

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE

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DATE FILMED 5-28-04 CAMERA NO. 3

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
WASHINGTON, D.C.

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April 1, 2003

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ROBERT J. COSTA
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
12 DAY PRE-GENERAL REPORT FOR THE
ADMINISTRATIVE FINES PROGRAM

Attached is a list of political committees and their treasurers who failed to file or timely file the 2002 12 Day Pre-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of unauthorized committees that file monthly and authorized committees whose candidates sought election in the November 5th General Election. The filing of the 12 Day Pre-General Report is mandatory in both cases. On September 30, 2002, Prior Notice was sent to the political committees and their treasurers, informing them that the report was due on October 24, 2002 and should cover the period from October 1, 2002 through October 16, 2002.

The committees appearing on the list either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties at 11 CFR 111.43, these committees should be assessed the civil money penalties included on the attached list.

For your information, the Day & Zimmermann, Inc. Federal PAC (AF 813) filed the 2002 November Monthly Report in lieu of the 12 Day Pre-General Report. Because

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the committee itemized all receipts and disbursements that transpired during the month, RAD was able to calculate the proposed civil money penalty based on the actual receipts and disbursements that occurred during the 12 Day Pre-General reporting period.

The Friends of Israel Political Action Committee (AF 818) and the National Pest Control Association Political Action Committee (AF 828) also filed 2002 November Monthly Reports in lieu of the 12 Day Pre-General Report. However, in these cases, RAD was unable to distinguish the precise activity that occurred during the 12 Day Pre-General reporting period. Since the coverage dates for the November Monthly Report (10/1/02 - 10/31/02) extend beyond that required for the 12 Day Pre-General Report (10/1/02 - 10/16/02) by fifteen days, RAD used 52% of the total financial activity of the November Monthly Report to calculate the proposed civil money penalty.

Additionally, there were several instances where committees filed both the November Monthly Report and 12 Day Pre-General Report. Where the November Monthly Report was filed before the 12 Day Pre-General, we used the receipt date of the November Monthly (in order to reflect the earliest disclosure) and the level of activity of the 12 Day Pre-General Report.

As stated at the outset, this RTB circulation only includes unauthorized committees filing monthly reports and authorized committees supporting candidates who were in the general election. An unauthorized committee that files on a quarterly basis must file the 12 Day Pre-General Report only if it makes a contribution to, or an expenditure on behalf of, a candidate in the general election between the dates of October 1, 2002 and October 16, 2002, inclusive. The universe of quarterly filers required to file this report cannot be determined with any certainty until we are able to review the activity disclosed in the 30 Day Post-General Report submitted by quarterly filers. Once this research is completed, we will circulate the RTB recommendations for the failure to file or failure to timely file the 12 Day Pre-General Report by unauthorized quarterly filers.

Recommendation

- (1) Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
- (2) Send the appropriate letter.

24.09.255.2862

DATE 04/01/2003
PAGE: 1FEDERAL ELECTION COMMISSION 2001-2002
Reason to Believe Circulation Report
2002 12 DAY PRE-GENERAL

AF #	COMMITTEE NAME	COMMITTEE ID	RECEIPT DATE	THREASURER	DAYS LATE	LEVEL OF ACTIVITY	STATE	THRESHOLD AMOUNT	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00797	SYED MAHMOOD FOR CONGRESS	C00374629	10/31/2002	INTIAZ AHMAD	7	\$7,977	CA	\$101,258	MAHMOOD, SYED R	Yes	0	\$325
AF00798	KENDRICK MEEK FOR CONGRESS	C00379727	10/30/2002	ANTHONY BRUNSON	6	\$63,720	FL	\$436,185	MEEK, KENDRICK B	Yes	0	\$900
AF00799	JOE FINLEY FOR CONGRESS	C00378596	10/31/2002	SAL PERROTTA	7	\$52,089	NY	\$243,797	FINLEY, JOSEPH P	Yes	0	\$975
AF00800	SNYDER FOR CONGRESS CAMPAIGN COMMITTEE	C00334441	11/04/2002	TAYLOR, MALLORY MR.	Not Filed	\$32,635	AR	\$821,293	SNYDER, VICTOR FREDERICK	Yes	0	\$2,000
AF00801	VAN AUKEN FOR CONGRESS COMMITTEE	C00374546	11/04/2002	LES KRAITZICK	Not Filed	\$32,503	GA	\$127,392	VAN AUKEN, CYNTHIA L	Yes	0	\$2,000
AF00802	COMMITTEE TO ELECT MADELEINE Z BORDALLO 2002	C00369686	03/11/2003	P JUNE TERLAJE	Not Filed	\$26,841	GU	\$171,384	BORDALLO, MADELEINE Z	Yes	0	\$2,000
AF00803	RON DAUGHERTY FOR CONGRESS	C00371955	11/08/2002	SCOTT LYKINS	Not Filed	\$116,092	NC	\$437,239	DAUGHERTY, RONALD TYLER	Yes	0	\$5,000
AF00804	MECKS FOR CONGRESS	C00329375	11/11/2002	Joan E. Flowers Esq.	Not Filed	\$20,995	NY	\$843,641	MEEKS, GREGORY W	Yes	2	\$1,500
AF00805	HORNBERGER FOR SENATE	C00379073	12/11/2002	JOHN K BROWN	Not Filed	\$5,950	VA	\$101,449	HORNBERGER, JACOB G JR	Yes	0	\$1,000
AF00806	DONNA 2002 CONGRESSIONAL CAMPAIGN COMMITTEE	C00320754	12/04/2002	CAROL LABAN	Not Filed	\$15,411	VI	\$134,141	CHRISTIAN-CHRISTENSEN, DONNA M	Yes	1	\$1,250

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FEDERAL ELECTION COMMISSION 2001-2002
Reason to Believe Circulation Report
2002 12 DAY PRE-GENERAL

AF #	COMMITTEE NAME	COMMITTEE ID	RECEIPT DATE	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
	TEASURER	DAYS LATE	LEVEL OF ACTIVITY						
AF00807	LEVEL 3 COMMUNICATIONS INC. POLITICAL ACTION COMMITTEE			\$204,197	CO		Yes	1	\$375
	C00347385	Pribyl, James	\$6,259						
	10/30/2002	6							
AF00808	AMERICAN FINANCIAL SERVICES ASS'N PAC (FORMERLY- NATIONAL CONSUME			\$242,980	DC		Yes	0	\$1,000
	C00038604	GEORGE SHAWN MCELWEE	\$5,530						
	11/18/2002	Not Filed							
AF00809	APPRAISAL INSTITUTE POLITICAL ACTION COMMITTEE			\$197,896	DC		Yes	0	\$1,000
	C00144261	DONALD E KELLY	\$3,795						
	11/20/2002	Not Filed							
AF00810	BUSPAC-POLITICAL ACTION COMMITTEE OF THE AMERICAN BUS ASSOCIATION			\$259,203	DC		Yes	0	\$1,000
	C00004879	ERIC BRAENDEL	\$3,862						
	11/15/2002	Not Filed							
AF00811	CALFEE, HALTER & GRISWOLD LLP FUND FOR GOOD GOVERNMENT			\$344,910	OH		Yes	0	\$1,000
	C00351635	MARC L OBERDORFF	\$11,700						
	11/14/2002	Not Filed							
AF00812	CONTINENTAL AIRLINES INC EMPLOYEE FUND FOR A BETTER AMERICA (FKA			\$595,176	TX		Yes	0	\$2,000
	C00101766	REBECCA COX	\$29,971						
	11/05/2002	Not Filed							
AF00813	DAY & ZIMMERMANN INC FEDERAL PAC (AKA 'DAYPAC - FEDERAL')			\$178,321	PA		Yes	0	\$1,000
	C00341271	Ritzel, Joseph Mr.	\$1,000						
	11/11/2002	Not Filed							
AF00814	DISTRICT COUNCIL 37, AFSCME PUBLIC EMPLOYEES ORGANIZED FOR POL & NY			\$2,197,153	NY		Yes	0	\$3,000
	C00149211	ELIOT SEIDE	\$62,583						
	11/19/2002	Not Filed							
AF00815	EDS POLITICAL ACTION COMMITTEE			\$773,370	DC		Yes	0	\$1,000
	C00111658	William R. Sweeney Jr.	\$22,210						
	11/14/2002	Not Filed							
AF00816	ENERGY POLITICAL ACTION COMMITTEE OF TXU CORP			\$329,117	TX		Yes	0	\$1,000
	C00255950	Gonzales, Jacob	\$7,349						
	11/12/2002	Not Filed							

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AF #	Committee Name		Level of Activity	Threshold Amount	State	Candidate Name	
	Committee ID	Treasurer				Sensitive	Previous Violations
	Receipt Date	Days Late					Civil Money Penalty
AF00817	FIRST NATIONAL OF NEBRASKA PAC		\$1,943	\$201,508	NE	Yes	0
	C00300863	Castner, Anna					
AF00818	FRIENDS OF ISRAEL POLITICAL ACTION COMMITTEE - FRIPAC		\$4,480 (est)	\$283,608	CA	Yes	1
	C00141747	Levinson, Fred					
AF00819	GREENBERG, TRAUIG, HOFFMAN, LIPOFF, ROSEN & QUENTEL, P A POLITIC		\$4,473	\$537,337	FL	Yes	0
	C00266585	CLIFFORD A SCHULMAN					
AF00820	INDEPENDENT INSURANCE AGENTS OF AMERICA POLITICAL ACTION COMMITTEE		\$61,500	\$1,641,182	DC	Yes	0
	C00023243	Mr. Robert Rubbuldt					
AF00821	KANSAS CITY SOUTHERN EMPLOYEE PAC		\$1,000	\$111,264	MO	Yes	0
	C00139451	BARBARA L BLEVINS					
AF00822	LEADERSHIP IN THE NEW CENTURY (LINC PAC)		\$24,975	\$388,883	DC	Yes	0
	C00366179	Oldaker, William					
AF00823	LOCAL 401 IRON WORKERS POLITICAL ACTION FUND		\$3,750	\$315,963	PA	Yes	0
	C00163535	JOSEPH J DOUGHERTY					
AF00824	MCLANE COMPANY INC. FEDERAL POLITICAL ACTION COMMITTEE		\$19,095	\$125,802	TX	Yes	0
	C00215558	KEVIN KOCH					
AF00825	MEDTRONIC, INC. MEDICAL TECHNOLOGY FUND		\$18,500	\$146,000	DC	Yes	0
	C00311878	GARY L ELLIS					
AF00826	MINNESOTA MINING AND MANUFACTURING COMPANY		\$9,173	\$335,879	MN	Yes	0
	C00084475	Karen K. Martodam					

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE
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COMMITTEE NAME

TREASURER

DAYS LATE

LEVEL OF ACTIVITY

STATE

THRESHOLD AMOUNT

CANDIDATE NAME

SENSITIVE EVIDENCE

NAME
PREVIOUS WTOR ATTOR

CIVIL MONEY PENALTY

AF00837 VENTUREPAC

MARK G. HEESSEN

Not Filed

\$89,120

VA
\$1,882,366

3

Yes

AF00838 XCEL ENERGY EMPLOYEE POLITICAL ACTION COMMITTEE

**INFOWEE POLITICAL A
Bomber, Charles**

Not Filed

\$24,608

\$381,934
CO

Yes

\$6,000

\$1,000

Gibson



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Wednesday, April 02, 2003 11:00

BALLOT DEADLINE: Monday, April 07, 2003 4:00

COMMISSIONER: MASON, McDONALD, SMITH, THOMAS, TONER, WEINTRAUB

SUBJECT: **RTB Recommendation – 12 Day Pre-General Report For the Administrative Fines Program. Memorandum from the Assistant Staff Director, Reports Analysis Division dated April 1, 2003.**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I approve the recommendations except those following to which I object (please insert AF#)
- _____
- _____
- () I approve the recommendations except those following in which I abstain (please insert AF#)
- _____
- _____
- () I approve the recommendations except those following in which I am recused (please insert AF#)
- _____
- _____
- () I am not voting on this tally.

A definite vote is required. All ballots must be signed and dated. Please return **ONLY THE BALLOT** to the Commission Secretary. Please return ballot no later than date and time shown above.

