

FEDERAL ELECTION COMMISSION



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FEC FILES SUIT AGAINST THREE CANDIDATES

WASHINGTON-January 17 - The Federal Election Commission today revealed that it has filed civil suits in three United States District Courts to compel three Federal candidates to comply with the reporting requirements of the Federal Election Campaign Act.

In separate suits involving three candidates for the U.S. House of Representatives, the FEC asked the District Courts to order each candidate to designate a "principal campaign committee", to file the report required 10 days prior to the November 2 general election, and in two of the cases, to also file the report required 30 days after the general election.

The FEC also asked the courts to assess a penalty of not more than \$5,000 against the candidates "for failing and refusing to comply with the Act."

The following are the candidates, their district/state, their political party, and the U.S. District Court in which the suits were filed, (alphabetically by state):

Richard Daly.....7th dist. - Massachusetts
Republican Party.....(District Court, Massachusetts)

Walter Swirsky.....3rd dist. - New Jersey
Libertarian Party.....(District Court, New Jersey)

Martin S. Shepherd, Jr.....12th dist. - New York
Conservative Party.....(Eastern District Court, New York)

The Commission stated in its court complaints that prior to filing civil suits it had sent at least two notices to each candidate concerning the failure to file the pre-election and post-election reports, and also concerning the failure to designate a "principal campaign committee."

Before the general election, on Saturday, October 30, the FEC also published each candidate's name publicly, as required by the statute, as having failed to file the pre-general election report.

In the case of Daly, the FEC sent "principal campaign committee" designation notices on October 6 and 14, and also sent notices about the required October 23 pre-general election report on October 25 and 27. Daly was also cited in the court suit for having failed to file the quarterly report due on October 10.

In the case of Swirsky, the FEC sent "principal campaign committee" designation notices on September 30, October 7, and October 14, and also sent notices about the required October 23 pre-general election report on October 25 and October 27. Notices were sent to Swirsky about the required December 2 post-general election report on December 11 and 22.

In the case of Shepherd, the FEC sent "principal campaign committee" designation notices on August 16 and September 27, and also sent notices about the required October 23 pre-general election report on October 12, 26 and 27. Notices were sent to Shepherd about the required December 2 post-general election report on December 10 and 20.

In each case, under FEC compliance procedures, the first notice informed the candidate that the Commission found "reason to believe" a violation of the Act may have occurred, and the second notice informed the candidate that the Commission found "reasonable cause to believe" a violation of the Act may have occurred. Prior to filing suit, the Commission voted to find "probable cause" to believe a violation of the Act may have occurred.