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Federal Election Commission
999 E Street, NW
Washington, DC 20463

Commissioners:
Matthew S. Petersen,
Chairman
Steven T. Walther,
Vice Chairman
Lee E. Goodman
Caroline C. Hunter
Ann M. Ravel
Ellen L. Weintraub

Staff Director:
Alec Palmer

Acting General Counsel:
Daniel A. Petalas

The FEC Record is produced
by the Information Division,
Office of Communications.

Toll free 800-424-9530
Local 202-694-1100
Email info@fec.gov

Greg Scott, Asst. Staff Director
George Smaragdis, Deputy
Asst. Staff Director,
Publications
Alex Knott, Senior Writer

Litigation

[Stop Hillary PAC et al. v. FEC \(Dismissal\)](#)

Stop Hillary PAC et. al. v. FEC was dismissed on March 28, 2016, by the U.S. District Court for the Eastern District of Virginia, following a joint stipulation of dismissal filed by all parties in the case. The case involved a challenge to the provisions of the Federal Election Campaign Act (the Act) and FEC regulations that restrict the use of a candidate's name by an unauthorized committee in the committee's name.

Background

The plaintiffs had sought to challenge the provisions of the Act and Commission regulations that prohibit an unauthorized political committee from using a federal candidate's name in the committee's name. See 52 U.S.C. § 30102(e)(4) and 11 CFR 102.14. In December 2015, the district court denied the plaintiffs' motion for a preliminary injunction to enjoin the FEC from enforcing the naming restrictions. The district court found that the plaintiffs did not show a likelihood of success on the merits of their claims that the naming restrictions for unauthorized political committees are an impermissible content-based restriction on speech or violate their First Amendment rights.

Dismissal

On March 25, 2016, the parties filed a Joint Stipulation of Dismissal with the district court, which was entered by the court on March 28, 2016.

(Posted 04/04/2016; By: Dorothy Yeager)

Resources:

- *Stop Hillary PAC v. FEC et al.* [Ongoing Litigation Page](#)

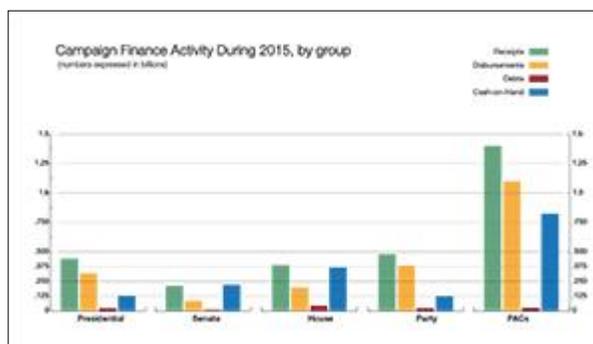
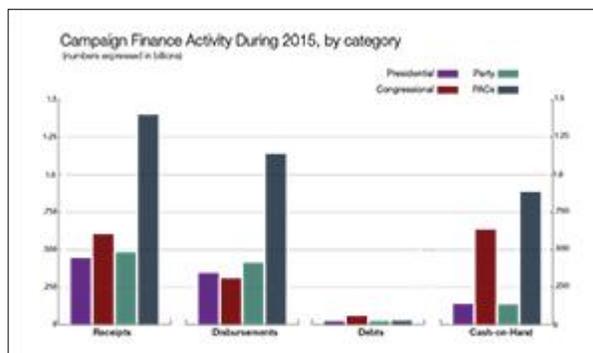
Statistics

[FEC Summarizes First Year of Campaign Activity for 2015-2016 Election Cycle](#)

Presidential candidates raised \$442.7 million and spent \$319.3 million during the first 12 months of the 2015-2016 election cycle, according to an analysis by the Federal Election Commission.

The 82 candidates with White House bids also reported a total of \$20.5 million in debts and \$127.6 million in cash on hand in 2015, based on the Commission's study, which calculated information from all campaign finance reports filed with the agency covering activity between January 1 and December 31, 2015.

Congressional candidates also received \$601.5 million and disbursed \$286.6 million in 2015. The 122 candidates running for Senate in 2016 – as well as in the 2015 special elections – reported total receipts of \$213.1 million, disbursements of \$85.9 million, debts of \$8.9 million and cash-on-hand of \$222.2 million during the period.