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

24-09-255-2267

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 12)
Day Pre-General Report For The)
Administrative Fines Program:)
SYED MAHMOOD FOR CONGRESS, and IMTIAZ) AF# 797
AHMAD as treasurer;)
KENDRICK MEEK FOR CONGRESS, and) AF# 798
ANTHONY BRUNSON as treasurer;)
JOE FINLEY FOR CONGRESS, and SAL) AF# 799
PERROTTA as treasurer;)
SNYDER FOR CONGRESS CAMPAIGN) AF# 800
COMMITTEE, and TAYLOR, MALLORY Mr. as)
treasurer;)
VAN AUKEN FOR CONGRESS COMMITTEE, and) AF# 801
LES KRAITZICK as treasurer;)
COMMITTEE TO ELECT MADELEINE Z) AF# 802
BORDALLO 2002, and P JUNE TERLAJE as)
treasurer;)
RON DAUGHERTY FOR CONGRESS, and SCOTT) AF# 803
LYKINS as treasurer;)
MEEKS FOR CONGRESS, and Joan E.) AF# 804
Flowers Esq. as treasurer;)
HORNBERGER FOR SENATE, and JOHN K) AF# 805
BROWN as treasurer;)
DONNA 2002 CONGRESSIONAL CAMPAIGN) AF# 806
COMMITTEE, and CAROL LABAN as)
treasurer;)
LEVEL 3 COMMUNICATIONS INC. POLITICAL) AF# 807
ACTION COMMITTEE, and Pribyl, James as)
treasurer;)
AMERICAN FINANCIAL SERVICES ASS'N PAC) AF# 808
(FORMERLY- NATIONAL CONSUMER FINANCE)
ASS'N PAC), and GEORGE SHAWN MCELWEE)
as treasurer;)
APPRAISAL INSTITUTE POLITICAL ACTION) AF# 809
COMMITTEE, and DONALD E KELLY as)
treasurer;)
BUSPAC-POLITICAL ACTION COMMITTEE OF) AF# 810
THE AMERICAN BUS ASSOCIATION, and ERIC)
BRAENDEL as treasurer;)

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CALFEE, HALTER & GRISWOLD LLP FUND FOR) AF# 811
GOOD GOVERNMENT, and MARC L OBERDORFF)
as treasurer;)
CONTINENTAL AIRLINES INC EMPLOYEE FUND) AF# 812
FOR A BETTER AMERICA (FKA CONTINENTAL)
HOLDINGS PAC), and REBECCA COX as)
treasurer;)
DAY & ZIMMERMANN INC FEDERAL PAC (AKA) AF# 813
'DAYPAC - FEDERAL'), and Ritzel,)
Joseph Mr. as treasurer;)
DISTRICT COUNCIL 37, AFSCME PUBLIC) AF# 814
EMPLOYEES ORGANIZED FOR POL & LEG)
EQUALITY (DC37PEOPLE), and ELIOT SEIDE)
as treasurer;)
EDS POLITICAL ACTION COMMITTEE, and) AF# 815
William R. Sweeney Jr. as treasurer;)
ENERGY POLITICAL ACTION COMMITTEE OF) AF# 816
TXU CORP, and Gonzales, Jacob as)
treasurer;)
FIRST NATIONAL OF NEBRASKA PAC, and) AF# 817
Castner, Anna as treasurer;)
FRIENDS OF ISRAEL POLITICAL ACTION) AF# 818
COMMITTEE - FRIPAC, and Levinson, Fred)
as treasurer;)
GREENBERG, TRAUIG, HOFFMAN, LIPOFF,) AF# 819
ROSEN & QUENTEL, P A POLITICAL ACTION)
COMMITTEE, and CLIFFORD A SCHULMAN as)
treasurer;)
INDEPENDENT INSURANCE AGENTS OF) AF# 820
AMERICA POLITICAL ACTION COMMITTEE)
(INSURPAC), and Mr. Robert Rusbuldt as)
treasurer;)
KANSAS CITY SOUTHERN EMPLOYEE PAC, and) AF# 821
BARBARA L BLEVINS as treasurer;)
LEADERSHIP IN THE NEW CENTURY (LINC) AF# 822
PAC), and Oldaker, William as)
treasurer;)
LOCAL 401 IRON WORKERS POLITICAL) AF# 823
ACTION FUND, and JOSEPH J DOUGHERTY as)
treasurer;)

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MCLANE COMPANY INC. FEDERAL POLITICAL)	AF# 824
ACTION COMMITTEE, and KEVIN KOCH as)	
treasurer;)	
MEDTRONIC, INC. MEDICAL TECHNOLOGY	)	AF# 825
FUND, and GARY L ELLIS as treasurer;)	
MINNESOTA MINING AND MANUFACTURING	)	AF# 826
COMPANY, and Karen K. Martodam as)	
treasurer;)	
NATIONAL COMMITTEE FOR AN EFFECTIVE	)	AF# 827
CONGRESS, and JAMES E BYRON as)	
treasurer;)	
NATIONAL PEST CONTROL ASSOCIATION	)	AF# 828
POLITICAL ACTION COMMITTEE, and MR)	
ROBERT M ROSENBERG as treasurer;)	
NATIONWIDE POLITICAL PARTICIPATION	)	AF# 829
COMMITTEE, and CAROL DOVE as)	
treasurer;)	
NCR CORPORATION CITIZENSHIP FUND, and	)	AF# 830
PHILIP D SERVIDEA as treasurer;)	
NORTHWEST AIRLINES POLITICAL ACTION	)	AF# 831
COMMITTEE (FKA REPUBLIC AIRLINES PAC),)	
and J O KLINKENBERG as treasurer;)	
OLDCASTLE MATERIALS INC. PAC, and	)	AF# 832
Palmer, Steven O. as treasurer;)	
PHILADELPHIA SUBURBAN CORPORATION H20	)	AF# 833
PAC, and DAVID E WILSON as treasurer;)	
T-MOBILE POLITICAL ACTION COMMITTEE,	)	AF# 834
and Russo, Tony as treasurer;)	
TENET HEALTHCARE CORPORATION PAC, and	)	AF# 835
Limon, Susan Ms. as treasurer;)	
THE WILLIAMS COMPANIES INC. POLITICAL	)	AF# 836
ACTION COMMITTEE, and Deborah as)	
treasurer;)	
VENTUREPAC, and MARK G. HEESSEN as	)	AF# 837
treasurer;)	
XCEL ENERGY EMPLOYEE POLITICAL ACTION	)	AF# 838
COMMITTEE, and Bomberger, Charles as)	
treasurer;)	

CERTIFICATION

I, Mary W. Dove, Secretary for the Federal Election Commission, do hereby certify that on April 7, 2003, the Commission took the following actions on the Reason To Believe Recommendation for the 2002 12 Day Pre-General Report for the Administrative Fines Program, as recommended in the Reports Analysis Division's Memorandum dated April 1, 2003, on the following committees:

AF# 797: Decided by a vote of 6-0 to: (1) make a final determination that SYED MAHMOOD FOR CONGRESS, and IMTIAZ AHMAD as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 798: Decided by a vote of 6-0 to: (1) make a final determination that KENDRICK MEEK FOR CONGRESS, and ANTHONY BRUNSON as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 799: Decided by a vote of 6-0 to: (1) make a final determination that JOE FINLEY FOR CONGRESS, and SAL PERROTTA as treasurer, violated 2 U.S.C.

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434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 800: Decided by a vote of 6-0 to: (1) make a final determination that SNYDER FOR CONGRESS CAMPAIGN COMMITTEE, and TAYLOR, MALLORY Mr. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 801: Decided by a vote of 6-0 to: (1) make a final determination that VAN AUKEN FOR CONGRESS COMMITTEE, and LES KRAITZICK as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 802: Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT MADELEINE Z BORDALLO 2002, and P JUNE TERLAJE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 803: Decided by a vote of 6-0 to: (1) make a final determination that RON DAUGHERTY FOR CONGRESS, and SCOTT LYKINS as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 804: Decided by a vote of 6-0 to: (1) make a

final determination that MEEKS FOR CONGRESS, and Joan E. Flowers Esq. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 805: Decided by a vote of 6-0 to: (1) make a final determination that HORNBERGER FOR SENATE, and JOHN K BROWN as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 806: Decided by a vote of 6-0 to: (1) make a final determination that DONNA 2002 CONGRESSIONAL CAMPAIGN COMMITTEE, and CAROL LABAN as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 807: Decided by a vote of 6-0 to: (1) make a final determination that LEVEL 3 COMMUNICATIONS INC. POLITICAL ACTION COMMITTEE, and Pribyl, James as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 808: Decided by a vote of 6-0 to: (1) make a final determination that AMERICAN FINANCIAL SERVICES ASS'N PAC (FORMERLY- NATIONAL CONSUMER FINANCE ASS'N PAC), and GEORGE SHAWN MCELWEE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith,

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Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 809: Decided by a vote of 6-0 to: (1) make a final determination that APPRAISAL INSTITUTE POLITICAL ACTION COMMITTEE, and DONALD E KELLY as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 810: Decided by a vote of 6-0 to: (1) make a final determination that BUSPAC-POLITICAL ACTION COMMITTEE OF THE AMERICAN BUS ASSOCIATION, and ERIC BRAENDEL as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 811: Decided by a vote of 6-0 to: (1) make a final determination that CALFEE, HALTER & GRISWOLD LLP FUND FOR GOOD GOVERNMENT, and MARC L OBERDORFF as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 812: Decided by a vote of 6-0 to: (1) make a final determination that CONTINENTAL AIRLINES INC EMPLOYEE FUND FOR A BETTER AMERICA (FKA CONTINENTAL HOLDINGS PAC), and REBECCA COX as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 813: Decided by a vote of 6-0 to: (1) make a final determination that DAY & ZIMMERMANN INC FEDERAL PAC (AKA 'DAYPAC - FEDERAL'), and Ritzel, Joseph Mr. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 814: Decided by a vote of 6-0 to: (1) make a final determination that DISTRICT COUNCIL 37, AFSCME PUBLIC EMPLOYEES ORGANIZED FOR POL & LEG EQUALITY (DC37PEOPLE), and ELIOT SEIDE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 815: Decided by a vote of 6-0 to: (1) make a final determination that EDS POLITICAL ACTION COMMITTEE, and William R. Sweeney Jr. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 816: Decided by a vote of 6-0 to: (1) make a final determination that ENERGY POLITICAL ACTION COMMITTEE OF TXU CORP, and Gonzales, Jacob as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 817: Decided by a vote of 6-0 to: (1) make a final determination that FIRST NATIONAL OF NEBRASKA PAC, and Castner, Anna as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so

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indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 818: Decided by a vote of 6-0 to: (1) make a final determination that FRIENDS OF ISRAEL POLITICAL ACTION COMMITTEE - FRIPAC, and Levinson, Fred as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 819: Decided by a vote of 5-0 to: (1) make a final determination that GREENBERG, TRAURIG, HOFFMAN, LIPOFF, ROSEN & QUENTEL, P A POLITICAL ACTION COMMITTEE, and CLIFFORD A SCHULMAN as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Toner, and Weintraub voted affirmatively for the decision. Commissioner Thomas recused himself with respect to this matter and did not vote.

AF# 820: Decided by a vote of 6-0 to: (1) make a final determination that INDEPENDENT INSURANCE AGENTS OF AMERICA POLITICAL ACTION COMMITTEE (INSURPAC), and Mr. Robert Rusbuldt as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 821: Decided by a vote of 6-0 to: (1) make a final determination that KANSAS CITY SOUTHERN EMPLOYEE PAC, and BARBARA L BLEVINS as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith,

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Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 822: Decided by a vote of 6-0 to: (1) make a final determination that LEADERSHIP IN THE NEW CENTURY (LINC PAC), and Oldaker, William as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 823: Decided by a vote of 6-0 to: (1) make a final determination that LOCAL 401 IRON WORKERS POLITICAL ACTION FUND, and JOSEPH J DOUGHERTY as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 824: Decided by a vote of 6-0 to: (1) make a final determination that MCLANE COMPANY INC. FEDERAL POLITICAL ACTION COMMITTEE, and KEVIN KOCH as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 825: Decided by a vote of 6-0 to: (1) make a final determination that MEDTRONIC, INC. MEDICAL TECHNOLOGY FUND, and GARY L ELLIS as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 826: Decided by a vote of 6-0 to: (1) make a

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final determination that MINNESOTA MINING AND MANUFACTURING COMPANY, and Karen K. Martodam as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 827: Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS, and JAMES E BYRON as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 828: Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL PEST CONTROL ASSOCIATION POLITICAL ACTION COMMITTEE, and MR ROBERT M ROSENBERG as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 829: Decided by a vote of 6-0 to: (1) make a final determination that NATIONWIDE POLITICAL PARTICIPATION COMMITTEE, and CAROL DOVE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 830: Decided by a vote of 6-0 to: (1) make a final determination that NCR CORPORATION CITIZENSHIP FUND, and PHILIP D SERVIDEA as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter.

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Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 831: Decided by a vote of 6-0 to: (1) make a final determination that NORTHWEST AIRLINES POLITICAL ACTION COMMITTEE (FKA REPUBLIC AIRLINES PAC), and J O KLINKENBERG as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 832: Decided by a vote of 6-0 to: (1) make a final determination that OLDCASTLE MATERIALS INC. PAC, and Palmer, Steven O. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 833: Decided by a vote of 6-0 to: (1) make a final determination that PHILADELPHIA SUBURBAN CORPORATION H2O PAC, and DAVID E WILSON as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 834: Decided by a vote of 6-0 to: (1) make a final determination that T-MOBILE POLITICAL ACTION COMMITTEE, and Russo, Tony as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 835: Decided by a vote of 6-0 to: (1) make a final determination that TENET HEALTHCARE CORPORATION PAC, and Limon, Susan Ms. as treasurer,

2003 APR 07 15:02:43

Federal Election Commission
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April 07, 2003

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violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 836: Decided by a vote of 6-0 to: (1) make a final determination that THE WILLIAMS COMPANIES INC. POLITICAL ACTION COMMITTEE, and Deborah as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 837: Decided by a vote of 6-0 to: (1) make a final determination that VENTUREPAC, and MARK G. HEESSEN as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 838: Decided by a vote of 6-0 to: (1) make a final determination that XCEL ENERGY EMPLOYEE POLITICAL ACTION COMMITTEE, and Bomberger, Charles as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

0002-552-50-42

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April 07, 2003

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Attest:

April 9, 2003
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

Received in the Secretariat:	Tues. Apr. 01, 2003	3:56 p.m.
Circulated to the Commission:	Wed. Apr. 02, 2003	11:00 a.m.
Deadline for vote:	Mon. Apr. 07, 2003	4:00 p.m.

