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Commission

Commission Approves Package of Legislative Recommendations

On December 17, 2013, the Commission unanimously approved eight [legislative recommendations](#) for consideration by Congress:

- Deleting the exclusion of Commission staff from eligibility for the Senior Executive Service;
- Making permanent the Administrative Fine Program for late- and non-filed reports;
- Authorizing the Commission to accept gifts that will help the agency carry out its functions;
- Requiring electronic filing for all Senate candidates and their authorized committees;
- Requiring electronic filing of electioneering communications reports;
- Extending the prohibition on the personal use of campaign funds to all political committees;
- Increasing and indexing for inflation certain committee registration and reporting thresholds; and
- Expanding the prohibitions on fraudulent misrepresentation of campaign authority.

Congress has since passed legislation that extends the Administrative Fine Program to cover activity through December 31, 2018, and authorizes the Commission to expand the program's scope. On January 13, 2014, the Commission approved [rules to implement the extension](#).

(Posted 1/31/2014; By Dorothy Yeager)

Resources

- [Legislative Recommendations](#)
- [Commission consideration of proposed legislative recommendations](#) 

Regulations

New Law Authorizes Administrative Fines Extension and Expansion

On January 13, 2014, the Commission approved final rules to extend through 2018 the agency's Administrative Fines Program (AFP) for late filing and failure to file FEC reports. The rules implement legislation enacted on December 26, 2013, that gave the Commission authority to extend the program and to expand it to cover certain reports not previously subject to administrative fines. The Commission plans to address the possible expansion in a future rulemaking.

Initially authorized on a trial basis by 1999 amendments to the Federal Election Campaign Act, the AFP enables the Commission to assess civil money penalties for political committees that fail to file their regular financial reports on time or at all, and for campaign committees that fail to file 48-hour notices of large last-minute contributions received. 2 U.S.C. §437g(a)(4)(C); 11 CFR 111.30 to 111.46. Congress has extended the program several times over the years, with the current extension covering reports that disclose activity through December 31, 2018. The Commission's revised rules implement this extension and also, for the first time, permit payment of administrative fines by methods other than check or money order. See [79 Fed. Reg. 3302 \(January 21, 2014\)](#).

Though not included in this rulemaking, the recent legislation also authorized the Commission to expand the scope of the AFP to include the following categories of reporting violations:

- Independent expenditure reports filed by individuals and other entities using FEC Form 5 (2 U.S.C. §434(c));
- Certain federal election activity reports filed by state and local parties using FEC Form 3X (2 U.S.C. §434(e));
- Electioneering communications reports filed by individuals and other entities using FEC Form 9 (2 U.S.C. §434(f));
- 24- and 48-Hour reports of independent expenditures filed by political committees (using Schedule E of FEC Form 3X), and individuals, corporations, unions and other entities (using FEC Form 5) (2 U.S.C. §434(g));
- Bundling reports filed by campaigns, party committees and leadership PACs using FEC Form 3L (2 U.S.C. §434(i)); and
- Convention reports filed by convention and host committees in regard to national party conventions (2 U.S.C. §437).

The Commission intends to address any possible expansion of the AFP to these reporting requirements through a separate rulemaking.

(Posted 1/23/2014; By: Dorothy Yeager)

Resources:

- [Text of Bill as Passed into Law](#) via Library of Congress (Public Law # 113-72) [PDF]
- [Administrative Fines Program](#)

- [Reporting Forms and Instructions](#)
- [Reporting Dates](#)

Comment Sought on Disclosure of Independent Expenditures in Presidential Primaries

The Commission is asking for public comment on three alternative drafts of an interpretive rule designed to clarify how and when political committees report independent expenditures for presidential primary elections that do not reference or target a particular state. Though the drafts are similar in some respects, the specific reporting methods and triggers for 24- and 48-hour independent expenditure reports differ.

Draft A proposes that a committee divide the cost of its independent expenditure by the number of states that have not yet held a presidential primary. The committee would report the portion of the expenditure that is attributable to each state's primary election as a separate expenditure, filing any 24- and 48-hour reports that are necessary for any of those expenditures.

Draft B suggests a committee use the first day of the candidate's nominating convention as the date of the primary election for the purposes of determining whether and when it reaches the applicable thresholds for 24- and 48-hour reports. The committee would use memo text entries to identify its independent expenditures as "nationwide expenditures," instead of reporting states where the expenditure was made.

Draft C is similar to Draft B, but proposes that a committee use the date of the next upcoming primary election to determine whether and when the 24- and 48-hour report thresholds have been reached.