Click on images to enlarge.

Meanwhile, 926 candidates running for the House of Representatives in 2016 and last year's special elections reported combined total receipts of \$388.4 million, disbursements of \$200.7 million, debts of \$44 million and cash-on-hand of \$368.1 million in 2015.

National, state and local political party committees reported combined total receipts of \$481.9 million in federal funds for the one-year period, disbursements of \$383.8 million, debts of \$21.4 million, and cash-on-hand of \$124.6 million as of December 31, 2015.

Based on reports filed with the Commission for 2015, 7,223 federal PACs reported total receipts of \$1.4 billion, disbursements of \$1.1 billion, debts of \$23.5 million, and combined cash-on-hand of \$824.3 million. Contributions by PACs to presidential and congressional candidates seeking office in the 2015-2016 election cycle totaled \$1.3 million and \$192.9 million, respectively, as of December 31, 2015.

All independent expenditures reported to the Commission in 2015 in connection with presidential and congressional elections in the 2015-2016 election cycle totaled \$113.5 million.

Independent Expenditure-Only Political Committees accounted for \$102.9 million of all independent expenditures disclosed to the Commission, Committees with Non-Contribution Accounts reported \$2.8 million, and other PACs reported \$2.2 million. Independent expenditures made by persons other than political committees totaled \$5.2 million, and party committees reported independent expenditures totaling \$407,564.

Data summary tables for reports submitted to the Commission through December 31, 2015 are listed below for:

- [Presidential candidate committees](#);
- [Congressional candidate committees](#);
- [Political party committees](#);
- [PACs](#); and
- [Independent expenditures](#).

(Posted 04/07/2016; By: Alex Knott)

Resources:

- [FEC Press Release](#)
- [Campaign Finance Disclosure Portal](#)

Outreach

[FEC to Host May 11 Webinar for Corporations and their PACs](#)

The Commission will hold a one-day online seminar for corporations and their political action committees (PACs) on Wednesday, May 11, 2016. Commission staff will conduct several technical workshops on the federal campaign finance laws affecting corporations and their 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.



Attendees can choose one of two options for the morning session, Basics for Beginners or Recent Developments in the Law. The afternoon will feature a two-part workshop on Corporate PAC operations. Participants will be able to download electronic copies of the workshop materials in advance, and will receive additional instructions and technical information shortly before the event. For more information, and a detailed agenda, please visit the Corporate Webinar web page: <http://www.fec.gov/info/conferences/2016/corporatewebinar.shtml>.

The cost to participate is \$80. Refunds (minus a \$20 registration fee) will be made for all cancellations received by Friday, May 6; no refund will be made for cancellations received after that date. Register online at <http://www.cvent.com/d/7fqd3f>. Please direct all questions about registration and fees to Sylvester Management Corporation (Phone: 1-800/246-7277; email: Rosalyn@sylvestermanagement.com). For other

questions call the FEC's Information Division at 1-800/424-9530 (press 6), or send an email to Conferences@fec.gov.

Webinar Schedule:

May 11, 2016

Morning Sessions

- Option 1: Basics for Beginners, 10:30 AM - 12:00 PM (Eastern)
- Option 2: Recent Developments in the Law, 10:30 AM - 12:00 PM (Eastern)

Afternoon Sessions

- Corporate PAC Operations Part 1, 1:15 - 2:45 PM (Eastern)
- Corporate PAC Operations Part 2, 3:00 - 4:30 PM (Eastern)

(Posted 04/04/2016; By: Isaac Baker)

Resources:

- [FEC Educational Outreach Opportunities](#)

[Group Hotel Rate for Orlando Conference Extended](#)

Register today for the FEC's Orlando Regional Conference, before the hotel rate increases on March 30.

The April 19-20 conference will feature FEC Commissioners and staff conducting 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 and detailed information, please visit the conference website at <http://www.fec.gov/info/conferences/2016/orlando.shtml>.