24-09-255-2881

WESTERN
UNION

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: JAMES E BYRON
NATIONAL COMMITTEE FOR AN EFFECTIVE CONG
122 C ST NW STE 650
WASHINGTON DC 20001-2151

FEDERAL ELECTION COMMISSION
ALAN SHOOK
999 E ST NW # 709
WASHINGTON DC 20463

APRIL 10, 2003

JAMES E BYRON
NATIONAL COMMITTEE FOR AN EFFECTIVE CONG
122 C STREET NW SUITE 650
WASHINGTON DC 20001

C00003558
AF#: 827

DEAR JAMES E BYRON:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A 12 DAY PRE-GENERAL REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH OCTOBER 16TH, SHALL BE FILED NO LATER THAN OCTOBER 24TH. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED PRIOR TO FOUR (4) DAYS BEFORE THE GENERAL ELECTION HELD ON NOVEMBER 5, 2002. YOU SHOULD FILE THE 12 DAY PRE-GENERAL REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEC TO IMPOSE CIVIL MONEY PENALTIES FOR VIOLATIONS OF THE REPORTING REQUIREMENTS OF 2 U.S.C. 434(A). 2 U.S.C. 437G(A)(4). ON 04/07/2003, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT NATIONAL COMMITTEE FOR AN EFFECTIVE CONG AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 24TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$9000. IT IS DUE BY 05/17/2003 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$321557
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

**WESTERN
UNION****WESTERN UNION COMMERCIAL SERVICES**

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3. UPON RECEIPT OF YOUR PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY
TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AFF FOUND ON PAGE ONE, TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 05/17/2003. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE FEC WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE FEC, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. YOUR RESPONSE MUST INCLUDE THE FACTUAL BASIS SUPPORTING THE REASON(S) AND SUPPORTING DOCUMENTATION. THE FEC STRONGLY ENCOURAGES THAT DOCUMENTS BE SUBMITTED IN THE FORM OF AFFIDAVITS OR DECLARATIONS. EXAMPLES OF CIRCUMSTANCES THAT WILL NOT BE CONSIDERED EXTRAORDINARY INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 C.F.R. 111.35(B)(1)(III) AND (4).

YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF YOUR RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

IF YOU INTEND TO BE REPRESENTED BY COUNSEL, PLEASE ADVISE THE OFFICE OF ADMINISTRATIVE REVIEW. YOU SHOULD PROVIDE, IN WRITING, THE NAME, ADDRESS AND TELEPHONE NUMBER OF YOUR COUNSEL AND AUTHORIZE COUNSEL TO RECEIVE NOTIFICATIONS AND COMMUNICATIONS RELATING TO THIS CHALLENGE AND IMPOSITION OF THE CALCULATED CIVIL MONEY PENALTY.

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A CHALLENGE

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE, THE FEC WILL ASSUME THAT THE PRECEDING FACTUAL ALLEGATIONS ARE TRUE AND MAKE A FINAL DETERMINATION THAT NATIONAL COMMITTEE FOR AN EFFECTIVE CONG AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY.

UNPAID CIVIL MONEY PENALTIES ASSESSED THROUGH THE ADMINISTRATIVE FINE REGULATIONS WILL BE SUBJECT TO THE DEBT COLLECTION ACT OF 1982("DCA") AS AMENDED BY THE DEBT COLLECTION IMPROVEMENT ACT OF 1996, 31 U.S.C. 3701 ET SEQ. THE FEC MAY TAKE ANY AND ALL APPROPRIATE ACTION AUTHORIZED AND REQUIRED BY THE DCA, AS AMENDED, INCLUDING TRANSFER TO THE U.S. DEPARTMENT OF THE TREASURY FOR COLLECTION. 11 C.F.R. 111.45.

THIS MATTER WAS GENERATED BASED ON INFORMATION ASCERTAINED BY THE FEC IN THE NORMAL COURSE OF CARRYING OUT ITS SUPERVISORY RESPONSIBILITIES. 2 U.S.C. 437G(A)(2). IT WILL REMAIN CONFIDENTIAL IN ACCORDANCE WITH 2 U.S.C. 437G(A)(4)(B) AND 437G(A)(12)(A) UNTIL IT IS PLACED ON THE PUBLIC RECORD IN ACCORDANCE WITH 11 C.F.R. 111.42, UNLESS YOU NOTIFY THE FEC IN WRITING THAT YOU WISH THE

WESTERN UNION COMMERCIAL SERVICES

MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATE CIVIL MONEY PENALTY, PLEASE CONTACT ALICE KANG IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) OR (202)694-1130. IF YOU HAVE QUESTIONS REGARDING THE SUBMISSION OF A CHALLENGE, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE REVIEW AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

ELLEN L. WEINTRAUB
CHAIR

* * * * *
ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$9000 FOR THE 2002 12 DAY PRE-GENERAL REPORT.

PLEASE MAIL THIS REMITTANCE WITH A CHECK OR MONEY ORDER MADE PAYABLE TO THE FEDERAL ELECTION COMMISSION TO THE FOLLOWING ADDRESS:
FEDERAL ELECTION COMMISSION
P.O. BOX 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:
U.S. BANK - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 05/17/2003. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: NATIONAL COMMITTEE FOR AN EFFECTIVE CONG

FEC ID#: C00003558

AF#: 827

PAYMENT DUE DATE: 05/17/2003

PAYMENT AMOUNT DUE: \$9000



NCEC

National Committee for an Effective Congress

122 C Street, NW • Suite 650 • Washington, DC 20001
202-639-8300 • fax 202-639-5038 • ncec@ncec.org

NATIONAL DIRECTOR

Russell Hemenway
CHAIRMAN

Thomas Scheuer
VICE CHAIRMAN

George R. Donahue
TREASURER

James E. Byron
WASHINGTON DIRECTOR

May 5, 2003

Office of Administrative Review
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

REFERENCE: AF#: 827 (April 10, 2003)

Sir or Madam:

As requested in your mailgram dated April 10th, the purpose of this letter is to notify you that, in the matter referenced above, the National Committee for an Effective Congress has retained legal representation.

You can expect to hear from Ms. Judith Corley, Perkins Coie, 607 14th Street, N.W., Suite 800, Washington, DC 20005. Ms. Corley is authorized to represent NCEC and may receive notifications and communications from the FEC related to this matter.

You may call me at 202-639-8300 if you have any questions.

Sincerely

James E. Byron, Jr.
Treasurer

Eleanor Roosevelt
(1884-1962)

Sidney H. Scheuer
(1893-1987)

Hans J. Morgenthau
(1904-1980)

Thomas K. Finletter
(1893-1980)

Barbara W. Tuchman
(1912-1989)

Henry Steele Commager
(1902-1998)

2003 MAY 12 P 1:01

FEC OFFICE OF
ADMIN REVIEW



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Via First Class Mail

May 13, 2003

Ms. Judith Corley
Perkins Coie
607 14th Street, NW, Suite 800
Washington, DC 20005

C00003558
AF# 827

Dear Ms. Corley:

On April 7, 2003, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the National Committee for an Effective Congress and James E. Byron, Jr., as Treasurer, violated 2 U.S.C. § 434(a) with respect to the 2002 12 Day Pre-General Report.

On May 12, 2003, the Commission received Mr. Byron's letter in which he states that the Office of Administrative Review ("OAR") "can expect to hear" from counsel. If you have any questions, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink that reads "Shawn Woodhead Werth". The signature is written in a cursive, flowing style.

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

24-09-255-2886

Date: May 15, 2003

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 827

Committee Name: National Committee for an Effective Congress

Committee ID#: C00003558

Committee Address (if different than in RTB mailgram): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

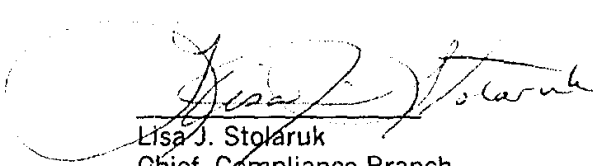
**Copy of RTB Circulation Report Dated April 1, 2003 and RTB
Certification Dated April 7, 2003 – Previously Forwarded
Copy of RTB Mailgram - Attachment # : See Declaration
Certified Return Receipt (to be forwarded at later date if not yet received) -
Attachment #: 1
Other Reports (Redacted if Necessary) Used for RTB Review -
Attachment # : N/A
Telecons and Visitcons in Response to RTB Mailgram (Y/N): Y
Attachment # : 2
Original Correspondence Received by RAD in Response to
RTB Mailgram (Y/N): N
Attachment # : N/A
RAD Staff Declaration - Attachment # : 3**

24.09.25.2887

2. Article Num 7001 0360 0003 9338 3237
(Transfer from

DECLARATION OF LISA J. STOLARUK

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the research conducted with regard to the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to the National Committee for an Effective Congress:
 - A) Prior Notice dated August 27, 2002 referencing the 2002 12 Day Pre-General Report;
 - B) Reason-to-Believe Mailgram dated April 10, 2003 referencing the 2002 12 Day Pre-General Report.
3. I hereby certify that I have searched the Commission's public records and find that the National Committee for an Effective Congress electronically filed the 2002 12 Day Pre-General Report with the Commission on November 5, 2002.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 15th day of May, 2003.


Lisa J. Stolaruk
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

August 27, 2002

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a monthly basis must file Monthly Reports in 2002. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted. Note that, in an election year, the 12-Day Pre-General and 30-Day Post-General Election Reports are filed in lieu of the November and December Monthly Reports.

REPORTING DATES FOR REMAINDER OF 2002

REPORT	REPORTING PERIOD ¹	REG./CERT.	FILING
		MAILING DATE ²	DATE
September	08/01/02 - 08/31/02	09/20/02	09/20/02
October	09/01/02 - 09/30/02	10/20/02	10/20/02 ³
Pre-General	10/01/02 - 10/16/02	10/21/02	10/24/02
Post-General	10/17/02 - 11/25/02	12/05/02	12/05/02
Year-End	11/26/02 - 12/31/02	01/31/03	01/31/03

IMPORTANT FILING INFORMATION

In response to the anthrax threat, the US Postal Service is irradiating mail directed to many federal government agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than regular US mail. Alternative methods include:

- Electronic Filing (see reverse side of notice for more information);
- Overnight mail service; and
- Hand delivery.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

²Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

³Note that the filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Reports filed on paper or diskette must be received by the appropriate filing office(s) the Friday before the filing date.

⁴Committees that support only Senate candidates should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via regular US mail.

(over)

ELECTRONIC FILING

Political committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at <http://www.fec.gov/electfil/electron.html>.

24 HOUR REPORT ON INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file a 24-hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. This report is *not* required when a Party Committee or PAC makes a contribution directly to a candidate.

COMPLIANCE

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties ranging from \$125 to \$16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit the FEC web site at <http://www.fec.gov/adminfines1.html>.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from monthly to quarterly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year.

**WESTERN
UNION**

CONFIRMATION OF CMGN

TO: JAMES E BYRON

WESTERN UNION COMMERCIAL SERVICES

NATIONAL COMMITTEE FOR AN EFFECTIVE CONG
122 C ST NW STE 650
WASHINGTON DC 20001-2151

FEDERAL ELECTION COMMISSION
ALAN SHOOK
999 E ST NW # 709
WASHINGTON DC 20463

APRIL 10, 2003

JAMES E BYRON
NATIONAL COMMITTEE FOR AN EFFECTIVE CONG
122 C STREET NW SUITE 650
WASHINGTON DC 20001

C00003558
AF#: 827

DEAR JAMES E BYRON:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A 12 DAY PRE-GENERAL REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH OCTOBER 16TH, SHALL BE FILED NO LATER THAN OCTOBER 24TH. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED PRIOR TO FOUR (4) DAYS BEFORE THE GENERAL ELECTION HELD ON NOVEMBER 5, 2002. YOU SHOULD FILE THE 12 DAY PRE-GENERAL REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEC TO IMPOSE CIVIL MONEY PENALTIES FOR VIOLATIONS OF THE REPORTING REQUIREMENTS OF 2 U.S.C. 434(A). 2 U.S.C. 437G(A)(4). ON 04/07/2003, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT NATIONAL COMMITTEE FOR AN EFFECTIVE CONG AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 24TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$9000. IT IS DUE BY 05/17/2003 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$321557
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3. UPON RECEIPT OF YOUR PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AF# FOUND ON PAGE ONE, TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 05/17/2003. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE FEC WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE FEC, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. YOUR RESPONSE MUST INCLUDE THE FACTUAL BASIS SUPPORTING THE REASON(S) AND SUPPORTING DOCUMENTATION. THE FEC STRONGLY ENCOURAGES THAT DOCUMENTS BE SUBMITTED IN THE FORM OF AFFIDAVITS OR DECLARATIONS. EXAMPLES OF CIRCUMSTANCES THAT WILL NOT BE CONSIDERED EXTRAORDINARY INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 C.F.R. 111.35(B)(1)(III) AND (4).

YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF YOUR RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

IF YOU INTEND TO BE REPRESENTED BY COUNSEL, PLEASE ADVISE THE OFFICE OF ADMINISTRATIVE REVIEW. YOU SHOULD PROVIDE, IN WRITING, THE NAME, ADDRESS AND TELEPHONE NUMBER OF YOUR COUNSEL AND AUTHORIZE COUNSEL TO RECEIVE NOTIFICATIONS AND COMMUNICATIONS RELATING TO THIS CHALLENGE AND IMPOSITION OF THE CALCULATED CIVIL MONEY PENALTY.

