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Commission

[FEC Announces Departure of Acting General Counsel Daniel A. Petalas](#)



Acting General Counsel Daniel A. Petalas will leave the Federal Election Commission next month to become an owner in the Washington, D.C. office of the law firm Garvey Schubert Barer, where he will practice in the White Collar, Political Law, and Litigation practice areas.

Petalas has served as Acting General Counsel to the Commission for a year. Between February 2012 and August 2015, he was head of the Enforcement Division of the Office of the General Counsel.

Petalas was a Trial Attorney in the Public Integrity Section of the U.S. Department of Justice for nearly 10 years, a Special Assistant U.S. Attorney with the U.S. Attorney's Office for the District of Columbia, and, from 1999 to 2003, a commercial litigation Associate with Vinson & Elkins LLP.

"On behalf of our fellow Commissioners and agency staff, we thank Dan for his exceptional service. In his years with the Commission, we have valued his counsel and his commitment to providing the highest quality work product. We wish him the best as he transitions to private practice," said Chairman Matthew S. Petersen and Vice Chairman Steven T. Walther.

The Commission will work to fill the vacancy.

Petalas received a B.A. from California State University—Fullerton, an M.A. in English Literature from Texas A&M University, and his J.D. with Honors from the University of Texas School of Law, where he was the Managing Editor of the Texas Law Review. After law school, he served as a law clerk to the Honorable Thomas M. Reavley on the United States Court of Appeals for the Fifth Circuit.

"It has been deeply rewarding to serve the Commission both as its Acting General Counsel and head of the Enforcement Division of the Office of the General Counsel during this significant period in the administration of the nation's federal campaign finance laws," said Petalas. "I look forward to my return to private practice and am confident that the talented and dedicated staff of the Office of the General Counsel will continue to provide exemplary legal counsel to the Commission concerning the important mission of the agency."

(Posted 08/23/2016)

Resources:

- [Press Release](#) (August 22, 2016)
- [About the FEC](#)

[Commission Appoints Associate General Counsels](#)

The Federal Election Commission has appointed Kevin Deeley as Associate General Counsel of the Office of General Counsel's Litigation Division and Adav Noti as Associate General Counsel of the Office of General Counsel's Policy Division.

Since 2013, Mr. Deeley has served as the acting head of the Litigation Division, supervising the agency's enforcement and defense of the federal campaign finance laws in court. He has also served previously as the Acting Associate General Counsel of the Policy Division. Mr. Deeley was an attorney in the Litigation Division from 2000 to 2007, and Assistant General Counsel from 2007 to 2012.



Mr. Deeley received a B.A. from Boston College, and his J.D. from Harvard Law School. After law school, he was a law clerk to the Honorable David O. Carter of the United States District Court, Central District of California.



Mr. Noti will oversee the Policy Division, which counsels the Commission regarding advisory opinions, rulemakings, audits, and other matters requiring interpretation of federal campaign finance law.

Mr. Noti joined the Commission in 2007 in its Litigation Division, where he served as an attorney from 2007 to 2011. In 2011, Mr. Noti was appointed Special Assistant United States Attorney in the United States Attorney's Office for the District of Columbia. He returned to the Commission in 2012 as Acting Assistant General Counsel in the Litigation Division and in 2013 he was named Acting Associate General Counsel for Policy. Prior to joining the Commission, Mr. Noti was a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison.

Mr. Noti received his B.A. in Religious Studies from the University of Pennsylvania, his J.D. from New York University School of Law, and his M.A.L.S. in Religious Studies from Georgetown University. He clerked for Judge Berle M. Schiller of the United States District Court for the Eastern District of Pennsylvania.

(Posted 08/15/2016; By: Dorothy Yeager)

Resources:

- [Press Release for Kevin Deeley](#) (August 12, 2016)
- [Press Release for Adav Noti](#) (August 12, 2016)
- [About the FEC](#)

[FEC Adopts Interim Verification Procedure for Filings Containing Possibly False or Fictitious Information](#)

The Federal Election Commission announced an interim procedure staff will follow to verify information in filings from the 2016 election cycle that appear to be unlawfully false or fictitious. The new procedure comes in response to an increase this election cycle in the filing of registration and statement of candidacy forms (FEC Forms 1 and 2) that provide patently false candidate or treasurer names, questionable contact or bank information, or material that does not relate to campaign finance, such as drawings, essays and personal court records.