The "[Draft Notices of Interpretive Rule Regarding Reporting Nationwide Independent Expenditures in Presidential Primary Elections](#)" are available on the FEC website. Comments on the proposals should be addressed to the Commission Secretary and may be sent by mail, fax (202-208-3333) or email (secretary@fec.gov). Comments are due by noon on February 20, 2014.

(Posted 1/30/2014; By: Alex Knott)

Resources:

- [Commission consideration of interpretive rule drafts, Agenda Doc. 2014-7](#) 
- [Draft Notices of Interpretive Rule Regarding Reporting Nationwide Independent Expenditures in Presidential Primary Elections](#) [PDF]

Reporting

Year-End Reporting FAQs

This article addresses some of the common questions that the Commission receives in the month of January regarding the Year-End filing deadline. Remember that all committees must file a Year-End Report, due on January 31, 2014. For information on future filing deadlines in 2014, visit the [2014 Reporting Dates](#) page on FEC.gov. Should you have further questions after reading this article, please call the Commission's toll free help line at 800-424-9530. General questions regarding the law and reporting deadlines should be directed to the Information Division (press 6). If you have specific questions, press 5 to speak with the Campaign Finance Analyst assigned to your committee.

There are a lot of forms on your website. Which one do I need to file for my Year-End Report?

The type of form your committee files depends on the type of committee it is: an authorized committee (i.e., a candidate committee) or an unauthorized committee (i.e., a PAC or party committee). Authorized committees of House and Senate candidates use [FEC Form 3](#) to file their regular reports of receipts and disbursements, while PACs and political party committees use [FEC Form 3X](#). (Presidential committees use [FEC Form 3P](#)). When filing a Year-End Report, be sure to indicate that it is a Year-End Report by checking the "Year-End Report" box on Question 4 ("Type of Report").

In 2013, I filed semi-annually, but Form 3X doesn't have a Year-End Report box for semi-annual filers. What should I do?

You're actually a quarterly filer. Quarterly filers file on a semi-annual basis in odd-numbered years (i.e., non-election years). On [Form 3X](#) you should select "January 31 Year-End Report (YE)" on line 4(a), Quarterly Reports.

How do I become a monthly filer?

To switch your committee's filing frequency in 2014, attach a letter (paper filers only) or a [Form 99](#) to your Year-End Report (due January 31) indicating that you will now be filing reports on the other schedule. [Contact your committee's Campaign Finance Analyst](#) for additional assistance in changing your committee's filing frequency. Party committees that do not conduct reportable federal election activity and all PACs have the option to choose to file reports on a "monthly" or "quarterly" filing schedule in 2014. Some committees may prefer to file reports on a monthly basis during a federal election year (such as 2014), and on a less-frequent basis during a nonfederal election year (such as 2013 and 2015). Unauthorized committees are permitted to switch filing frequencies one time per year.

What are the coverage dates for the Year-End Report?

The coverage dates for the Year-End Report begin the day after the closing-date of your most recently-filed FEC report and cover all activity through December 31, 2013. For most committees that filed semi-annually in 2013, the coverage dates for the Year-End

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- July 31 Mid-Year Report (Non-election Year Only) (MY)
- Termination Report (TER)

Report will be July 1, 2013 to December 31, 2013. For most monthly filers, the coverage dates for the Year-End Report will be December 1, 2013 to December 31, 2013. Candidates file on a quarterly schedule, so most will file a Year-End Report covering October 1, 2013 through December 31, 2013. If this is your committee's first report, the coverage period begins on the date of your initial receipt or disbursement and runs through December 31, 2013.

Our treasurer and email address have changed. How do I notify the Commission of these changes?

If your committee needs to update any information on file with the Commission, the committee should file an amended [Statement of Organization \(FEC Form 1\)](#). Electronic filers must submit this amendment electronically. Please note that Commission regulations require the committee to file this amended form within 10 days of any change in the information.

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- July 31 Mid-Year Report (Non-election Year Only) (MY)
- Termination Report (TER)

My committee is no longer active. How do I close it?

If your committee is no longer active and has no outstanding debts or obligations, you should consider terminating the committee. To do this, you will need to file a Termination Report with the Commission. Using your regular reporting form, file a report disclosing any final receipts and disbursements and the purposes for which any remaining committee funds or assets will be used. You will indicate that the report is a termination report by checking the "Termination Report" box on Line 4 of the Summary Page of [FEC Form 3, 3P](#) or [3X](#). The report may be filed at any time, but as long as the committee remains open, it must continue to file regular reports on its normal schedule. Once the committee's Termination Report is received, the Commission will review the report and notify the committee in writing that the report has been accepted. Only then does the committee's reporting obligation end. Until the committee receives this notification, it must continue to file reports.

How do I contact my committee's Campaign Finance Analyst at the Commission?