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A CHALLENGE

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE, THE FEC WILL ASSUME THAT THE PRECEDING FACTUAL ALLEGATIONS ARE TRUE AND MAKE A FINAL DETERMINATION THAT NATIONAL COMMITTEE FOR AN EFFECTIVE CONG AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY.

UNPAID CIVIL MONEY PENALTIES ASSESSED THROUGH THE ADMINISTRATIVE FINE REGULATIONS WILL BE SUBJECT TO THE DEBT COLLECTION ACT OF 1982("DCA")AS AMENDED BY THE DEBT COLLECTION IMPROVEMENT ACT OF 1996, 31 U.S.C. 3701 ET SEQ. THE FEC MAY TAKE ANY AND ALL APPROPRIATE ACTION AUTHORIZED AND REQUIRED BY THE DCA, AS AMENDED, INCLUDING TRANSFER TO THE U.S. DEPARTMENT OF THE TREASURY FOR COLLECTION. 11 C.F.R. 111.45.

THIS MATTER WAS GENERATED BASED ON INFORMATION ASCERTAINED BY THE FEC IN THE NORMAL COURSE OF CARRYING OUT ITS SUPERVISORY RESPONSIBILITIES. 2 U.S.C. 437G(A)(2). IT WILL REMAIN CONFIDENTIAL IN ACCORDANCE WITH 2 U.S.C. 437G(A)(4)(B) AND 437G(A)(12)(A) UNTIL IT IS PLACED ON THE PUBLIC RECORD IN ACCORDANCE WITH 11 C.F.R. 111.42, UNLESS YOU NOTIFY THE FEC IN WRITING THAT YOU WISH THE

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WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATE CIVIL MONEY PENALTY, PLEASE CONTACT ALICE KANG IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) OR (202)694-1130. IF YOU HAVE QUESTIONS REGARDING THE SUBMISSION OF A CHALLENGE, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE REVIEW AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

ELLEN L. WEINTRAUB
CHAIR

* * * * *
ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$9000 FOR THE 2002 12 DAY PRE-GENERAL REPORT.

PLEASE MAIL THIS REMITTANCE WITH A CHECK OR MONEY ORDER MADE PAYABLE TO THE FEDERAL ELECTION COMMISSION TO THE FOLLOWING ADDRESS:
FEDERAL ELECTION COMMISSION
P.O. BOX 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:
U.S. BANK - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 05/17/2003. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: NATIONAL COMMITTEE FOR AN EFFECTIVE CONG

FEC ID#: C00003558

AF#: 827

PAYMENT DUE DATE: 05/17/2003

PAYMENT AMOUNT DUE: \$9000

RECEIVED
FEC MAIL
OPERATIONS CENTER
2003 MAY 16 P 3:27

FEC OFFICE OF
ADMINISTRATIVE REVIEW

2003 MAY 16 P 3:59

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JUDITH L. CORLEY
202/434-1622
JCORLEY@PERKINSCOIE.COM

607 Fourteenth Street N.W.
Washington, D.C. 20005-2011
PHONE: 202.628.6600
FAX: 202.434.1690
www.perkinscoie.com

May 16, 2003

BY HAND DELIVERY

Office of Administrative Review
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Administrative Fines Case #827 – National Committee for an Effective Congress – FEC ID #C00003558

Dear Sir/Madam:

This is in response to the mailgram received by the National Committee for an Effective Congress ("NCEC") notifying it that the Federal Election Commission ("FEC") had found reason to believe that NCEC had failed to file timely the 12-Day Pre-General Election Report that was due on October 24, 2002. NCEC wishes to challenge the RTB finding on the grounds that the finding is based on a factual error and because of extraordinary circumstances that persisted for more than 48 hours that were beyond the Committee's control. See discussion below and Affidavit of James E. Byron, Treasurer (Exhibit A)

FACTUAL ERROR

The FEC's regulations, at 11 C.F.R. § 111.43(e)(2) state that a pre-election report is considered to be not filed if the report is not filed "prior to four (4) days before...the general election...." In this case, NCEC's report was filed on October 24, the due date of the report. Due to electronic filing difficulties, discussed further below, the treasurer of the Committee had hand-delivered to the FEC a hard copy of the report and a diskette containing the Committee's electronic filing. The delivery was received by the Commission at 4:20 pm on October 24. See Exhibit B.

The Commission's reason to believe finding that the report was not filed is, therefore, factually incorrect.

EXTRAORDINARY CIRCUMSTANCES

In addition to the factual error, NCEC believes that extraordinary circumstances existed which prevented the electronic filing of its report until after the filing deadline.

Office of Administrative Review

May 16, 2003

Page 2

On October, 24, 2002, the treasurer of the Committee attempted several times to electronically file the report. The Committee had been filing electronically without incident since the first requirement to file electronically. It was unclear on October 24, whether the problem with the filing was in the Committee's software or with the FEC's electronic filing system. The treasurer has had several conversations with its software vendor, but they have been unable to find any specific problem that would prevent the report from being filed.

As the day wore on the electronic filing continued not to go through. To ensure that the Committee's report was timely filed and available for the public record, the treasurer, as described above, had hand-delivered to the Commission a hard copy of the report as well as a diskette containing the electronic filing.

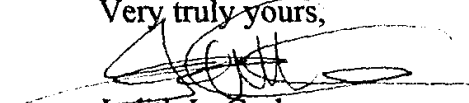
Over the next few days, the treasurer worked with the Committee's software vendor and with Eliza in the FEC's Electronic Filing Office to try to figure out the filing problem. Despite making changes suggested by Eliza, the electronic filing still did not work. The report was finally electronically filed on November 5, 2002.

Since that time, the Committee has had one additional problem with electronic filing, specifically, an amendment to a later report. As described in the enclosed response to the Commission's RFAI (Exhibit C), it was eventually determined in this case that an FEC staff member had not loaded the file properly. The Committee has not had any other problems filing its report.

CONCLUSION

In light of the information provided above, NCEC believes that the Commission's finding of reason to believe in this case was in error. The FEC should dismiss this case and take no further action.

Very truly yours,


Judith L. Corley
Counsel for NCEC

Enclosures

EXHIBIT A

24.09.255.60.42

BEFORE THE FEDERAL ELECTION COMMISSION
ADMINISTRATIVE FINES CASE #827

AFFIDAVIT OF JAMES E. BYRON

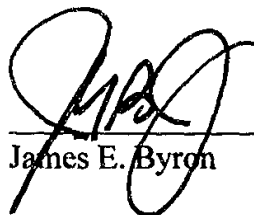
I, JAMES E. BYRON, hereby state as follows:

1. I have personal knowledge of the facts set forth herein and if called to testify in this matter, I would testify as set forth herein.
2. I am the treasurer of the National Committee for Effective Congress ("NCEC" or "the Committee"), FEC ID #C0003558.
3. On October 24, 2002, I attempted several times to file electronically NCEC's pre-general election report. The attempts were unsuccessful.
4. I was unable to tell if the problems with the filing were problems with NCEC's filing software or with the FEC's electronic filing system
5. When it appeared that the report would not be filed electronically on the 24th, that same day I had a hard copy of the report and a diskette with the electronic version of the report hand-delivered to the Federal Election Commission.
6. Over the next few days, I had several conversations with both NCEC's software vendor and with Eliza of the FEC's Electronic Filing Office. Despite making changes suggested by Eliza, the report still did not go through. The report was finally electronically filed on November 5, 2002.

7. The Committee recently had another problem with filing an amendment to a report electronically. After conversations about the filing problem with the FEC staff, the report would still not go through. At that point, Ken Lally of the FEC told me that they would load the report electronically on our behalf. I subsequently learned that it had not been successfully loaded and was told that an FEC staff member had failed to load the file properly. The amendment has since been properly filed.

8. Other than these two instances, the Committee has not had any problems filing electronically.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th day of May, 2003.



James E. Byron

EXHIBIT B

0062' 552' 60' 42

1064 Greenberg → 1920 L 8 Kurtz *Brander*

JOH#	ADDRESS	SIGNATURE REQUIRED ON DELIVERY	TIME	CASH AMOUNT
1	FROM 122C 650 NCEC 10/24 TO 999 E FCC	PRINT <i>S. Houser</i> 1X	P/U 4:20 DEL	
2	FROM 210 I BASE 10/28 TO 1300 PA ITC			
3	FROM 210 I BASE 10/28 TO 601 13th BB+T			
4	FROM 1331 F 4 UST 10/28 TO 1350 X 6 Rocklin			
5	FROM 1615 H Capt. Conner 10/30 TO 2001 S 43rd Ven. Med			
6	FROM 1391 F 450 UST 10/30 TO 1350 X 6 Advocacy			
7	FROM 101 Const 4 DN 10/31 TO 1300 PA 7 JRM/AC	PRINT <i>B. Downie</i> 7X	P/U 9:55 DEL	
8	FROM 1054 2nd teleph 10/31 TO 606 13th M'Donnell	PRINT <i>BRENT</i> 8X	P/U 11:50 DEL	
9	FROM 1321 F UST 10/31 TO 1235 I Venette	PRINT <i>T. Locke</i> 8X	P/U 5:30 DEL	
10	FROM 499 S Cap 215A 11/4 TO 607 14th 2 Perkins	PRINT <i>Coleman</i> 10X	P/U 1:50 DEL	
11	FROM 511 2nd Squier 11/4 TO 1801 K Burton	PRINT <i>T. ALVAREZ</i> 11X	P/U 2:55 DEL	
12	FROM 1331 F 4 UST 11/4 TO 1350 I 6 Ditchin	PRINT <i>Glenn</i> 12X	P/U 4:05 DEL	
11/4	1330 ST 8 CCIA DRIVER MANIFEST <i>Bruce Beran</i>	<i>Blumhust</i>	4:26	
DRIVER	<i>Bruce Beran</i>			
NUMBER	136			
DATE				
CASH TOTAL			50%	

202 547-3668 OR 202 543-6129
202 547-2105 MESSAGE MAILBOXCAPITOL HILL
DELIVERY SERVICE
INCORPORATED

1064 Greenberg → 1920 L 8 Kurtz

INVOICE

WASHINGTON D.C. 20002
PHONE (202) 547-8657
WWW.CAPITOLHILLDELIVERY.COM

INVOICE NUMBER	PAGE
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CLIENT NUMBER	TERMS
0098	NET 15
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10/31/2002	
INVOICE TOTAL	
\$143.20	

Invoice Submitted To:

NCEC

122 C ST NW #650
WASHINGTON
DC 20001

Attn: KATHY JONES

Order Date/Num Service Received By	Reference Caller	Pickup Address	Drop Off Address								Total
Charge	Piece	Minutes	Pounds	Miles	Insurance	Other	Expense	Other1	Other2		

NCEC

10/24/2002 102402026 RUSH	DIELEN	NCEC 122 C ST NW #650 WASHINGTON DC 20001	FEC 999 E ST NW WDC								
\$10.43	0	0	0	0	0	0	0	0	0	0	\$11.03
10/25/2002 102502001 STANDARD	KATHY	THE GOODWILL BUILDING/ TEMP POST NCEC 2200 SOUTH DAKOTA AVE SE WASHINGTON DC 20018	122 C ST NW #650 WASHINGTON DC 20001								
\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
10/28/2002 102802001 STANDARD	KATHY	THE GOODWILL BUILDING/ TEMP POST NCEC 2200 SOUTH DAKOTA AVE SE WASHINGTON DC 20018	122 C ST NW #650 WASHINGTON ATTEMPT								
\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
10/28/2002 102802007 STANDARD	DIELEN	THE GOODWILL BUILDING/ TEMP POST NCEC 2200 SOUTH DAKOTA AVE SE WASHINGTON DC 20018	122 C ST NW #650 WASHINGTON DC 20001								
\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
10/29/2002 102902001 STANDARD	KATHY	THE GOODWILL BUILDING/ TEMP POST NCEC 2200 SOUTH DAKOTA AVE SE WASHINGTON DC 20018	122 C ST NW #650 WASHINGTON DC 20001								
\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
10/30/2002 103002001 STANDARD	KATHY	THE GOODWILL BUILDING/ TEMP POST NCEC 2200 SOUTH DAKOTA AVE SE WASHINGTON DC 20018	122 C ST NW #650 WASHINGTON DC 20001								
\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
10/31/2002 103102001 STANDARD	KATHY	THE GOODWILL BUILDING/ TEMP POST NCEC 2200 SOUTH DAKOTA AVE SE WASHINGTON DC 20018	122 C ST NW #650 WASHINGTON DC 20001								
\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52

Billing Group Sub-Total \$143.20

Invoice Total \$143.20

2002-10-31 15:02:12

EXHIBIT C

24.09.255.2903

May 5, 2003

Mr. Eric W. Koeppen
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Koeppen:

This letter is in response to your 2nd RFAI dated May 1, 2003.

On April 23rd, NCEC attempted to electronically file an amendment to its 2002 30 Day Post-General report as requested in your RFAI dated April 9, 2003. The filing failed and we got the following email message:

DISCLOSE -- FEC Electronic Filing System Notice -- FILING
COULD NOT BE PROCESSED!

This is to inform you of the failure of your
electronic filing via the DISCLOSE protocol.

Your filing was received at Wed Apr 23 19:56:13 2003.

Thank you for using DISCLOSE.