The Commission has authorized staff to send verification letters to filers listing fictional characters, obscene language, sexual references, celebrities (where there is no indication that the named celebrity submitted the filing), animals, or similarly implausible entries as the name or contact information of the candidate or committee. These letters will:

- notify the filer of the potential penalties for false filings with a federal agency;
- note the seemingly false information (candidate name, contact information, etc.) that was filed on the relevant Statement of Organization (FEC Form 1) or Statement of Candidacy (FEC Form 2);
- direct the filer to file a letter either confirming or withdrawing the filing, or to file an amended Form 1 or 2, within 30 days of the date of the verification letter;
- indicate that withdrawing the filing or failing to respond to the verification letter will lead to the Form 1 or 2 being removed from the searchable candidate/committee filings database on the Commission's website; and
- note that removal of the filing from the Commission's searchable database does not waive the Commission's authority to pursue or refer action for false filing under 52 U.S.C. Section 30109(a) or otherwise report such filings under 52 U.S. C. Section 30107(a)(9).

A staff working group will devise and recommend a prospective solution for the Commission's consideration and implementation in conjunction with the Reports Analysis Division's Review and Referral Procedures approval process for the 2017-2018 election cycle.

(Posted 08/19/2016)

Resources:

- [Press Release](#) (August 18, 2016)
- [About the FEC](#)

Litigation

[Pursuing America's Greatness v. FEC \(Appeals Court\)](#)

On August 2, 2016, a panel of the U.S. Court of Appeals for the District of Columbia Circuit reversed the district court's denial of Pursuing America's Greatness's (PAG) request for a preliminary injunction against the application of a Commission regulation, 11 CFR 102.14(a), to PAG's websites and social media pages. As interpreted by the Commission, the regulation in section 102.14(a) prohibits an unauthorized political committee's use of a federal candidate's name in its official name or in the titles of special projects such as websites or social media pages. The panel concluded that this regulation, as applied to PAG, is a content-based ban on speech that likely violates the First Amendment.

Background and District Court Decision

The Federal Election Campaign Act and Commission regulations require political committees that are authorized by a federal candidate to include the name of that candidate in their official names. Conversely, "unauthorized" political committees are expressly prohibited from using the name of any federal candidate in their official names. Additionally, "any name under which a[n unauthorized] committee conducts activities, such as solicitations or other communications, including a special project name" shall not include the name of any candidate unless one of three exceptions applies. 11 CFR 102.14(a). Under one of those exceptions, an unauthorized committee is permitted to use a candidate's name in the title of a communication or special project that "clearly and unambiguously" shows opposition to the named candidate. 11 CFR 102.14(b)(3). PAG is an unauthorized political committee. In the 2016 presidential primaries, PAG supported former Governor Mike Huckabee and wished to support Governor Huckabee's bid through a website and a Facebook page titled "I Like Mike Huckabee." However, under the Commission's regulations and interpretations, PAG would have likely violated the committee naming restrictions by doing so. In July 2015, PAG sought a preliminary injunction to prevent the Commission from enforcing the name requirement against it. The district court denied the motion in September 2015 and PAG appealed to the Court of Appeals.

Court of Appeals Decision

Standing. The Court of Appeals panel first addressed whether PAG had a continuing interest in this case because Governor Huckabee has suspended his 2016 presidential campaign and is no longer a federal candidate. Based on PAG's stated intent to support other federal candidates in the 2016 elections, the panel concluded that PAG could maintain its challenge to the naming regulation.

Administrative Procedure Act Challenge. PAG argued that the Commission had violated the Administrative Procedure Act (APA) by extending 11 CFR 102.14(a)'s naming restrictions to websites and social media pages that do not solicit contributions to the committee. Citing Commission [Advisory Opinion 2015-04](#) (Collective Actions PAC), PAG argued that by applying the regulation to activities such as websites and social media pages lacking such fundraising requests, the Commission was going beyond the regulation's purpose, which was to avoid potential fraud in fundraising.

The panel concluded that it is required to give "substantial deference" to the Commission's interpretation of its own regulation and that the Commission had reasonably applied the regulation to the facts and circumstances presented in the Advisory Opinion request. As a result, the panel held that PAG was unlikely to succeed on its APA challenge.

First Amendment Challenge. With respect to PAG's First Amendment challenge to the regulation, the Commission argued that the name regulation was not a restriction on speech but a disclosure requirement that quickly and easily communicates whether a political committee or special project is authorized by any candidate or candidates. The panel did not agree that the name requirement "compels disclosure." The regulation, it wrote, "does not obligate PAG to say anything."