Hotel Information. The conference will be held at The B Resort & Spa, located at 1905 Hotel Plaza Boulevard in Lake Buena Vista, FL. To make hotel reservations and reserve the contracted group rate of \$159 per night, book now before the rate goes up on March 30. Click here to book: <https://res.windsurfercrs.com/ibe/details.aspx?propertyid=14265&nights=1&checkin=04/14/2016&group=1604FEDERA>. Alternatively, guests may call (866) 990-6850. To receive the group rate, guests must identify themselves as members of the "Federal Election Commission Conference."

Registration Information. The registration fee is \$620 per attendee, which includes a \$30 nonrefundable transaction fee. To register now, click the following link: <http://www.cvent.com/d/4fq2tg>.

FEC Conference Questions

Please direct all questions about conference registration and fees to Sylvester Management Corporation at 1-800/246-7277 or 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 03/28/2016; By: Isaac Baker)

Resources:

- [FEC Educational Outreach Opportunities](#)

Public Funding

[Commission Certifies Additional Federal Matching Funds for O'Malley](#)

The Federal Election Commission has certified \$8,867.46 in federal matching funds to former presidential candidate Martin J. O'Malley for the 2016 primary election. The certified amount was in response to the third regular submission for matching funds made by the O'Malley campaign.

In November, O'Malley became the first 2016 presidential candidate to be declared eligible by the Commission to receive federal matching funds. Based on his previous submissions, the Commission requested United States Treasury payments to the O'Malley campaign totaling \$1,080,061.83.

Following the tally vote completed on April 6, 2016, the Commission has requested the Treasury to make a payment of \$8,867.46 to O'Malley for President. O'Malley, a Democrat, ended his presidential campaign in February.

To become eligible for matching funds, candidates must raise a threshold amount of \$100,000 by collecting \$5,000 in 20 different states. Although an individual may contribute up to \$2,700 to a primary candidate in the current election cycle, only a maximum of \$250 per individual is matched with funds from the Presidential Election Campaign Fund.

Other requirements to be declared eligible include agreeing to an overall spending limit, abiding by spending limits in each state, using public funds only for legitimate campaign-related expenses, keeping financial records and permitting an audit of campaign financial activity.

(Posted 04/06/2016)

Resources:

- [FEC Press Release](#) .
- [Press Office Backgrounder on Presidential Election Campaign Fund](#)
- [2016 Presidential Matching Fund Submissions](#)

[Commission Certifies Additional Matching Funds for O'Malley](#)

The Federal Election Commission has certified an additional \$133,696.74 in federal matching funds to former presidential candidate Martin J. O'Malley for the 2016 primary election. The certified amount was in response to the second regular submission for matching funds made by the O'Malley campaign.

In November, O'Malley became the first 2016 presidential candidate to be [declared eligible](#) by the Commission to receive federal matching funds. Based on his initial threshold submission and his first regular submission, the Commission requested United States Treasury [payments to the O'Malley campaign](#) totaling \$946,365.09.

Following the tally vote completed on March 16, 2016, the Commission will request the Treasury to make a payment of \$133,696.74 to O'Malley for President. This sum includes an additional \$14,219.55 the Commission determined to be due to O'Malley for President based on a revised review of the committee's first regular submission. O'Malley, a Democrat, ended his presidential campaign last month.

To become eligible for matching funds, candidates must raise a threshold amount of \$100,000 by collecting \$5,000 in 20 different states. Although an individual may contribute up to \$2,700 to a primary candidate in the current election cycle, only a maximum of \$250 per individual is matched with funds from the Presidential Election Campaign Fund.

Other requirements to be declared eligible include agreeing to an overall spending limit, abiding by spending limits in each state, using public funds only for legitimate campaign-related expenses, keeping financial records and permitting an audit of campaign financial activity.

(Posted 03/18/2016)

Resources:

- [FEC Press Release](#)
- [Press Office Backgrounder on Presidential Election Campaign Fund](#)
- [2016 Presidential Matching Fund Submissions](#)

Reporting

[April Reporting Reminder](#)

The following reports are due in April:

- All authorized committees of House and Senate candidates must file a quarterly report by April 15, 2016. The report covers financial activity from January 1 (or the day after the closing date of the last report) through March 31;
- Authorized 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 and state, district and local party committees that engage in reportable "federal election activity" (see the "State, District and Local Party Committees"

section below) must file a monthly report by April 20. All other party committees and political action committees (PACs) that have chosen to file monthly also have a report due on April 20. This report covers activity for the month of March.