Your filing could not be processed for the following reasons:

The amendment filed by committee C00003558 could not be
processed because the report contains fewer than half of the
itemized transactions contained in the original. If the
report was filed in error, please correct it and re-file.
Otherwise, contact your campaign finance analyst for
assistance at (202) 694-1130 or (800) 424-9530 extension
1130.

I left a message with the electronic filing office requesting assistance. No response was received. I was able to electronically file a letter explaining the situation April 24, 2003 (see FEC-83415 Form F99). I left another message on Monday, April 28th. Ken Lally returned the call. Once I again attempted to file the report electronically and finally filed on diskette, via messenger to the FEC April 29th. A woman from the FEC left a message after I left the office April 30 saying that my report had failed to load. I called Ken Lally back the next day, May 1st, and he told me that the FEC staff member had not loaded the file properly. Mr. Lally called me later in the day to tell me that the file had loaded correctly.

NCEC made every effort to file an amendment before the deadline, alerted the FEC when that was impossible to do so and finally worked with FEC staff members to file the amendment.

You may call me at 202-639-8300 if you have any other questions regarding this matter.

Sincerely

2003-05-09 14:25:24



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2004 FEB -5 P 3:02

February 5, 2004

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ALISON L. DOONE
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 827 - NATIONAL COMMITTEE FOR AN EFFECTIVE
CONGRESS AND JAMES E. BYRON, AS TREASURER
(C00003558)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to respondents in accordance with 11 C.F.R. § 111.36(f). Respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

2004 FEB -5 P 3:02



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 5, 2004

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 827 – National Committee for an Effective Congress and James E. Byron, as Treasurer (C00003558)

On April 7, 2003, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the National Committee for an Effective Congress and James E. Byron, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$9,000 based on the schedule of civil money penalties at 11 C.F.R. § 111.43. The respondents were notified by the Reports Analysis Division ("RAD") via mailgram on April 10, 2003 of the Commission's finding and the civil money penalty calculated at RTB.

Respondents' Response

On May 16, 2003, the Commission received the written response, Treasurer's affidavit, and supporting documentation ("challenge") from Ms. Judith L. Corley, counsel for the respondents.¹ Counsel states that the respondents are challenging "the RTB finding on the grounds that the finding is based on a factual error and because of extraordinary circumstances that persisted for more than 48 hours that were beyond [their] control." Therefore, "[t]he FEC should dismiss this case and take no further action."

Referencing 11 C.F.R. § 111.43(e)(2), counsel states that the respondents'

report was filed on October 24, the due date of the report. Due to electronic filing difficulties, ... the treasurer ... hand-delivered to the FEC a hard copy of the report and a diskette containing the Committee's electronic filing. The delivery was received by the Commission at 4:20 p.m. on October 24.... The Commission's [RTB] finding that the report was not filed is, therefore, factually incorrect.

Counsel also explains the "extraordinary circumstances" that "prevented the electronic filing of [the respondents'] report until after the filing deadline." She states that

[o]n October 24, 2002, the treasurer ... attempted several times to electronically file the report. The Committee had been filing electronically without incident.... It was unclear on October 24, whether the problem with the filing was in the Committee's software or with the FEC's electronic filing system. The treasurer has had several conversations with its software vendor, but they have been unable to find any specific problem that would prevent the report from being filed. As the day wore on the electronic filing continued not to go through. To ensure that the Committee's report was timely filed ... the treasurer ... hand-delivered to the Commission a hard copy of the report as well as a diskette containing the electronic filing. Over the next few days, the treasurer worked with [their] software vendor and with Eliza in the FEC's Electronic Filing Office to try to figure out the filing problem. Despite making changes suggested by Eliza, the electronic filing still did not work. The report was finally electronically filed on November 5, 2002.

¹ The designation of counsel statement was received May 12, 2003.

In addition, counsel states that "[s]ince that time, [the respondents] had one additional problem with electronic filing, specifically, an amendment to a later report.... [I]t was eventually determined in this case that an FEC staff member had not loaded the file properly" and the respondents have "not had any other problems filing [their] reports."

Included with the challenge are three documents. The first document is the affidavit of Mr. Byron who explains that

[o]n October 24, 2002, I attempted several times to file electronically NCEC's pre-general election report. The attempts were unsuccessful. I was unable to tell if the problems with the filing were problems with NCEC's filing software or with the FEC's electronic filing system. When it appeared that the report would not be filed electronically on the 24th, that same day I had a hard copy of the report and a diskette ... hand-delivered to the ... Commission. Over the next few days, I had several conversations with both NCEC's software vendor and with Eliza of the FEC's Electronic Filing Office. Despite making changes suggested by Eliza, the report still did not go through. The report was finally electronically filed on November 5....

Mr. Byron further states that the "Committee recently had another problem with filing an amendment to a report electronically" which "has since been properly filed."

The second document is a copy of the Driver Manifest from Capitol Hill Delivery Service Incorporated as well as a copy of an invoice dated "10/31/2002." The Driver Manifest lists a delivery from "122 C 650 NCEC to 999 E FEC" at "4:20 on 10/24." The third document is a copy of a letter dated May 5, 2003 to RAD from the Treasurer regarding his attempts to electronically file an amended 2002 30 Day Post-General Report in 2003.

Supplemental Requests and Responses

Because the respondents reference conversations with the Commission and Electronic Filing Office ("EFO") staff about a "problem ... in the Committee's software or with the FEC's electronic filing system" when they tried to file the report on October 24, 2002, OAR sent supplemental requests for information on September 23, 2003 to the Data Systems Development Division (now known as the Information Technology Division, "ITD") and on December 24, 2003 to RAD.

In his response dated December 17, 2003, the Manager of the Systems Analysis and Design Branch in ITD states that the EFO received a "diskette [and] a paper copy of the report with an unsigned [S]ummary [P]age" from the respondents for the 2002 12 Day Pre-General Report on October 24, 2002 which was "time-stamped 4:16 pm by the FEC mail room." He also states that the "EFO records show conversations concerning the 2002 12 Day Pre-General Report on two separate occasions." He states that, on October 25, 2002,

[t]he EFO left a message for Mr. James Byron at 8:37 a.m. regarding the rejection of his 2002 12 Day Pre-General Report. The message stated that his report was rejected because there was no signature on the [S]ummary [P]age and ... it failed validation.

On October 29, 2002,

"[t]he EFO spoke with Mr. Byron at 11:13 a.m. regarding the rejection of the ... 12 Day Pre-General Report (received on October 24). He was informed again that his report was rejected because there was no signature on the [S]ummary [P]age and because it failed validation. Mr. Byron stated that the software he used, Synetech Corp., was not working

and the vendor was attempting to correct the problem. Mr. Byron wanted to know if there would be anything on record showing an attempt was made to file the report. He was instructed to contact Erik Koeppen in [RAD]....

On January 5, 2004, the Assistant Staff Director for RAD provided records of three telephone conversations ("telecons") between Campaign Finance Analysts and an Assistant Branch Chief, and the Treasurer. On October 24, 2002 at 3:22 p.m., the Treasurer called and told Erik Koeppen, a Senior Campaign Finance Analyst ("Senior Analyst"), that "he couldn't file their 2002 12 Day Pre-General Report today because there was an error saying bad format." In his telecon, the Senior Analyst states that

I asked if he was using our software and he told me that they weren't. I said that it was an internal error in their system because that is what that error means. He said that he was going to send a hard copy of the report ... and that he would file it on Monday. I told him that we don't [accept] hard copies at all and that I would send him a letter if he sent anything on paper. I told him that he could send a Miscellaneous Electronic Submission but he said his software doesn't allow that. I told him that he could download our software and he said he wouldn't do it. I then told him that he could send in a diskette but that I couldn't promise that it would work and that it wouldn't exempt them from a late fine.... I also told him that he could fax a cover letter in and I would put it on public record but it wouldn't be [accepted] as a valid report or exemption from any fine they may incur.

On November 5, 2002, Andrew Dodson, an Assistant Branch Chief, spoke with the Treasurer about matters on other reports and also informed him that the "Commission had not yet received his filing of the 12 Day Pre General [R]eport." The Assistant Branch Chief told him that an "unsuccessful electronic submission or paper report would not be considered a filing with the Commission for the purpose of avoiding a possible fine for late filing."

On April 11, 2003, Alan Shook, a Campaign Finance Analyst, spoke with the Treasurer regarding the "mailgram ... for the [2002 12 Day Pre-General Report], which indicated that he had not filed the report." The Treasurer explained that the Committee "had filed it timely, and that he had mailed the report on disk." Mr. Shook explained the challenge process to him so he could "challenge the fine if he thought that it was incorrect."

Analysis of Challenge

The 12 Day Pre-General Report, covering the period of October 1 through October 16, 2002, was filed on November 5, 2002. It was filed 12 days late.

The Federal Election Campaign Act ("Act") states that, in lieu of filing the report due in November of any year in which a regularly scheduled general election is held, the treasurer of a political committee shall file a 12 day pre-election report no later than the 12th day before the election. 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii). The treasurer shall verify a report filed electronically on diskette by submitting a signed certification on paper with the computerized media which shall certify that the treasurer examined the report and, to the best of the treasurer's knowledge and belief, the report is true, correct and complete. A report that does not pass the Commission's validation program will not be accepted and will not be considered filed. 11 C.F.R. §§ 104.18(e) and (g). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed.

11 C.F.R. § 104.5(e). The respondents' written response shall contain the reason(s) why they are challenging the Commission's reason to believe finding and may consist of the existence of extraordinary circumstances that were beyond the control of the respondents, were for a duration of at least 48 hours and prevented them from filing the report in a timely manner. Examples of circumstances which are not considered extraordinary include, but are not limited to, computer failures and other similar circumstances. 11 C.F.R. § 111.35. The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Prior Notice for the 12 Day Pre-General Report, which was sent to the respondents on August 27, states that the filing date is October 24 and that treasurers are responsible for both the timeliness and the accuracy of all reports. The Prior Notice explains that they should review the enclosed handout entitled "Electronic Filing" for more information. The handout explains how treasurers can verify that electronically filed reports have been examined by the treasurer and are accurate and complete: by either direct transmission of the filing, using the treasurer's personal password received from the FEC, or filing a diskette with a digitized copy of a signed certification. The handout also directs treasurers to the Commission's web site at <http://www.fec.gov/electfil/electron.html> for more information. At the Electronic Filing section of the Commission's web site, the reader can access "Electronic Filing FAQ." In the question and answer part titled "General Information," one question asks "How do I sign my electronic filing?" The answer explains to users that "[a] report submitted via the internet or modem requires a password instead of a signature.... Reports filed on 3.5" floppy diskette must be accompanied by a signed summary page."

Committees and their treasurers who electronically file their reports with the Commission can do so by direct transmission or by submitting them on diskette. Regardless of the method used to electronically file the report, the report must also pass the Commission's validation program to be accepted and considered filed, and it is the Treasurer's responsibility in accordance with the Act to file reports in a timely manner.

According to the respondents, the Treasurer was not able to file the 12 Day Pre-General Report by direct transmission on October 24. He could not determine if the problem was caused by their software or the Commission's electronic filing system, so he submitted it on diskette on October 24 along with a paper copy of the report. He continued to work with their software vendor as well as the EFO staff and was able to electronically file the report by direct transmission on November 5.

The Treasurer called RAD on the 12 Day Pre-General Report's due date, said he could not file it because of a "bad format" error message, would send a hard copy of the report, and would electronically file it the following Monday. The Senior Analyst advised him that the paper copy would not be accepted and that, if he sent it on diskette, the Senior Analyst "couldn't promise that it would work and that it wouldn't exempt them from a late fine." The Commission received the respondents' diskette and a paper copy with an unsigned Summary Page on October 24; however, the report was rejected because the diskette failed validation and there was no signature on the Summary Page of the paper copy. When the EFO staff and the Treasurer spoke on October 29 about the diskette received on the 24th, the Treasurer explained that his vendor's software "was not working" and the vendor "was attempting to correct the problem." On November 4, the Treasurer requested and was

assigned a password. On November 5, after the Assistant Branch Chief reminded the Treasurer that the Commission had not yet received the 12 Day Pre-General Report, the respondents electronically filed the report.

Under the administrative fine regulations, the respondents' computer failures are not considered "extraordinary circumstances." Therefore, the problem which their software vendor was trying to fix so they could file the 12 Day Pre-General Report does not constitute extraordinary circumstances.

The respondents believe that the RTB finding contains a "factual error" in that the Commission considered the 12 Day Pre-General Report not filed even though the respondents' report "was filed on October 24, the due date." The 12 Day Pre-General Report is an election sensitive report and, for purposes of the schedules of penalties, an election sensitive report is considered not filed if it is not filed prior to four (4) days before the General Election. 11 C.F.R. §§ 111.43(d) and (e)(2). Because they could not electronically transmit the report on the due date, the respondents submitted it on diskette along with a paper copy. The diskette did not pass the Commission's validation program, was not accepted, and was not considered filed. The paper copy of the report was not accepted either because the respondents are mandatory electronic filers. The 12 Day Pre-General Report, filed on November 5 which passed the Commission's validation program and was accepted, is considered not filed for the purpose of calculating the civil money penalty since it was not filed prior to 4 days before the November 5 General Election.

The other issue raised in the challenge (the use of an exception processing code to upload the amended 30 Day Post-General Report because it had less than half of the original report's itemized transactions) does not fall within the list of defenses outlined in 11 C.F.R. § 111.35. The respondents presented no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the 12 Day Pre-General Report in a timely manner. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$9,000.