Based on this conclusion, the panel viewed the regulation as a content-based restriction on PAG's political speech that "prevents PAG from conveying information to the public." It found that the appropriate level of constitutional scrutiny is "strict scrutiny." Under that standard, the government must demonstrate that the regulation is narrowly tailored to a compelling governmental interest. The panel ultimately held that the name regulation likely would not satisfy strict scrutiny because, even assuming that the government had a compelling interest in avoiding the type of voter confusion the Commission had identified, the panel found it difficult to assess the Commission's conclusions about the tailoring of the regulation. It concluded that "[b]ecause the [Commission] has not shown that its" method of regulation "is the least restrictive means of achieving the government's interest, there is a substantial likelihood that [the regulation] fails strict scrutiny and violates the First Amendment as applied to PAG."

After analyzing the other preliminary injunction factors, the panel reversed the district court's denial of PAG's motion for a preliminary injunction and remanded the case to the district court to enjoin the Commission from enforcing the committee name regulation at 11 CFR 102.14(a) against PAG's websites and social media pages.

(Posted 08/09/2016; By: Myles Martin)

Resources:

- *Pursuing America's Greatness v. FEC* [Litigation Page](#)

Advisory Opinions

[AO 2016-06: SSF May Conduct Proposed Online Activity](#)

A trade association PAC may conduct proposed activities via what it has described as an "online candidate interaction and fundraising platform."

However, the Commission could not agree on whether this activity would result in in-kind contributions to the participating candidates.

Background

The Internet Association Political Action Committee ("IAPAC") is the separate segregated fund of the Internet Association ("IA"), a 501(c)(6) non-profit trade organization.

]

IA and IAPAC stated that they "have developed a virtual fundraiser platform" to allow the general public to "see [a] candidate in real time, ask questions, share their views, and ... make a contribution to the candidate." The requestors noted that "[e]ach event will feature one candidate... and will be hosted by an IA staff person (likely IA's president and CEO). The host will engage ... with the candidate about ...the Internet economy ... [and] the candidate's campaign." As part of the proposed activity, the host and the candidate may "urge listeners to vote for the candidate ... and ask viewers to make contributions to the candidate."

Analysis

The Commission concluded that IAPAC may conduct the proposed activities. The Commission further concluded that IAPAC must pay IA for the staffing and software development costs in order to prevent IA from making a prohibited corporate contribution. IAPAC must report its disbursements for these activities on their regularly scheduled reports, and IA must also report communication costs to its members on FEC Form 7 once those costs exceed \$2,000 per election.

However, the Commission could not agree on whether the proposed activity would result in an in-kind contribution to the participating candidates.

Date issued: 08/1/2016; 2 pages.

(Posted 08/04/2016; By: Isaac Baker)

Resources:

- [Advisory Opinion 2016-06](#) [PDF]
- [Concurring Statement of Chairman Matthew S. Petersen and Commissioners Lee E. Goodman and Caroline C. Hunter](#) [PDF]
- [Commission Consideration of Advisory Opinion 2016-06](#) 
- [Agenda Document No. 16-27-A](#) [PDF]
- [Agenda Document No. 16-27-B](#) [PDF]
- [Agenda Document No. 16-27-B-1](#) [PDF]

[AO 2016-08: Commercial Vendor May Operate Online Fundraising and Contribution Processing Platforms](#)

A commercial vendor may operate two internet-based platforms: one that provides fundraising services to political committees and another that allows individuals to contribute to federal political committees and encourage their online contacts to do the same.

Background

The requestor, eBundler.com, an LLC taxed as a partnership, has developed internet-based platforms that it plans to offer to political committees and other clients. The requestor proposes two platforms: "eBundler," a fundraising platform offered to political committees and other organizations; and "Donorship," a contribution processing and forwarding platform for individual donors. In some cases, the two platforms will work in tandem.

Through the Donorship platform, individuals will be able to make contributions to political committees, and other organizations. Users will be able to select a recipient political committee from a database and can add a political committee to the database if it is not already listed.

Before making a contribution to a federal political committee through the Donorship platform, an individual contributor will have to attest to their eligibility to make such a contribution. Contributors will be informed of the relevant contribution limits and prompted to enter the contributor information needed for the recipient political committee's FEC reports. All contributions will be processed through a segregated account.