- PACs and party committees following a quarterly reporting schedule must file a quarterly report by April 15, covering activity from January 1 (or the day after the closing date of the last report) through March 31.
- Quarterly filers that participate in primary elections or [special elections](#) may need to file pre- and post-election reports that are not accounted for above. The coverage periods and due dates for those reports are available our [reporting dates web page](#). Remember, reporting periods always begin the day after the closing date of the last report filed.

Notification of Filing Deadlines

In addition to publishing this article and the online reporting tables, the Commission notifies committees of filing deadlines through reporting reminders called prior notices. Prior notices are distributed exclusively by electronic mail, so every committee should ensure that the email address on its [Statement of Organization \(FEC Form 1\)](#) is current. Each committee may list up to two email addresses. 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. Committees may also use our [online webform](#) to update their information.

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 are responsible for filing committee reports on time. Not receiving a prior notice does not excuse committee treasurers for failing to comply with any filing deadline.

Filing Electronically

Under the Commission's mandatory electronic filing regulations, individuals and organizations required to file with the FEC that receive contributions or make expenditures, including independent expenditures, aggregating in excess of \$50,000 in a calendar year — or that have reason to expect to do so — must file all reports and statements electronically. [FN1] Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing date. 11 CFR 100.19(c). Electronic filers who file on paper or submit an electronic report that does not pass the Commission's validation program by that time on the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines. 11 CFR 104.18(a)(2) and (e).

Senate campaigns and other committees that file with the Secretary of the Senate must file their FEC reports on paper, but may file an additional unofficial electronic copy of their report with the Commission in order to enhance disclosure.

The Commission's electronic filing software, FECFile, is free and can be downloaded at <http://www.fec.gov/electfil/updatelist.html>. All reports filed after February 8, 2016, must be filed in Format Version 8.1.0.4. 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 to ensure their software meets the latest specifications.

Timely Filing for Paper Filers

Registered and Certified Mail. Reports sent by registered or certified mail are considered to be filed on the date of their postmark. 52 U.S.C. § 30104(a)(5) and 11 CFR 104.5(e). Accordingly, quarterly reports sent by registered or certified mail must be postmarked on or before the filing deadline to be considered timely filed. 11 CFR 100.19(b). 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 mailing because the USPS does not keep complete records of items sent by certified or registered mail. 11 CFR 104.5(i).

Overnight Mail. Reports sent via overnight mail [FN2] will be considered timely filed if the report is postmarked on or before the filing deadline. A committee sending its reports by Priority Mail or Priority Express Mail, or by an overnight delivery service, should keep its proof of mailing or other means of transmittal of its reports. See 52 U.S.C. § 30104(a)(5) and 11 CFR 100.19(b) 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 (or the Secretary of the Senate) before close of business on the filing deadline. See 11 CFR 100.19(b) and 104.5(e). (If the deadline falls on a weekend or federal holiday, such filers should plan accordingly and file reports by the close of business on the last business day before the filing deadline.) Forms may be downloaded at <http://www.fec.gov/info/forms.shtml> and are available from FEC Faxline, the agency's automated fax system (202/501-3413).

State, District and Local Party Committees

As noted above, state, district and local party committees that engage in reportable "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 quarterly basis in 2016. See 11 CFR 104.5(c)(2)(i).

National Party Committees

National committees of political parties must file on a monthly schedule. 52 U.S.C. § 30104(a)(4)(B) and 11 CFR 104.5(c)(4).

Political Action Committees

PACs (separate segregated funds, committees with non-contribution accounts (also sometimes called "Hybrid" PACs), independent expenditure-only committees (Super PACs) and other nonconnected committees) that filed on a semi-annual basis in 2015 file on a quarterly basis in 2016. Monthly filers continue on a 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. 11 CFR 104.5(c).

The committee will receive a letter from the Commission approving the frequency change.