OAR Recommendations

- (1) Make a final determination in AF# 827 that the National Committee for an Effective Congress and James E. Byron, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$9,000; and
- (2) Send the appropriate letter.

Attachments

- Attachment 1 – Challenge received from Respondents
- Attachment 2 – Supplemental Request to and Response from ITD
- Attachment 3 – Supplemental Request to and Response RAD
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

RECEIVED
FED MAIL
OPERATIONS CENTER
7003 MAY 16 P 3:27

FEC OFFICE OF
ADMINISTRATIVE REVIEW

2003 MAY 16 12:59

Perkins
Coie

JUDITH L. CORLEY
202/434-1622
JCORLEY@PERKINSCOIE.COM

Attachment # 1
10 Pages

607 Fourteenth Street N.W.
Washington, D.C. 20005-2011
PHONE: 202.628.6600
FAX: 202.434.1690
www.perkinscoie.com

May 16, 2003

BY HAND DELIVERY

Office of Administrative Review
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Administrative Fines Case #827 – National Committee for an Effective
Congress – FEC ID #C00003558

Dear Sir/Madam:

This is in response to the mailgram received by the National Committee for an Effective Congress ("NCEC") notifying it that the Federal Election Commission ("FEC") had found reason to believe that NCEC had failed to file timely the 12-Day Pre-General Election Report that was due on October 24, 2002. NCEC wishes to challenge the RTB finding on the grounds that the finding is based on a factual error and because of extraordinary circumstances that persisted for more than 48 hours that were beyond the Committee's control. See discussion below and Affidavit of James E. Byron, Treasurer (Exhibit A)

FACTUAL ERROR

The FEC's regulations, at 11 C.F.R. § 111.43(e)(2) state that a pre-election report is considered to be not filed if the report is not filed "prior to four (4) days before...the general election...." In this case, NCEC's report was filed on October 24, the due date of the report. Due to electronic filing difficulties, discussed further below, the treasurer of the Committee had hand-delivered to the FEC a hard copy of the report and a diskette containing the Committee's electronic filing. The delivery was received by the Commission at 4:20 pm on October 24. See Exhibit B.

The Commission's reason to believe finding that the report was not filed is, therefore, factually incorrect.

EXTRAORDINARY CIRCUMSTANCES

In addition to the factual error, NCEC believes that extraordinary circumstances existed which prevented the electronic filing of its report until after the filing deadline.

11:57:53 AM '03

Office of Administrative Review
May 16, 2003
Page 2

On October, 24, 2002, the treasurer of the Committee attempted several times to electronically file the report. The Committee had been filing electronically without incident since the first requirement to file electronically. It was unclear on October 24, whether the problem with the filing was in the Committee's software or with the FEC's electronic filing system. The treasurer has had several conversations with its software vendor, but they have been unable to find any specific problem that would prevent the report from being filed.

As the day wore on the electronic filing continued not to go through. To ensure that the Committee's report was timely filed and available for the public record, the treasurer, as described above, had hand-delivered to the Commission a hard copy of the report as well as a diskette containing the electronic filing.

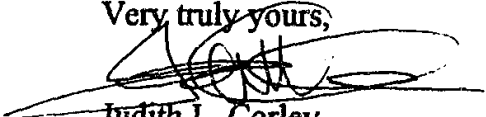
Over the next few days, the treasurer worked with the Committee's software vendor and with Eliza in the FEC's Electronic Filing Office to try to figure out the filing problem. Despite making changes suggested by Eliza, the electronic filing still did not work. The report was finally electronically filed on November 5, 2002.

Since that time, the Committee has had one additional problem with electronic filing, specifically, an amendment to a later report. As described in the enclosed response to the Commission's RFAI (Exhibit C), it was eventually determined in this case that an FEC staff member had not loaded the file properly. The Committee has not had any other problems filing its report.

CONCLUSION

In light of the information provided above, NCEC believes that the Commission's finding of reason to believe in this case was in error. The FEC should dismiss this case and take no further action.

Very truly yours,



Judith L. Corley
Counsel for NCEC

Enclosures

EXHIBIT A

24.09.255.2913

BEFORE THE FEDERAL ELECTION COMMISSION

ADMINISTRATIVE FINES CASE #827

AFFIDAVIT OF JAMES E. BYRON

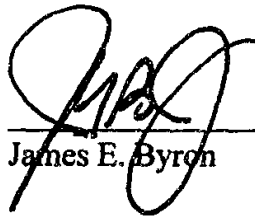
I, JAMES E. BYRON, hereby state as follows:

1. I have personal knowledge of the facts set forth herein and if called to testify in this matter, I would testify as set forth herein.
2. I am the treasurer of the National Committee for Effective Congress ("NCEC" or "the Committee"), FEC ID #C0003558.
3. On October 24, 2002, I attempted several times to file electronically NCEC's pre-general election report. The attempts were unsuccessful.
4. I was unable to tell if the problems with the filing were problems with NCEC's filing software or with the FEC's electronic filing system
5. When it appeared that the report would not be filed electronically on the 24th, that same day I had a hard copy of the report and a diskette with the electronic version of the report hand-delivered to the Federal Election Commission.
6. Over the next few days, I had several conversations with both NCEC's software vendor and with Eliza of the FEC's Electronic Filing Office. Despite making changes suggested by Eliza, the report still did not go through. The report was finally electronically filed on November 5, 2002.

7. The Committee recently had another problem with filing an amendment to a report electronically. After conversations about the filing problem with the FEC staff, the report would still not go through. At that point, Ken Lally of the FEC told me that they would load the report electronically on our behalf. I subsequently learned that it had not been successfully loaded and was told that an FEC staff member had failed to load the file properly. The amendment has since been properly filed.

8. Other than these two instances, the Committee has not had any problems filing electronically.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th day of May, 2003.



James E. Byron

EXHIBIT B

9162-552-60-42

10 G 4 Greenberg → 1920 L 8 Kurtz *Handwritten*

JOB#	ADDRESS	SIGNATURE REQUIRED ON DELIVERY	TIME	CASH AMOUNT
1	FROM 122 C 650 NCEC TO 999 E FCC	PRINT <i>S. Houser</i> TX	P/U 4:20 DEL	
2	FROM 210 I BASE TO 1300 PA ITC			
3	FROM 210 I BASE TO 601 13th BB+T			
4	FROM 1331 F 4 UST TO 1350 X 6 Ditchin			
5	FROM 165 H Chief Comm TO 200 1543 New Med			
6	FROM 1331 F 450 UST TO 1350 I 6 Advocacy			
7	FROM 101 Cons. 4 PA TO 1300 PA 7 ARM PAC	TX <i>B-Downie</i> PRINT	P/U 9:55 DEL	
8	FROM 1054 7th Teleph TO 606 13th M'Delmont	TX <i>BRENT</i> PRINT	P/U DEL 11:50	
9	FROM 1331 F UST TO 1225 I Venable	TX <i>T Locke</i> PRINT	P/U DEL 5:30	
10	FROM 499 J Cap 215A TO 607 14th 7 Parkins	TX <i>Coleman</i> PRINT	P/U DEL 1:50	
11	FROM 511 2nd Squier TO 1801 K Butson	TX <i>T. ALVAREZ</i> PRINT	P/U DEL 2:55	
12	FROM 1331 F 4 UST TO 1350 I 6 Ditchin	TX <i>Glenn</i> PRINT	P/U 4:05 DEL	
11/4	FROM 1350 I 6 Ditchin TO 1350 I 6 Ditchin	TX <i>Brown</i> PRINT	P/U DEL 4:00	
DRIVER MANIFEST 8 CCIA DRIVER <i>Bruce Beran</i> NUMBER 136 DATE		CASH TOTAL 50%		

CAPITOL HILL
DELIVERY SERVICE
INCORPORATED

INVOICE

WASHINGTON D.C. 20002
PHONE (202) 547-8657
WWW.CAPITOLHILLDELIVERY.COM

INVOICE NUMBER	PAGE
3527	2
CLIENT NUMBER	TERMS
0086	NET 15
INVOICE DATE	
10/31/2002	
INVOICE TOTAL	
\$143.20	

Invoice Submitted To:

NCEC

122 C ST NW #650
WASHINGTON
DC 20001

Attn: KATHY JONES

Order Date/Num Service Received By	Reference Caller	Pickup Address	Drop Off Address								Total
Charge	Piece	Minutes	Pounds	Miles	Insurance	Other	Expense	Other1	Other2		

NCEC

10/24/2002 10210/2026
RUSH

BIELEN

NCEC
122 C ST NW #650
WASHINGTON

DC 20001

FEC
999 E ST NW
WDC

\$10.43	0	0	0	0	0	0	0	0	0	0	\$11.03
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10/25/2002 10210/2001
STANDARD

KATHY

THE GOODWILL BUILDING/ TEMP POST NCEC
2200 SOUTH DAKOTA AVE SE
WASHINGTON

DC 20018

122 C ST NW #650
WASHINGTON

DC 20001

\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
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10/28/2002 1028/2001
STANDARD

KATHY

THE GOODWILL BUILDING/ TEMP POST NCEC
2200 SOUTH DAKOTA AVE SE
WASHINGTON

DC 20018

122 C ST NW #650
WASHINGTON

DC 20001

\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
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10/28/2002 1028/2007
STANDARD

BIELEN

THE GOODWILL BUILDING/ TEMP POST NCEC
2200 SOUTH DAKOTA AVE SE
WASHINGTON

DC 20018

122 C ST NW #650
WASHINGTON

DC 20001

\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
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10/29/2002 1029/2001
STANDARD

KATHY

THE GOODWILL BUILDING/ TEMP POST NCEC
2200 SOUTH DAKOTA AVE SE
WASHINGTON

DC 20018

122 C ST NW #650
WASHINGTON

DC 20001

\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
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10/30/2002 1030/2001
STANDARD

KATHY

THE GOODWILL BUILDING/ TEMP POST NCEC
2200 SOUTH DAKOTA AVE SE
WASHINGTON

DC 20018

122 C ST NW #650
WASHINGTON

DC 20001

\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
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10/31/2002 1031/2001
STANDARD

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THE GOODWILL BUILDING/ TEMP POST NCEC
2200 SOUTH DAKOTA AVE SE
WASHINGTON

DC 20018

122 C ST NW #650
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\$9.00	0	0	0	3.77	0	0	0	0	0	0	\$9.52
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Billing Group Sub-Total \$143.20

Invoice Total \$143.20

10/31/2002 12:43

EXHIBIT C

6162-552-60-42

May 5, 2003

Mr. Eric W. Koeppen
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Koeppen:

This letter is in response to your 2nd RFAI dated May 1, 2003.

On April 23rd, NCEC attempted to electronically file an amendment to its 2002 30 Day Post-General report as requested in your RFAI dated April 9, 2003. The filing failed and we got the following email message:

DISCLOSE -- FEC Electronic Filing System Notice -- FILING
COULD NOT BE PROCESSED!

This is to inform you of the failure of your
electronic filing via the DISCLOSE protocol.

Your filing was received at Wed Apr 23 19:56:13 2003.

Thank you for using DISCLOSE.

Your filing could not be processed for the following reasons:

The amendment filed by committee C00003558 could not be processed because the report contains fewer than half of the itemized transactions contained in the original. If the report was filed in error, please correct it and re-file. Otherwise, contact your campaign finance analyst for assistance at (202) 694-1130 or (800) 424-9530 extension 1130.

I left a message with the electronic filing office requesting assistance. No response was received. I was able to electronically file a letter explaining the situation April 24, 2003 (see FEC-83415 Form F99). I left another message on Monday, April 28th. Ken Lally returned the call. Once I again attempted to file the report electronically and finally filed on diskette, via messenger to the FEC April 29th. A woman from the FEC left a message after I left the office April 30 saying that my report had failed to load. I called Ken Lally back the next day, May 1st, and he told me that the FEC staff member had not loaded the file properly. Mr. Lally called me later in the day to tell me that the file had loaded correctly.

NCEC made every effort to file an amendment before the deadline, alerted the FEC when that was impossible to do so and finally worked with FEC staff members to file the amendment.

You may call me at 202-639-8300 if you have any other questions regarding this matter.

Sincerely



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 23, 2003

MEMORANDUM

TO: JEFF CHUMLEY
MANAGER, SYSTEMS ANALYSIS AND DESIGN BRANCH
DATA SYSTEMS DEVELOPMENT DIVISION

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 827 - NATIONAL COMMITTEE FOR AN EFFECTIVE
CONGRESS AND JAMES E. BYRON, JR., AS TREASURER
(C00003558)

On May 16, 2003, the Office of Administrative Review ("OAR") received a written response and supporting documentation ("challenge") from the respondents for the 2002 12 Day Pre-General Report. In the challenge, the respondents reference a "problem with the filing ... in the Committee's software or with the FEC's electronic filing system" when they tried to file the report on October 24, 2002. The respondents also state that, "[t]o ensure that the Committee's report was timely filed and available for the public record, the treasurer ... had hand-delivered to the Commission a hard copy of the report as well as a diskette containing the electronic filing." A copy of the challenge is attached for your review.

Please provide any information regarding the issues raised by the respondents about their attempts to electronically file the report. If you have no records relating to this request, please advise OAR accordingly. Any information submitted by your office will be sent to the respondents, circulated to the Commission and placed on the public record. Please contact me at 694-1660 if you have any questions. Thank you.