Individuals will also be able to upload their online contacts and email them committee solicitations using email templates provided through the Donorship platform. Individuals may add a personalized statement to their message, and track the total amount of contributions made in response to their solicitation.

The eBundler platform will provide fundraising services to political committees (and other organizations) that enter into a contract with the requestor. These client committees will then be able to personalize the landing page individual users of the Donorship platform will see when they select the client committee from the database, and will be able to create customized solicitation email templates for individuals to send to their contacts. Client committees will also have the ability to track contributions, obtain certain contributor information, contact contributors through the eBundler platform, and publicly recognize certain individual contributors.

The requestor will charge its clients a commercially reasonable fee, which will cover the costs of the services provided and a reasonable profit. Individuals will pay a fee for making contributions through the Donorship platform when the recipient political committee is not a client. Political committees that are clients will pay a fee to cover both the fundraising services provided through the eBundler platform and the contribution processing and forwarding services provided through the Donorship platform. While fees may vary for business reasons, the requestor states the fee variations will not be based in any way on political considerations.

Analysis

The Commission found the requestor's provision of services through its online platforms to be permissible and that the provision of these services will not constitute a contribution. The requestor proposed to provide services both to individual contributors and to political committees. Because different analyses apply to these situations, the Commission considered each separately.

Services to Contributors. In prior advisory opinions, including [AO 2015-15](#) (WeSupportThat.com), [AO 2014-07](#) (Crowdpac), and [AO 2012-22](#) (skimmerhat), the Commission has determined that entities that process contributions as a service to contributors, and not to the recipient political committees, are not making contributions to those political committees. Like these prior requestors, the requestor here will forward contributions at the contributor's direction to the contributor's desired political committee and will charge a commercially reasonable fee for the service.

This proposal differs from others approved by the Commission only in that eBundler will provide individual users with tools allowing them to reach out to their online contacts and

encourage them to contribute to a political committee. However, the Commission determined this difference was immaterial because the individual user, not eBundler, will have total control of whether to use these tools.

Therefore, the Commission concluded that the requestor's provision of services to individuals through the Donorship platform will not constitute a contribution to recipient political committees.

Services to Political Committees. This request is also similar to online platforms approved by the Commission that provide contribution processing and fundraising services directly to political committees, such as [AO 2012-09](#) (Points for Politics) and [AO 2007-04](#) (Atlatl). In these past advisory opinions, the Commission concluded that a vendor providing contribution processing services to federal political committees does not amount to a contribution from the vendor. The Commission found these proposals permissible where: 1) the vendor provided the services in the ordinary course of business and at the usual and normal charge; 2) the vendor forwarded contributions through a segregated account to the recipient political committees; and 3) the vendor used proper screening procedures to prevent illegal contributions.

Here, the Commission determined that eBundler's service package satisfies all three of these criteria. First, the requestor will provide these services as a for-profit developer of fundraising and contribution processing platforms and for a commercially reasonable fee, which will not be based on any political considerations. Second, the requestor will transfer the contributions from a segregated account to the recipient political committees within 10 days of receipt. Finally, eBundler will require contributors to attest to their ability to make a legal contribution, and the platform will reject one-time excessive contributions. By meeting the three criteria, the Commission determined that the requestor will be acting as a commercial vendor and this activity will not result in a contribution from the requestor to the recipient political committees.

Reporting

The Commission found the proposal will not result in any reporting requirements for the requestor. The requestor will not be a political committee, nor will it make any expenditures that require reporting. Furthermore, the requestor will not be subject to the reporting requirements applicable to conduits. The Commission has determined in advisory opinions such as [AO 2012-22](#) (skimmerhat) that where, as here, a commercial vendor provides contribution processing services to contributors, the contributions made through the platform are not earmarked contributions made through an intermediary, but rather direct contributions from the contributor to the recipient. Moreover, the Commission regulation at 11 CFR 110.6(b)(2)(i)(D) exempts commercial fundraising firms from the definition of "conduit." The requestor, as a commercial vendor, also qualifies as a commercial fundraising firm, and thus will not be subject to the reporting requirements applicable to conduits.

Date issued 08/16/2016; 8 pages.