Additional Information

For more information on 2016 reporting dates:

- 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](http://www.fec.gov/info/faxline.shtml) (202/501-3413, document 586); or
- Visit the FEC's web page at http://www.fec.gov/info/report_dates_2016.shtml to view the reporting tables online.

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

²As used here, "overnight mail" includes Priority or Priority 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. See 11 CFR 100.19(b)(1) and (b)(3)(i). Note that "Express Mail" as referred to in FEC regulations has been re-named "Priority Express Mail" by the USPS.

(Posted 03/21/2016; By: Katherine Carothers)

Resources:

- [Compliance Map](#)
- [2016 Reporting Dates](#)
- [FEC Electronic Filing](#)

Compliance

[FEC Cites Committees for Failure to File 12-Day Pre-Primary Reports](#)

On March 11, 2016, the Federal Election Commission cited two campaign committees for failing to file the 12-Day Pre-Primary Election Reports required by the Federal Election Campaign Act of 1971, as amended (the Act), for the Illinois and North Carolina (Senate) primary elections to be held on March 15, 2016.

As of March 10, 2016, the required disclosure report had not been received from:

- Thomas Day For Congress (IL-07)
- Chris Rey For Senate (NC)

The reports were due on March 3, 2016, and should have included financial activity for the period January 1, 2016 through February 24, 2016. If sent by certified or registered mail, the report should have been postmarked by February 29, 2016.

The Commission notified committees involved in the Illinois and North Carolina (Senate) primary elections of their potential filing requirements on February 8, 2016. Those committees that did not file on the due date were sent notification on March 4, 2016 that their reports had not been received and that their names would be published if they did not respond within four business days.

Some individuals and their committees have no obligation to file reports under federal campaign finance law, even though their names may appear on state ballots. If an individual raises or spends \$5,000 or less, he or she is not considered a "candidate" subject to reporting under the Act.

Other political committees that support Senate and House candidates in elections, but are not authorized units of a candidate's campaign, are also required to file quarterly reports, unless they report monthly. Those committee names are not published by the FEC.

Further Commission action against non-filers and late filers is decided on a case-by-case basis. Federal law gives the FEC broad authority to initiate enforcement actions, and the FEC has implemented an Administrative Fine program with provisions for assessing monetary penalties.

(Posted 03/11/2016)

Resources:

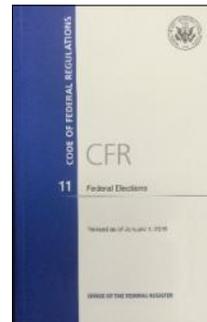
- [FEC Non-Filer Press Release](#)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)

Regulations

[2016 Edition of 11 CFR Now Available](#)

Printed copies of the 2016 edition of Title 11 of the Code of Federal Regulations (CFR) are now available. Contact the Commission's Information Division at (202) 694-1100 or (800) 424-9530 (press 6, when prompted) to order printed copies of the CFR at no charge. You may also email the Information Division to place an order at info@fec.gov.

Title 11 of the CFR is also available on the Commission's website at <http://www.fec.gov/law/cfr/cfr.shtml>.



(Posted 04/04/2016; By: Alex Knott)

Resources:

- [FEC Regulations](#)

Advisory Opinions

[Pending Advisory Opinion Requests as of March 31, 2016](#)

Advisory Opinion Requests (AORs) pending before the Commission as of the end of the month are listed below. Procedures for commenting on pending AORs are [described here](#).

- [AOR 2016-01](#) [PDF] Use of web platform to provide news and original content to users (Ethiq received on February 23, 2016)
- [AOR 2016-02](#) [PDF] Affiliation of corporations and their SSFs (Enable received on February 24, 2016)
- [AOR 2016-03](#) [PDF] Contribution limit for campaign with postponed primary date.

(Holding for Congress received on March 9, 2016)

- [AOR 2016-04](#) [PDF] Abbreviated name of SSF. (Grand Trunk Western Railroad -- Illinois Central Railroad PAC received on March 15, 2016)

(Posted 04/04/2016; By: Alex Knott)

Resources:

- [Advisory Opinion Search](#)