
- [Commission Discussion of AO 2013-09](#) 
- [Advisory Opinion 2012-32](#) (similar Advisory Opinion) [PDF; 4 pages]
- [Commission Discussion of AO 2012-32](#) 

#### **AO 2013-08 – American Veterinary Medical Association**

The American Veterinary Medical Association (AVMA) may solicit members of the Student American Veterinary Medical Association (SAVMA) to make contributions to its separate segregated fund, the American Veterinary Medical Association Political Action Committee (AVMA PAC).

#### **Background**

The AVMA is a non-profit membership organization with a stated mission to “improve animal and human health and advance the veterinary medical profession.” SAVMA is a non-profit membership organization of veterinary students, holding a tax-exempt status under a “group exemption” from the Internal Revenue Service, which recognizes SAVMA as a subordinate organization to AVMA.

The AVMA asks whether SAVMA members are solicitable members of AVMA, as well as whether SAVMA is considered an affiliate organization under the Federal Election Campaign Act (the Act) and Commission regulations.

## **Analysis**

Members of SAVMA qualify as members of AVMA for solicitation purposes because they have a significant and enduring financial and organizational attachment to AVMA and because SAVMA is an affiliate organization of the AVMA.

Despite the fact that SAVMA members are veterinary students and thus do not meet any of the threshold requirements for full membership in the AVMA, they do "have a relatively enduring and independently significant financial or organizational attachment" to AVMA. 11 CFR 114.1(e)(3); [AO 2003-13](#) (OPHTHPAC).

For example, SAVMA members are required to abide by AVMA bylaws and other rules and policies adopted by AVMA (See [AO 2003-13](#)) and have connections to AVMA's two governing bodies, the Executive Board and the House of Delegates. The President and President-Elect of SAVMA's executive board are delegates in the AVMA House of Delegates. The President also attends AVMA executive board meetings, although without voting power. SAVMA members are eligible to participate in AVMA group health, professional liability, and life insurance programs, and may access "members only" pages of the AVMA website, which demonstrates financial attachment to AVMA. See also [AO 2011-08](#) (American Society of Anesthesiologists).

The above-mentioned attachments are enduring as well: more than 97% of SAVMA members convert to AVMA membership upon graduation from veterinary school, and more than 80% of veterinarians are members of AVMA. See [AO 2003-13](#). For these reasons, the Commission determines that SAVMA members qualify as members of AVMA under 11 CFR 100.134(g) and 114.1(e)(3), and that AVMA may therefore solicit SAVMA members for contributions to AVMA PAC.

SAVMA is considered an affiliate organization of AVMA, under Commission regulations, and it meets at least three of the factors determining affiliation. First, AVMA participates directly in the governance of SAVMA, while a couple of AVMA's officers are expressly authorized to act on SAVMA's behalf. SAVMA's bylaws also must correlate with AVMA's bylaws and be approved by AVMA's Executive Vice President. 11 CFR 100.5(g)(4)(ii)(B). Second, most AVMA members were once members of SAVMA, and more than 97% of SAVMA members become AVMA members. See 11 CFR 100.5(g)(4)(ii)(F). Third, AVMA had a significant role in establishing SAVMA and SAVMA still maintains its tax-exempt status through its relationship with AVMA. 11 CFR 100.5(g)(4)(ii)(I). Therefore, SAVMA qualifies as an affiliated organization of AVMA under the Act and Commission regulations, and as such, members of SAVMA qualify as members of AVMA under 11 CFR 114.1(e)(5).

*Date Issued: August 22, 2013; Length: 6 pages.*

*(Posted 08/30/2013; By: Christopher Berg)*

## **Resources:**

- [Advisory Opinion 2013-08](#) [PDF]
- [Commission Discussion of AO 2013-08](#) 

## AO 2013-07 – Same-Sex Spouses Receive Equal Treatment

A federal candidate's campaign committee may attribute joint contributions to each spouse in a legally married same-sex couple, even if only one spouse has income.

### Background

Dan Winslow was a Senate candidate in the April 30 Massachusetts special primary. He asked the Commission whether his campaign could apply the spouse contribution rule at 11 CFR 110.1(i) to contributions it receives from lawfully married same-sex couples. Specifically, the campaign wanted to know if it could attribute a contribution as being from each member of a lawfully married same-sex couple even if only one of them had income.

In April 2013, the Commission denied the Winslow campaign's initial request ([Advisory Opinion 2013-02](#)), citing the Defense of Marriage Act (DOMA), which limited the definition of spouses to married couples "of the opposite sex." The Commission indicated it would revisit the issue if DOMA were held unconstitutional by the Supreme Court or otherwise modified or repealed.