(Posted 08/31/2016; By: Isaac Baker)

Resources:

- [Advisory Opinion 2016-08](#) [PDF]
- [Commission Consideration of Advisory Opinion 2016-08](#) 

Pending Advisory Opinion Requests as of August 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 2016-09](#) [PDF] Contribution limits for campaigns with new primary (Martins for Congress received on August 24, 2016)
- [AOR 2016-10](#) [PDF] U.S. citizen living abroad soliciting contributions to state and local party committees (Caroline Goodson Parker received on August 26, 2016)

(Posted 08/31/2016; By: Dorothy Yeager)

Resources:

- [Advisory Opinion Search](#)

Reporting

Ohio Special Democratic Primary Election Reporting: 8th District

Ohio will hold a special primary election to fill the vacancy on the November 8, 2016, general election ballot that was created by the withdrawal of Democratic nominee Corey Foister. The Special Primary will be held September 13, 2016.

Candidate committees involved in this election must follow the reporting schedule posted at http://www.fec.gov/pages/report_notices/2016/oh08_dem.shtml.

That schedule also applies to PACs and party committees that file on a quarterly basis in 2016 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.



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 are considered to be filed on the date of their postmark. See 52 U.S.C. § 30104(a)(2)(A)(i), (a)(4)(A)(i) and (a)(5); 11 CFR 104.5(e). Accordingly, 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. 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 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. 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. 52 U.S.C. § 30104(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 filing deadline. 11 CFR 100.19 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 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 from August 25 through September 10, 2016, for the Special Primary Election.

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 or more from August 25 through September 11, 2016, for the Special Primary. This requirement is in addition to that of filing 48-hour reports of independent expenditures that aggregate \$10,000 or more 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 August 25, 2016, for the Special Primary.

Electioneering Communications

The 30-day electioneering communications period in connection with the Special Primary Election runs from August 14 through September 13, 2016.

Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L

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 online tracking system.

if they receive two or more bundled contributions from any lobbyist/registrant or lobbyist/registrant PAC that aggregate in excess of \$17,600 during the special election reporting periods. 11 CFR 104.22(a)(5)(v) and (b).

(Posted 08/10/2016; By: Katherine Carothers)

Resources:

- [Ohio 8th District Special Election Prior Notice](#)
- [2016 Reporting Dates](#)
- [Ohio 8th District Special Election Compliance Page](#)
- [Federal Register Notice](#) [PDF]

Hawaii Special Election Reporting: 1st District

Hawaii will hold a special general election to fill the U.S. House seat in Hawaii's 1st Congressional District of the late Representative Mark Takai. The Special General will be held November 8, 2016. Candidate committees involved in this election must follow the reporting schedule posted at http://www.fec.gov/pages/report_notices/2016/hi01.shtml.



That schedule also applies to PACs and party committees that file on a quarterly basis in 2016 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.

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 are considered to be filed on the date of their postmark. See 52 U.S.C. § 30104(a)(2)(A)(i), (a)(4)(A)(i) and (a)(5); 11 CFR 104.5(e). Accordingly, 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. 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 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. 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. 52 U.S.C. § 30104(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 filing deadline. 11 CFR 100.19 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 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 from October 20 through November 5, 2016, 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 \$1,000 or more from October 20 through November 6, 2016, 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 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 October 20, 2016, for the Special General.

Electioneering Communications

The 60-day electioneering communications period for the Special General Election runs from September 9 through November 8, 2016.

Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and leadership PACs that are otherwise required to file reports in connection with the special elections 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 \$17,600 during the special election reporting periods. 11 CFR 104.22(a)(5)(v) and (b).

(Posted 08/12/2016; By: Katherine Carothers)

Resources:

- [Hawaii 1st District Special Election Prior Notice](#)
- [2016 Reporting Dates](#)
- [Hawaii 1st District Special Election Compliance Page](#)
- [Federal Register Notice](#) [PDF]

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 online tracking system.

Compliance

[FEC Cites Campaigns in Minnesota and Wisconsin for Failure to File Required Report](#)

The Federal Election Commission has cited four campaign committees for failing to file the 12-Day Pre-Primary Report required by the Federal Election Campaign Act of 1971, as amended (the Act), for primary elections being held on August 9, 2016, in Minnesota and Wisconsin.

As of August 4, 2016, the required 12-Day Pre-Primary disclosure report had not been received from:

- Buchholz for Congress (WI-03)
- Committee to Help Matthew D. Erickson Build America First (MN-02)
- Friends of Lewis for Wisconsin (WI-07)
- G Ryan for Congress (MN-04)

The pre-primary report was due on July 28, 2016, and should have included financial activity for the period July 1 through July 20. If sent by certified or registered mail, the report should have been postmarked by July 25. The Commission notified committees involved in the primary elections of their potential filing requirements on July 1, 2016.