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 2003

MEMORANDUM

TO: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

FROM: JEFF CHUMLEY - *JC*
MANAGER, SYSTEMS ANALYSIS AND DESIGN BRANCH
INFORMATION TECHNOLOGY DIVISION

SUBJECT: AF# 827 - NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS
AND JAMES BYRON, TREASURER (C00003558)

In response to your request dated September 23, 2003, the Electronic Filing Office (EFO) provides the following information regarding the respondents' filing for the 2002 12 Day Pre-General Report:

The EFO records show the following activity concerning the 2002 12 Day Pre-General Report.

October 24, 2002 - The EFO received a 2002 12 Day Pre-General report on diskette time-stamped 4:16 pm by the FEC mail room. Along with the diskette, a paper copy of the report with an unsigned summary page was included.

October 25, 2002 - The EFO left a message for Mr. James Byron at 8:37 a.m. regarding the rejection of his 2002 12 Day Pre-General Report. The message stated that his report was rejected because there was no signature on the summary page and because it failed validation.

October 29, 2002 - The EFO spoke with Mr. Byron at 11:13 a.m. regarding the rejection of the committee's 2002 12 Day Pre-General Report (received on October 24). He was informed again that his report was rejected because there was no signature on the summary page and because it failed validation. Mr. Byron stated that the software he used, Synetech Corp., was not working and the vendor was attempting to correct the problem. Mr. Byron wanted to know if there would be anything on record showing an attempt was made to file the report. He was instructed to contact Erik Koeppen in the Reports Analysis Division who works with the committee.

November 4, 2002 – Mr. Byron requested and was assigned an electronic filing password.

November 22, 2002 – Mr. Byron again requested and was assigned a password.

April 28, 2003 – Mr. Byron called the EFO. He was having trouble uploading his 2002 30 Day Post-General amendment. The amended report was rejected by the electronic filing server because it contained fewer than half of the itemized transactions contained in the original report. The EFO transferred Mr. Byron's call to the RAD Analyst. The RAD Analyst provided the exception processing code to enable Mr. Byron to upload the report regardless of size. However, Mr. Byron subsequently emailed the EFO stating that he received the exception processing code, but his software would not allow its use and stated that he is still experiencing software problems on his end. Therefore, Mr. Byron sent the amended report on diskette.

May 1, 2003 – The EFO received the 2002 30 Day Post-General amendment on diskette and the EFO uploaded the file using the exception processing code.

July 7, 2003 – Mr. Byron called the EFO. He was having trouble uploading an unspecified amendment. The EFO walked him through the upload process and no problems were encountered.

The EFO logs show no other documented conversations with the respondents concerning the amended 30 Day Post-General Report.

2003-05-01




FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 24, 2003

MEMORANDUM

TO: JOHN GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

FROM: SHAWN WOODHEAD WERTH 
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 827 - NATIONAL COMMITTEE FOR AN EFFECTIVE
CONGRESS AND JAMES E. BYRON, AS TREASURER (C00003558)

On May 16, 2003, the Office of Administrative Review ("OAR") received the written response and supporting documentation ("challenge") from the respondents for the 2002 12 Day Pre-General Report. In the challenge, the respondents' counsel references their attempts to electronically file the report. A copy of the challenge is attached for your review.

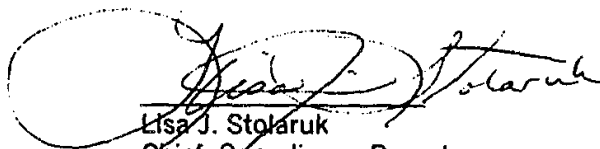
Please provide information regarding any telephone conversations between the respondents and your staff concerning the filing of this report. If you have no records relating to this request, please advise OAR accordingly. Any information submitted by your office will be sent to the respondents, circulated to the Commission and placed on the public record. Please contact me at 694-1660 if you have any questions. Thank you.

Attachment

4252-552-60-42

DECLARATION OF LISA J. STOLARUK

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the research conducted with regard to the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to the National Committee for an Effective Congress:
 - A) Prior Notice dated August 27, 2002 referencing the 2002 12 Day Pre-General Report;
 - B) Reason-to-Believe Mailgram dated April 10, 2003 referencing the 2002 12 Day Pre-General Report.
3. I hereby certify that I have searched the Commission's public records and find that the National Committee for an Effective Congress electronically filed the 2002 12 Day Pre-General Report with the Commission on November 5, 2002.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 15th day of May, 2003.


Lisa J. Stolaruk
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

August 27, 2002

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a monthly basis must file Monthly Reports in 2002. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted. Note that, in an election year, the 12-Day Pre-General and 30-Day Post-General Election Reports are filed in lieu of the November and December Monthly Reports.

REPORTING DATES FOR REMAINDER OF 2002

REPORT	REPORTING PERIOD ¹	REG./CERT. MAILING DATE ²	FILING DATE
September	08/01/02 - 08/31/02	09/20/02	09/20/02
October	09/01/02 - 09/30/02	10/20/02	10/20/02 ³
Pre-General	10/01/02 - 10/16/02	10/21/02	10/24/02
Post-General	10/17/02 - 11/25/02	12/05/02	12/05/02
Year-End	11/26/02 - 12/31/02	01/31/03	01/31/03

IMPORTANT FILING INFORMATION

In response to the anthrax threat, the US Postal Service is irradiating mail directed to many federal government agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than regular US mail. Alternative methods include:

- Electronic Filing (see reverse side of notice for more information);
- Overnight mail service; and
- Hand delivery.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

²Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

³Note that the filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Reports filed on paper or diskette must be received by the appropriate filing office(s) the Friday before the filing date.

⁴Committees that support only Senate candidates should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via regular US mail.

(over)

ELECTRONIC FILING

Political committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at <http://www.fec.gov/electfil/electron.html>.

24 HOUR REPORT ON INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file a 24-hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. This report is *not* required when a Party Committee or PAC makes a contribution directly to a candidate.

COMPLIANCE

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties ranging from \$125 to \$16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit the FEC web site at <http://www.fec.gov/adminfines1.html>.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from monthly to quarterly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year.

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: JAMES E BYRON
NATIONAL COMMITTEE FOR AN EFFECTIVE CONG
122 C ST NW STE 650
WASHINGTON DC 20001-2151

FEDERAL ELECTION COMMISSION
ALAN SHOOK
999 E ST NW # 709
WASHINGTON DC 20463

APRIL 10, 2003

JAMES E BYRON
NATIONAL COMMITTEE FOR AN EFFECTIVE CONG
122 C STREET NW SUITE 650
WASHINGTON DC 20001

C00003558
AF#: 827

DEAR JAMES E BYRON:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A 12 DAY PRE-GENERAL REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH OCTOBER 16TH, SHALL BE FILED NO LATER THAN OCTOBER 24TH. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED PRIOR TO FOUR (4) DAYS BEFORE THE GENERAL ELECTION HELD ON NOVEMBER 5, 2002. YOU SHOULD FILE THE 12 DAY PRE-GENERAL REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEC TO IMPOSE CIVIL MONEY PENALTIES FOR VIOLATIONS OF THE REPORTING REQUIREMENTS OF 2 U.S.C. 434(A). 2 U.S.C. 437G(A)(4). ON 04/07/2003, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT NATIONAL COMMITTEE FOR AN EFFECTIVE CONG AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 24TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$9000. IT IS DUE BY 05/17/2003 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$321557
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0
TO PAY THE CALCULATED CIVIL MONEY PENALTY

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3. UPON RECEIPT OF YOUR PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AFF FOUND ON PAGE ONE, TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 05/17/2003. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE FEC WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE FEC, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. YOUR RESPONSE MUST INCLUDE THE FACTUAL BASIS SUPPORTING THE REASON(S) AND SUPPORTING DOCUMENTATION. THE FEC STRONGLY ENCOURAGES THAT DOCUMENTS BE SUBMITTED IN THE FORM OF AFFIDAVITS OR DECLARATIONS. EXAMPLES OF CIRCUMSTANCES THAT WILL NOT BE CONSIDERED EXTRAORDINARY INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 C.F.R. 111.35(B)(1)(III) AND (4).

YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF YOUR RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

IF YOU INTEND TO BE REPRESENTED BY COUNSEL, PLEASE ADVISE THE OFFICE OF ADMINISTRATIVE REVIEW. YOU SHOULD PROVIDE, IN WRITING, THE NAME, ADDRESS AND TELEPHONE NUMBER OF YOUR COUNSEL AND AUTHORIZE COUNSEL TO RECEIVE NOTIFICATIONS AND COMMUNICATIONS RELATING TO THIS CHALLENGE AND IMPOSITION OF THE CALCULATED CIVIL MONEY PENALTY.

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A CHALLENGE

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE, THE FEC WILL ASSUME THAT THE PRECEDING FACTUAL ALLEGATIONS ARE TRUE AND MAKE A FINAL DETERMINATION THAT NATIONAL COMMITTEE FOR AN EFFECTIVE CONG AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY.

UNPAID CIVIL MONEY PENALTIES ASSESSED THROUGH THE ADMINISTRATIVE FINE REGULATIONS WILL BE SUBJECT TO THE DEBT COLLECTION ACT OF 1982("DCA")AS AMENDED BY THE DEBT COLLECTION IMPROVEMENT ACT OF 1996, 31 U.S.C. 3701 ET SEQ. THE FEC MAY TAKE ANY AND ALL APPROPRIATE ACTION AUTHORIZED AND REQUIRED BY THE DCA, AS AMENDED, INCLUDING TRANSFER TO THE U.S. DEPARTMENT OF THE TREASURY FOR COLLECTION. 11 C.F.R. 111.45.

THIS MATTER WAS GENERATED BASED ON INFORMATION ASCERTAINED BY THE FEC IN THE NORMAL COURSE OF CARRYING OUT ITS SUPERVISORY RESPONSIBILITIES. 2 U.S.C. 437G(A)(2). IT WILL REMAIN CONFIDENTIAL IN ACCORDANCE WITH 2 U.S.C. 437G(A)(4)(B) AND 437G(A)(12)(A) UNTIL IT IS PLACED ON THE PUBLIC RECORD IN ACCORDANCE WITH 11 C.F.R. 111.42, UNLESS YOU NOTIFY THE FEC IN WRITING THAT YOU WISH THE

6363 " 333 " 33 " 43

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATE CIVIL MONEY PENALTY, PLEASE CONTACT ALICE KANG IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) OR (202)694-1130. IF YOU HAVE QUESTIONS REGARDING THE SUBMISSION OF A CHALLENGE, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE REVIEW AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

ELLEN L. WEINTRAUB
CHAIR

* * * * *
ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$9000 FOR THE 2002 12 DAY PRE-GENERAL REPORT.

PLEASE MAIL THIS REMITTANCE WITH A CHECK OR MONEY ORDER MADE PAYABLE TO THE FEDERAL ELECTION COMMISSION TO THE FOLLOWING ADDRESS:
FEDERAL ELECTION COMMISSION
P.O. BOX 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:
U.S. BANK - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 05/17/2003. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: NATIONAL COMMITTEE FOR AN EFFECTIVE CONG

FEC ID#: C00003558

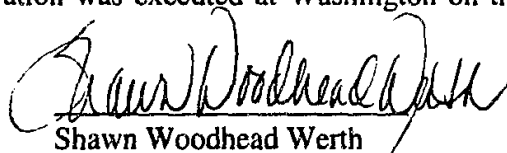
AF#: 827

PAYMENT DUE DATE: 05/17/2003

PAYMENT AMOUNT DUE: \$9000

DECLARATION OF SHAWN WOODHEAD WERTH

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I supervise research conducted with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2002 12 Day Pre-General Report, covering the period October 1 through October 16, 2002, is due on October 24, 2002. If electronically filed, it must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on October 24 to be timely filed.
3. It is the practice of the Commission's Mail Room to date stamp each report as it is received and the Commission's Electronic Filing Office to record the method used to file the report and the date received.
4. It is the practice of the Commission's Information Division to send prior notification of a report's due date to committees at their address of record approximately 3 weeks before the due date and to enclose the Electronic Filing handout in the prior notification package.
5. It is the practice of the Commission's Electronic Filing Office to upload validated data from diskette filings into the Commission's public records; keep a record of each successful upload from a diskette filing; maintain all uploaded diskettes; contact the filer by telephone and instruct the filer to re-file a corrected or complete filing if a diskette filing is rejected and a telephone number for the filer is found; keep a record of all actions taken in connection with a rejected diskette filing; and to maintain all rejected diskettes, correspondence and envelopes. It is also the practice of this Office to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/elecfil> for the use of committees and treasurers who are electronic filers.
6. I hereby certify that I have searched the Commission's public records and that the document identified herein is the true and accurate copy of Page 1 of the Summary Page for the 2002 12 Day Pre-General Report electronically filed by the National Committee for an Effective Congress and James E. Byron, as Treasurer. According to the Commission's records, the report, covering the period October 1 through October 16, 2002, was received on November 5, 2002.
7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 5th of February, 2004.



Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review
Federal Election Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

*Electronic Filing**

Under the Commission's mandatory electronic filing regulations, all persons required to file their reports with the FEC who receive contributions or make expenditures in excess of \$50,000 in a calendar year, or who expect to do so, must submit their campaign finance reports electronically. Any filers who are required to file electronically, but who file on paper, will be considered nonfilers and may be subject to enforcement action by the Commission, including publication of their names and the imposition of civil money penalties under the Administrative Fine Program. 11 CFR 104.18(a)(2) and Part 111, Subpart B and 2 U.S.C §437g(a)(4) and (6)(A).