On June 26, 2013, the Supreme Court struck down DOMA as unconstitutional, and Mr. Winslow submitted a new AO request on July 3. (See *United States v. Windsor*.)

### Analysis

Commission regulations allow campaigns and other federal committees to accept "contributions made by each spouse even if only one spouse has income." 11 CFR 110.1(i). Thus, a spouse with no separate income may make a contribution in his or her own name through the checking account of the other spouse. [AO 1980-11](#) (Phillips).

The term "spouse" is not defined in the Federal Election Campaign Act of 1971, as amended ("FECA"), or the Commission's regulations but was previously limited by section 3 of DOMA to only apply "to a person of the opposite sex who is a husband or a wife." 1 U.S.C. §7. Now that the Supreme Court has found section 3 of DOMA unconstitutional, the Commission has concluded that same-sex couples married under state law are "spouses" for the purpose of FECA and Commission regulations. The Winslow campaign may therefore apply the spouse contribution rule at 11 CFR 110.1(i) to contributions from same-sex couples married under state law.

AO 2013-02 (Winslow I), which reached the opposite conclusion on this issue, is superseded in relevant part.

Date Issued: July 25, 2013; 6 pages

(Posted 8/1/2013; By: Alex Knott)

### Resources:

- [Advisory Opinion 2013-07](#) (Winslow II) [PDF]
- [Commission Discussion of AO 2013-07](#) 
- [Supreme Court decision in \*United States v. Windsor\*](#) [PDF]

## Related Opinions

- [Advisory Opinion 2013-06](#) [PDF]
- [Record Article](#)
- [Commission Discussion of AO 2013-06](#) 
- [Advisory Opinion 2013-02](#) (predating Supreme Court's DOMA decision)[PDF]
- [Commission Discussion of AO 2013-02](#) (predating Supreme Court's DOMA decision) 

### **AO 2013-06 – Provisions Apply Equally to Same-Sex Spouses**

The Democratic Senatorial Campaign Committee (DSCC) may follow the same FEC regulations for legally married same-sex couples as it follows for spouses in an opposite-sex marriage. Specifically, the Commission concluded that:

- The DSCC may attribute joint contributions under 11 CFR 110.1(i) to each same-sex spouse, even if only one has income;
- A candidate legally married to a same-sex spouse may use jointly owned assets under the same conditions as a candidate married to an opposite-sex spouse; and
- DSCC representatives may appear at restricted class events at which legally married same-sex spouses of members of the restricted class attend.

### **Background**

The DSCC filed an advisory opinion request asking the Commission three questions about how the terms "spouse" and "family" apply to same-sex couples under the Federal Election Campaign Act of 1971, as amended ("FECA"), and Commission regulations. The DSCC's request followed the Supreme Court's ruling June 26 in *United States v. Windsor* that struck down section 3 of the Defense of Marriage Act (DOMA) as unconstitutional.

The DSCC wanted to know if it could attribute a contribution as being from each member of a legally married same-sex couple even if the money originated from the income of just one of the spouses. Secondly, it asked whether a Senate candidate who is legally married to a same-sex spouse may utilize joint assets under the same provisions as a Senate candidate who is married to an opposite-sex spouse. Finally, it asked if DSCC representatives may appear at restricted class events at which legally married same-sex spouses are present as family members of corporate/labor executive and administrative employees, stockholders and members.

### **Analysis**

The term "spouse" is not defined in FECA or Commission regulations, but was previously limited by section 3 of DOMA to apply only "to a person of the opposite sex who is a husband or a wife." 1 U.S.C. §7. Now that the Supreme Court has found section 3 of DOMA unconstitutional, the Commission has concluded that same-sex couples married under state law are "spouses" for purposes of the FECA and Commission regulations.

Commission regulations allow campaigns and other federal committees to accept "contributions made by each spouse even if only one spouse has income." 11 CFR 110.1(i). Thus, a spouse with no separate income may make a contribution in his or her own name through the checking account of the other spouse. [AO 1980-11](#)

(Phillips). DSCC may apply the spouse contribution rule at 11 CFR 110.1(i) to contributions from same-sex couples married under state law.

Similarly, a Senate candidate who is legally married to a same-sex spouse may utilize “jointly owned assets” under 11 CFR 100.33(c) and 100.52(b)(4) under the same conditions as a Senate candidate who is married to an opposite-sex spouse.

Finally, DSCC representatives may appear at restricted-class events, pursuant to 11 CFR 114.3(c)(2), at which legally married same-sex spouses are present as “families” of restricted class members under 11 CFR 114.1(j).