Those committees that did not file by the due date were sent notification on July 29, 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 08/05/2016)

Resources:

- [FEC Non-Filer Press Release](#) (August 5, 2016)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)

[FEC Cites Campaigns in Alaska and Wyoming for Failure to File Required Report](#)

The Federal Election Commission has cited four campaign committees for failing to file the 12-Day Pre-Primary Report required by the Federal Election Campaign Act of 1971, as amended (the Act), for primary elections being held on August 16, 2016, in Alaska and Wyoming.

As of August 11, 2016, the required 12-Day Pre-Primary disclosure report had not been received from:

- Bob Lochner for US Senate (AK)
- Darin Smith for Wyoming (WY)
- Cean Stevens for US Senate (AK)
- Rammell for Wyoming (WY)

The pre-primary report was due on August 4, 2016, and should have included financial activity for the period July 1 through July 27. If sent by certified or registered mail, the report should have been postmarked by August 1. The Commission notified committees involved in the primary elections of their potential filing requirements on July 11, 2016. Those committees that did not file by the due date were sent notification on August 5, 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 08/12/2016)

Resources:

- [FEC Non-Filer Press Release](#) (August 12, 2016)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)

[FEC Cites Campaigns in Arizona and Florida for Failure to File Required Report](#)

The Federal Election Commission has cited six campaign committees for failing to file the 12-Day Pre-Primary Report required by the Federal Election Campaign Act of 1971, as amended (the Act), for primary elections being held on August 30, 2016, in Arizona and Florida.

As of August 25, 2016, the required 12-Day Pre-Primary disclosure report had not been received from:

- Williamson for U.S. Congress (AZ-06)
- Fatima for Congress (FL-10)
- Quinn for Congress 2016 (FL-14)
- Sackrin for Congress (FL-27)
- robforcongress (Rob Lapham) (FL-02)
- Bruderly for Congress (FL-04)

The pre-primary report was due on August 18, 2016, and should have included financial activity for the period July 1 through August 10. If sent by certified or registered mail, the report should have been postmarked by August 15. The Commission notified committees involved in the primary elections of their potential filing requirements on July 25, 2016. Those committees that did not file by the due date were sent notification on August 19, 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 08/26/2016)

Resources:

- [FEC Non-Filer Press Release](#) (August 26, 2016)
- [Compliance Map](#)
- [The Administrative Fine Program](#)
- [FEC Reporting Dates](#)
- [Late Filing and Other Enforcement Penalties](#) (Reports Analysis Division)

Outreach

FEC to Host Reporting and FECFile Workshops

The Commission will offer reporting and FECFile webinars in September to help filers prepare for the busy pre-election filing period. The webinars for PACs and party committees will be held on Thursday, September 22. The webinars for candidate committees will be held on Wednesday, September 28.

The reporting sessions will address common filing problems and provide answers to questions committees may have as they prepare to file their October Quarterly, October Monthly and Pre-General Election Reports, as appropriate. The electronic filing sessions will demonstrate the Commission's FECFile software and address questions FECFile users may have concerning the software.

Webinar Information. An email containing a link to workshop materials, technical information and additional instructions will be sent to registered participants the day before the webinar.

Registration Information. The registration fee is \$25 per workshop. For the PAC and party workshops, the cancellation deadline is Friday, September 16. For the candidate webinars, a full refund will be made for all cancellations received by Friday, September 23; no refunds will be made for cancellations received after that deadline. Complete registration information is available on the FEC's website at <http://www.fec.gov/info/outreach.shtml#roundtables>.

Registration Questions

Please direct all questions about the roundtable/webinar registration and fees to Sylvester Management at 1-800/246-7277 or email Rosalyn@sylvestermanagement.com. For other questions, call the FEC's Information Division at 800/424-9530 (press 6), or send an email to Conferences@fec.gov.

(Posted 08/30/2016; By: Isaac Baker)

Roundtable Schedule:

Reporting Workshops/Webinars

September 22, 2016

Online Only

- Reporting for PACs & Party Committees, 1:00 — 2:30 PM ET
- FECFile for PACs & Party Committees, 2:45 — 4:15 PM ET

September 28, 2016

Online Only

- Reporting for Candidate Committees, 1:00 — 2:30 PM ET
- FECFile for Candidate Committees, 2:45 — 4:15 PM ET

Resources:

- [FEC Educational Outreach Opportunities](#)
- [Filing Dates](#)