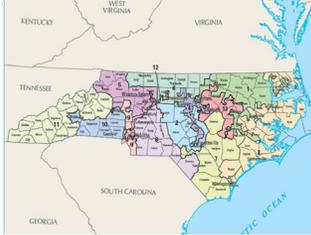
To find your committee's analyst, visit the [Reports Analysis Division](#) webpage on the Commission's website and select the box at the top of the page, "Click Here to Find Your Campaign Finance Analyst." Enter your committee ID number (the number that begins with "C" that the committee was issued by the Commission) or the name of the committee to find the name and contact information of the analyst assigned to review your committee's reports. Alternatively, you may call the Reports Analysis Division at (202) 694-1130 to speak with your committee's analyst.

(Posted 1/24/2014; By: Myles Martin)

Resources:

- [2014 Reporting Dates](#)
- [Reports Analysis Division Homepage](#)
- [FEC Registration and Reporting Forms](#)
- [Resources for Committee Treasurers](#)
- [Electronic Filing Software and Information](#)
- [FEC Compliance Map](#)

North Carolina Special Election Reporting: 12th District



NORTH CAROLINA SPECIAL

(Photo by
NationalAtlas.gov)

North Carolina will hold Special Primary and General elections to fill the U.S. House seat in the 12th Congressional District vacated by Congressman Melvin Watt. The Special Primary Election will be held on May 6, 2014, and the Special General Election will be held November 4, 2014. Under North Carolina law, in the event that the top vote-getter does not receive over 40% of the votes cast in his/her party's Special Primary Election, the top two vote-getters of that party will participate in a Special Runoff Election held on July 15, 2014.

Candidate committees involved in these elections must follow the reporting schedule posted at http://www.fec.gov/pages/report_notices/2014/nc12.shtml. That schedule also

applies to PACs and party committees that participate in the elections and file on a quarterly basis in 2014. PACs and party committees that file monthly should 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.

Timely Filing for Paper Filers

Registered and Certified Mail. Pre-election reports sent by registered or certified mail must be postmarked on or before the mailing deadline to be considered timely filed; other reports must be postmarked by the filing deadline. 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/filing deadline, as

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.

appropriate. 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 April 17 and May 3 for the Special Primary, between June 26 and July 12 for the Special Runoff and between October 16 and November 1 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 April 17 and May 4 for the Special Primary, between June 26 and July 13 for the Special Runoff and between October 16 and November 2 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 April 17, 2014, for the Special Primary. If a Special Runoff is held, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to June 26. For the Special General, the 48-hour reporting requirement applies to independent expenditures that aggregate at or above \$10,000 prior to October 16.

Electioneering Communications

The 30-day electioneering communications period in connection with the Special Primary runs from April 6 through May 6. The 30-day electioneering communications period in connection with the Special Runoff runs from June 15 through July 15. The 60-day electioneering communications period in connection with the Special General runs from September 5 through November 4.

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 the lobbyist bundling disclosure threshold during the special election reporting period. 11 CFR 104.22(a)(5)(v) and (b).

The lobbyist bundling disclosure threshold for calendar year 2013 was \$17,100. This threshold amount may increase in 2014 based upon the annual cost of living adjustment (COLA). As soon as the adjusted threshold amount is available, the Commission will publish it in the *Federal Register* and post it on its website. For more information on these requirements, see the [March 2009 Record](#). See 11 CFR 110.17(e)(2).

(Posted 01/22/2014; By: Katherine Carothers)

Resources:

- [North Carolina 12th District Special Election Prior Notice](#)
- [2014 Reporting Dates](#)
- [North Carolina 12th District Special Election Compliance Page](#)
- [Federal Register Notice](#)

Outreach

Early-bird Registration Discount Extended for February Conference in Tampa

Early-bird registration has been extended to January 24 for the Commission's regional conference in Tampa, Florida, on February 11-12, 2014. 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/2014/tampa.shtml>.



Hotel Information. The conference will be held at the Westin Tampa Harbour Island, centrally located close to downtown Tampa, the Florida Aquarium and the Tampa Bay Times Forum. To make hotel reservations and reserve the group rate of \$185 per night (single or double occupancy), visit the hotel website at <https://www.starwoodmeeting.com/StarGroupsWeb/res?id=1311194413&key=34472> by January 24, 2014. 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 \$575 per attendee, which includes a \$30 nonrefundable transaction fee. A late charge of \$25 will be added for registrations received after 11:59 p.m. EST, January 24, 2014. Complete registration information is available online at <http://www.fec.gov/info/conferences/2014/tampa.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). 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.

(Posted 1/15/2014; By Dorothy Yeager)

Resources:

- [FEC Educational Outreach Opportunities](#)