Date Issued: July 25, 2013; 6 pages.

*(Posted 8/1/13; By: Alex Knott)*

### **Resources:**

- [Advisory Opinion 2013-06](#) [PDF]
- [Commission Discussion of AO 2013-06](#) 
- [Supreme Court decision in \*United States v. Windsor\*](#) [PDF]

### **Related Opinions**

- [Advisory Opinion 2013-07](#) (Winslow II) [PDF]
- [Record Article](#)

## **AO 2013-05 – Use of Campaign Funds to Pay Temporary Storage Costs**

A retiring officeholder may use campaign funds to pay costs associated with the temporary storage of officeholder and campaign materials. These costs are ordinary and necessary expenses of a federal officeholder and are not personal use of campaign funds.

### **Background**

Representative Elton Gallegly retired from Congress in January 2013. As of July 2013, his principal campaign committee has \$528,257 cash-on-hand and no debt.

Representative Gallegly has hundreds of boxes of campaign and officeholder materials in storage that he has accumulated over the course of his 26-year career in Congress. Most of these materials will eventually be sent to California Lutheran University for archiving. Also in storage are a few personal items that will be archived from Representative Gallegly’s Washington, D.C. office, as well as furniture, books, and memorabilia that will be given away or otherwise disposed of. Representative Gallegly has been paying the usual and normal charge to store the materials in a commercial, public storage facility and will continue to do so. He plans to dispose of all of these items by the end of 2013. Representative Gallegly asks if he may use campaign funds to pay costs associated with the temporary storage of the items pending their final disposition after his retirement.

## Analysis

Under the Federal Election Campaign Act (the Act) and Commission regulations, permissible uses of campaign funds include paying any ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office, as well as "any other lawful purpose," but not conversion to "personal use." See 2 U.S.C. §439a(a)(2); 11 CFR 113.2(a). Conversion to personal use occurs when funds in a campaign account are used to fulfill any commitment, obligation or expense that would exist irrespective of the candidate's election campaign or duties as a holder of federal office. See 2 U.S.C. §439a(b)(2); 11 CFR 113.1(g). The costs of winding down the office of a former federal officeholder for a period of six months after he or she leaves office are ordinary and necessary expenses. 11 CFR 113.2(a)(2). This six-month winding down period acts as a safe harbor and does not preclude a former officeholder who can demonstrate that he or she has incurred ordinary and necessary winding down expenses more than six months after leaving office from using campaign funds to pay those expenses. See [Expenditures; Reports by Political Committees; Personal Use of Campaign Funds, 60 Fed. Reg. 7862, 7873](#) (Feb. 9, 1995). Winding down costs include the necessary administrative costs of terminating a campaign or congressional office, such as office space rental, staff salaries and office supplies. See 11 CFR 110.1(b)(3)(ii), 116.1(a).

In [Advisory Opinion 1993-06](#) (Panetta), the Commission concluded that the cost of archiving and storing campaign papers, files, and other materials is an ordinary and necessary winding down expense. See also [Advisory Opinion 1996-14](#) (de la Garza). Similarly, expenses incurred to store Representative Gallegly's officeholder and campaign materials in a commercial storage facility pending final disposition are also ordinary and necessary expenses incurred in winding down his campaign and congressional offices. The costs are not considered personal use because they would not exist irrespective of Representative Gallegly's election campaign or his duties as a holder of federal office.

The Commission considered the Congressman's extensive tenure in Congress and the resulting length of the archival review in concluding that storage costs incurred for up to one year after the Congressman's retirement are ordinary and necessary winding-down expenses under the Act and Commission regulations.

Date Issued: 7/25/2013; 4 Pages

*(Posted 8/16/2013; By: Zainab Smith)*

## Resources:

- [Advisory Opinion 2013-05](#) [PDF]
- [Commission Discussion of AO 2013-05](#) 

# Reporting

## **Massachusetts Special Election Reporting: 5th District**

Massachusetts will hold Special Primary and General elections to fill the 5th Congressional District House seat vacated by Senator Edward Markey. The Special Primary will be held on October 15, 2013, and the Special General will be held on December 10, 2013.

Candidate committees involved in this election must follow the reporting schedule posted at [http://www.fec.gov/pages/report\\_notices/2013/ma05.shtml](http://www.fec.gov/pages/report_notices/2013/ma05.shtml). That schedule also applies to PACs and party committees that file on a semi-annual basis in 2013 and participate in this election. PACs and party committees that file monthly should continue to file according to their regular filing schedule. Please note that the FEC does not have authority to extend filing deadlines, even when they fall on weekends or holidays.

### **Filing Electronically**

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

### **Timely Filing for Paper Filers**

*Registered and Certified Mail.* Reports sent by registered or certified mail must be post-marked on or before the mailing deadline to be considered timely filed. A committee sending its reports by certified mail should keep its certified 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. A committee sending its report by registered mail should keep its proof of mailing. Note that a certificate of mailing from the USPS is not sufficient to prove that a report is timely filed using registered, certified or overnight mail. 2 U.S.C. §434(a)(5) and 11 CFR 100.19 and 104.5(e) and (i).

*Overnight Mail.* Reports filed via overnight mail [fn1] will be considered timely filed if the report is received by the delivery service on or before the mailing 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 100.19 and 104.5(e).

*Other Means of Filing.* Reports sent by other means — including first class mail and courier — must be received by the FEC before the Commission's close of business on the last business day before 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**

A participating candidate's principal campaign committee must file a 48-hour notice each time it receives a contribution of \$1,000 or more between September 26 and October 12 for the Special Primary and between November 21 and December 7 for the Special General.

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

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate \$1,000 between September 26 and October 13 for the Special Primary and between November 21 and December 8 for the Special General. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during the calendar year up to and including the 20th day before an election. The 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to September 26 for the Special Primary. For the Special General, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to November 21.

### **Electioneering Communications**

The 30-day electioneering communications period in connection with the Special Primary runs from September 15 through October 15. The 60-day electioneering communications period in connection with the Special General runs from October 11 through December 10.

### **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 any lobbyist/registrant or lobbyist/registrant PAC that aggregate in excess of \$17,100 during the special election reporting period. 11 CFR 104.22(a)(5)(v) and (b). For more information on these requirements, see the [March 2009 Record](#).

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

*(Posted 8/14/13; By: Katherine Carothers)*

### **Resources:**

- [Massachusetts 5th District Special Election Prior Notice](#)
- [2013 Reporting Dates](#)
- [Massachusetts 5th District Special Election Compliance Page](#)
- [Federal Register Notice](#)

## **Alabama Special Election Reporting: 1st District**

The Special Election to fill the U.S. House seat being vacated by Congressman Jo Bonner in the First Congressional district of Alabama will be held on December 17, 2013. The Special Primary will be September 24, 2013, and the Special Runoff, if needed, will be November 5, 2013. In the event that a Special Runoff Election is not necessary, the Special General Election will be held on November 5, 2013, instead of December 17, 2013.

Candidate committees involved in this election must follow the reporting schedule posted at [http://www.fec.gov/pages/report\\_notices/2013/al01.shtml](http://www.fec.gov/pages/report_notices/2013/al01.shtml). That schedule also applies to PACs and party committees that file on a semi-annual basis in 2013 and participate in this election. [fn1] PACs and party committees that file monthly should continue to file according to their regular filing schedule. Please note that the FEC does not have authority to extend filing deadlines, even when they fall on weekends or holidays.

### **Filing Electronically**

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

### **Timely Filing for Paper Filers**

*Registered and Certified Mail.* Reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by certified mail should keep its certified 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. A committee sending its report by registered mail should keep its proof of mailing. Note that a certificate of mailing from the USPS is not sufficient to prove that a report is timely filed using registered, certified or overnight mail. 2 U.S.C. §434(a)(5) and 11 CFR 100.19 and 104.5(e) and (i).

*Overnight Mail.* Reports filed via overnight mail [fn2] 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 100.19 and 104.5(e).

*Other Means of Filing.* Reports sent by other means—including first class mail and courier—must be received by the FEC before the Commission's close of business on the last business day before 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**

A participating candidate's principal campaign committee must file a 48-hour notice each time it receives a contribution of \$1,000 or more between September 5 and October 21 for the Special Primary. If only two elections are held, 48-hour notices are required between October 17 and November 2 for contributions received for the Special General. If a Special Runoff is held, 48-hour notices are required for contributions received between October 17 and November 2 for the Special Runoff and between November 28 and December 14 for the Special General.

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

Political committees and other persons must file 24-hour reports of independent expenditures that aggregate \$1,000 between September 5 and September 22 for the Special Primary. If only two elections are held, committees must file 24-hour reports of independent expenditures that aggregate \$1,000 between October 17 and November 3 for the Special General. If a Special Runoff is held, committees must file 24-hour reports of independent expenditures that aggregate \$1,000 between October 17 and November 3 for the Special Runoff and between November 28 and December 15 for the Special General. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more during the calendar year up to and including the 20th day before an election. The 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to September 5 for the Special Primary. If only two elections are held, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to October 17 for the Special General. If a Special Runoff is held, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to October 17 for the Special Runoff. For the Special General, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to November 28.

## **Electioneering Communications**

The 30-day electioneering communications period in connection with the Special Primary runs from August 25 through September 24. If two elections are held, the 60-day electioneering communications period in connection with the Special General runs from September 6 through November 5. If a Special Runoff is held, the 30-day electioneering communications period in connection with the Special Runoff runs from October 6 through November 5. The 60-day electioneering communications period in connection with the Special General runs from October 18 through December 17.

## **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 any lobbyist/registrant or lobbyist/registrant PAC that aggregate in excess of \$17,100 during the special election reporting period. 11 CFR 104.22(a)(5)(v) and (b). For more information on these requirements, see the [March 2009 Record](#).

1. Since PACs and parties must aggregate activity on a calendar-year basis, they must disclose activity for reporting periods that span 2013 and 2014 using two separate reporting forms. If the Special General is held December 17, 2013, these committees will file their Post-General report on two forms—one form to cover the 2013 activity (labeled as the Year-End report) and another to cover only 2014 activity (labeled as the Post-General report). Both reporting forms must be filed by the filing date for the Post-General report on January 21, 2014.

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

(Posted 08/26/13; By: Katherine Carothers)

#### **Resources:**

- [Alabama 1st District Special Election Prior Notice](#)
- [2013 Reporting Dates](#)
- [Alabama 1st District Special Election Compliance Page](#)
- [Federal Register Notice](#)

## Outreach

### **FEC to Host San Francisco Conference in October**



The Commission will hold a regional conference in San Francisco, California, on October 23-24, 2013. Commissioners and staff will conduct a variety of technical workshops on the federal campaign finance laws affecting federal candidates, parties and PACs. 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. To view the conference agenda

or to register for the conference, please visit the conference website at <http://www.fec.gov/info/conferences/2013/sanfrancisco.shtml>.

*Hotel Information.* The conference will be held at the Sheraton Fisherman's Wharf, centrally located close to Pier 39 and Ghirardelli Square. To make hotel reservations and reserve the group rate of \$209 per night (single or double occupancy), visit the hotel website at <https://www.starwoodmeeting.com/Book/fedelectcomm> by September 27, 2013. Please wait to make hotel and air reservations until you have received confirmation of your conference registration from our contractor, Sylvester Management Corporation.

*Registration Information.* The registration fee is \$525 per attendee, which includes a \$30 nonrefundable transaction fee. A late charge of \$50 will be added for registrations received after 11:59 p.m. EDT, September 27, 2013. A refund (minus the transaction fee) will be made for all cancellations received by Friday, September 27; no refund will be made for cancellations received after that date. Complete registration information is available online at <http://www.fec.gov/info/conferences/2013/sanfrancisco.shtml>.

*Workshop Materials.* Attendees may elect to receive electronic copies of workshop materials in advance for use on their personal electronic devices. Alternatively, conference attendees may elect to receive a binder with printed materials at the conference.

### **FEC Conference Questions**

Please direct all questions about conference registration and fees to Sylvester Management Corporation (Phone: 1-800/246-7277; email: [Rosalyn@sylvestermanagement.com](mailto:Rosalyn@sylvestermanagement.com)). For other questions about the conference and workshops, call the FEC's Information Division at 1-800/424-9530, or send an email to [Conferences@fec.gov](mailto:Conferences@fec.gov).

*(Posted 8/19/2013; By: Molly Niewenhous)*

### **Resources:**

- [FEC Educational Outreach Opportunities](#)

### **Federal Elections 2012 – Compiled Election Results Now Available**

*Federal Elections 2012: Election Results for the U.S. President, the U.S. Senate and the U.S. House of Representatives*, compiled by the Commission's Public Disclosure Division, is [now available on the Commission's website](#).

This publication includes state-by-state election results for the 2012 Presidential, U.S. Senatorial and U.S. Congressional elections. In addition to the state-by-state results, *Federal Elections 2012* also includes charts and color maps to summarize and illustrate the data. The online PDF version is accompanied by an Excel file containing all of the election data. This format enables users to sort the results according to their own preferences, and to import the data into existing data files.

*Federal Elections 2012* is available at <http://www.fec.gov/pubrec/electionresults.shtml>. Printed editions will be available soon. To order a printed copy, please contact the FEC's Public Disclosure Division at 800/424-9530 or 202/694-1120.

*(Posted 8/21/2013; By: Dorothy Yeager)*

### **Resources:**

- [Public Disclosure Division](#)
- [Combined Federal/State Disclosure Directory](#)