Mandatory v. Voluntary Filing

The mandatory electronic filing regulations (11 CFR 104.18) apply to any political committee or other person required to file reports, statements or designations with the FEC. This includes all filers except Senate candidate committees (and other persons who support only Senate candidates), who are required to file with the Secretary of the Senate.¹

Since 1996, the Commission has encouraged voluntary electronic filing. For those individuals and political committees that do not exceed (or do not expect to exceed) the \$50,000 threshold, voluntary electronic filing is still encouraged.

Voluntary electronic filers must continue to file electronically for the remainder of the calendar year unless the Commission determines that unusual circumstances make continued electronic filing impractical. 11 CFR 104.18(b). No such waiver by the Commission, however, has been established for mandatory electronic filers.

Who Must File Electronically

Candidate Committees. All committees authorized by one candidate must file electronically if their combined total contributions or combined total

expenditures exceed, or are expected to exceed, the \$50,000 threshold.

PACs and Party Committees. By contrast, each unauthorized committee (PAC or party committee), whether or not it is affiliated, must file electronically if its total contributions or total expenditures exceed, or are expected to exceed, the threshold.

Joint Fundraising Representatives. A joint fundraising representative must file electronically if its total contributions or total expenditures exceed, or are expected to exceed, the \$50,000 threshold.²

Independent Expenditures. Individuals and qualified nonprofit corporations whose independent expenditures exceed, or are expected to exceed, the \$50,000 threshold must file electronically on FEC Form 5. Because Form 5 must be notarized, filers are required to submit a paper copy of Form 5 bearing the notarized seal and signature, or, if filing on diskette, attach a digital version of the seal and signature as a separate file when filing Form 5 electronically. 11 CFR 104.18(h) and 109.2(a).

Calculating the Threshold

A committee (other than a Senate committee) must file electronically if:

- It has received contributions of more than \$50,000 or made expenditures of more than \$50,000 during any calendar year; or
- It has "reason to expect to exceed" the above threshold in any calendar year. 11 CFR 104.18(a)(1) and 104.18(a)(3)(i).

"Have Reason to Expect to Exceed." Once filers actually exceed the threshold, they have "reason to expect to exceed" the threshold in the following two calendar years. 11 CFR 104.18 (a)(3)(i). This means they must continue to file electronically for the next two years (January through December).

* This handout is based on an article that appeared in the August 2000 Record, p. 1.

¹ Senate candidates, however, are encouraged to voluntarily file electronically an unofficial copy of their reports with the FEC to ensure faster disclosure.

² For more information on joint fundraising, see 11 CFR 102.17, the Campaign Guides for Congressional Candidates and Committees and Campaign Guides for party committees.

2002-08-01 15:25:22

Exception for Candidate Committees. In some cases, a candidate committee that has exceeded the threshold and filed electronically may not have to continue filing electronically. This exception applies to a candidate committee that:

- Has \$50,000 or less in net debts outstanding on January 1 of the year following the election;
- Anticipates terminating prior to the next election year; and
- Supports a candidate who has not qualified for the next election and does not intend to become a candidate in the next election. 11 CFR 104.18 (a)(3)(i).

Persons With No History. New political committees or other persons with no history of campaign finance activity may rely on one of the following formulas to determine whether they will exceed, or should expect to exceed, the threshold:

- The filer receives contributions or makes expenditures that exceed one-quarter of the threshold amount in the first calendar quarter of the calendar year; or
- The filer receives contributions or makes expenditures that exceed one-half of the threshold amount in the first half of the calendar year. 11 CFR 104.18 (a)(3)(ii).

Other Considerations. When a committee calculates whether it has exceeded, or expects to exceed, the \$50,000 threshold, it should keep in mind the following:

- The calculation is based on either making \$50,000 in expenditures or receiving \$50,000 in contributions during the calendar year; it is not based on a combination of expenditures and contributions.
- Nonfederal funds are excluded from the calculation.
- Cash on hand and outstanding debt at the beginning of the calendar year are excluded from the calculation.

(Also, see chart on page 3: *Calculating the Electronic Filing Threshold.*)

Filing Reports and Statements

Validation of Report. Electronic filers (whether mandatory or voluntary) must file all their reports electronically. The reports must follow the FEC's Electronic Filing Specifications Requirements, available online or on paper from the FEC. 11 CFR 104.18(d). An electronic report is considered "filed" when it is received and validated by the Commission's computer system on or before 11:59

p.m. on the prescribed filing date. Incomplete or inaccurate reports that do not pass the FEC's validation program will not be considered filed. The Commission will notify the filer that the report has not been accepted. 11 CFR 104.18(e)(2).

Filing an Amendment. To amend an electronically filed report, the filer must electronically resubmit the entire report, not just the amended portions. Additionally, the amendments must comply with the formatting rules contained in the FEC's Electronic Filing Specifications Requirements. 11 CFR 104.18(f).

Registration Documents (FEC Forms 1 and 2)

If a committee has exceeded or expects to exceed the \$50,000 threshold, its Statement of Organization (FEC Form 1) and Statement of Candidacy (FEC Form 2), and any amendments to either form, must be filed electronically. 11 CFR 102.2(a)(2) and 104.18(c). Note that all filers (whether electronic or paper) must include on their Statement of Organization the URL for their Web site, if they maintain one. Those committees that file electronically must also include their e-mail address on their Statement of Organization. 11 CFR 102.2(a)(1)(vii).

Refiling Paper Reports

Filers will not be expected to refile any reports or statements that were correctly filed on paper earlier in the calendar year or election cycle. 11 CFR 104.18(a)(2).

Signature Requirements

A committee's treasurer (or other person responsible for filing designations with the FEC) must verify that all electronically filed documents have been examined by the treasurer and (to the best of that person's knowledge) are accurate and complete. Verification may be:

- Direct transmission of the filing, using the treasurer's personal password received from the FEC. (In order to receive a password, treasurers should fax a request letter to the password office at 202/219-0674); or
- If filing on diskette, a digitized copy of a signed certification sent, as a separate file on the diskette, with the electronically filed documents. 11 CFR 104.18(g).

More Information

Free copies of the final rules, and their Explanation and Justification, as they appeared in the Federal Register (65 FR 38415, June 21, 2000) are available through the FEC Faxline (202/501-3413, document 227). For further information, see the FEC's Web site at <http://www.fec.gov/electron.html>.

Calculating the Electronic Filing Threshold

Political committees should use the following formulas to determine if their total expenditures or total contributions are over \$50,000 per calendar year:

CANDIDATE COMMITTEES

$$\begin{array}{r} \text{Total Contributions Received}^1 \\ - \text{Refunds of Contributions} \\ \hline \text{Total Contributions (if over \$50,000, must file electronically)} \\ \\ \text{Total Operating Expenditures} \\ + \text{Contributions Made} \\ \hline \text{Total Expenditures (if over \$50,000, must file electronically)} \end{array}$$

PACS

$$\begin{array}{r} \text{Total Contributions Received} \\ - \text{Refunds of Contributions} \\ + \text{Transfers from affiliated federal committees} \\ \hline \text{Total Contributions (if over \$50,000, must file electronically)} \\ \\ \text{Total Federal Operating Expenditures} \\ + \text{Transfers to affiliated federal committees} \\ + \text{Contributions Made} \\ + \text{Independent Expenditures} \\ \hline \text{Total Expenditures (if over \$50,000, must file electronically)} \end{array}$$

POLITICAL PARTY COMMITTEES

$$\begin{array}{r} \text{Total Contributions Received} \\ - \text{Refunds of Contributions} \\ + \text{Transfers from affiliated federal political party committees} \\ \hline \text{Total Contributions (if over \$50,000, must file electronically)} \\ \\ \text{Total Federal Operating Expenditures} \\ + \text{Transfers to affiliated federal political party committees} \\ + \text{Contributions Made} \\ + \text{Independent Expenditures} \\ + \text{Coordinated Expenditures} \\ \hline \text{Total Expenditures (if over \$50,000, must file electronically)} \end{array}$$

¹ Including the outstanding balance of any loans made, guaranteed or endorsed by the candidate or other person.



Federal Election Commission

Select another section of this site

GO

Electronic Filing FAQ

Table of Contents

1. General Information
2. Paper vs. Electronic filing
3. Passwords
4. Submitting an electronic filing

General Information

Question: Can I begin electronic filing at any time of the year?

Answer: Yes... but for aggregate amounts and summary totals to be correct, previous information must be entered either completely or in total amounts. For example, a person who has made three previous contributions during the current year and one during the current reporting period would require either all four contributions, or the current contribution plus a single contribution for the total amount of the three previous contributions be entered. In the second case, the lump sum contribution must be dated in a previous period but the exact date is not relevant for aggregation purposes.

Unitemized contributions from sources that will not reach the itemization threshold during the year can be entered as a single lump sum. This entry need not be attributed to a particular individual or organization. After adding the lump-sum transaction, choose "Itemize" from the edit menu. The itemize feature toggles so that choosing it a second time marks the transaction as itemized. Important! If you enter the data this way, the program cannot track aggregates for those whose transactions are not attributed to them. If one of these people eventually goes over \$200 and requires itemization, their transaction amounts must be removed from the lump-sum unitemized transaction and entered into their own record (as individual transactions or a lump sum as described above.)

Question: What information from my report is displayed on the Internet?

Answer: The entire report is made available. The information is presented in several ways. The data is displayed in HTML format and also goes through a virtual scanning procedure and displayed with the scanned images of paper reports. To differentiate between paper and electronically filed reports, the Name of the Treasurer on the summary page of electronically filed reports is preceded by "Electronically filed by".

Question: What are my options for preparing an electronically filed report?

Answer: FECFile is software available at no cost from the FEC. Commercial

software is available and electronic filing tools are available to programmers for incorporating into their software.

Question: What are some advantages of electronic filing?

Answer:

▶ **Instant confirmation of submission**

Moments after filing, you will receive a fax or email or both that confirms that your file was not only received by the FEC but was in the accepted format. Included in this receipt are the filing number, necessary for filing amendments, and a checksum number that indicate that the file was not altered in transit.

▶ **Validation features look for missing information prior to filing**

Missing information such as employer, occupation and address is displayed by FECheck, the electronic filing validator. These are "level 4" errors that will not prevent a filing from being accepted by the FEC. Other, more serious errors such as missing signatory and invalid file format cause higher error levels and must be corrected prior to filing.

▶ **Remove third party delivery from the reporting process**

Information filed electronically travels a direct path from your computer into the FEC database. There is no possibility of the report being lost "in the mail". All reports whether paper or electronic are entered into the FEC database. Information from paper reports is keyed into the system manually. Electronic files are sent directly into the system automatically thus offering electronic filers the maximum control over the permanent record.

▶ **Amendments are very easy**

Filing an amendment is as simple as making the necessary changes to existing transaction or adding new ones and filing again. The details vary slightly depending on the software you use but the process is very simple.

▶ **Aggregates and Summary information calculated for you**

Year-to-date aggregates are tracked by the software and transactions are itemized automatically when the \$200 threshold is reached. The line totals on the summary page are calculated automatically based on the data entered for the corresponding schedules.

Question: Will contributor names and addresses be available on the internet?

Answer: Yes. They are available when filed on paper as well.

Question: How do I "sign" my electronic filing?

Answer: A report submitted via the internet or modem requires a password instead of a signature. (The Treasurer's signature is required to receive a password). Reports filed on 3.5" floppy diskette must be accompanied by a signed summary page.

Question: How much does FECFile cost?

Answer: Nothing. It is absolutely free.

Question: How do I get FECFile?

Answer: You can download it. Or we can send it by mail.

Question: Can I print Reports on paper with FECFile?

Answer: Yes. Paper reports can be printed and used for fact checking purposes, State filings or filing amendments to reports that were originally filed on paper.

Question: Is help available for FECFile?

Answer: Yes. If you have electronic filing questions or need help with any aspect of electronic filing, call the electronic filing help line, 800-424-9530 ext. 1642 or 202-694-1642.

Question: When I order FECFile does that obligate me to file electronically?

Answer: No. Downloading, installing and using the software in no way obligates you to file electronically. Once you actually file electronically, you are obligated to continue filing for the remainder of the calendar year.

Question: Does FECFile store my contributor information?

Answer: Yes. FECFile stores names, addresses and transactions.

Question: Does FECFile come with a printed user manual?

Answer: No, but you can download a PDF file that contains the entire manual.

Question: Is FECFile available for Presidential committees

Answer: No. It does not support Form 3P. Presidentials that accept matching funds MUST file electronically but may not use FECFile.

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Paper vs. Electronic Filing

Question: Once I file electronically can I switch back to paper?

Answer: Electronic filers are required to finish out the filing year before going back to paper.

Question: Can I amend a paper filing electronically?

Answer: No, but FECFile allows you to print an amendment when necessary.

Question: Should I submit paper forms as well as electronic?

Answer: No. The paper filing would be received after the electronic and thus not be considered an official filing.

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Passwords

Question: Can anyone get a password to file electronically?

Answer: Only the current official treasurer and treasurer's assistant as listed in

the FEC records may obtain passwords. Obtaining a password requires a request on official committee letterhead for each password. The treasurer must sign all requests and if the password is for an assistant, the assistant must sign as well.

Question: If I forget my password, what should I do

Answer: You are the only one who knows your password. If you forget you must obtain a new password from the electronic filing office following the request procedure outlined above.

[Back to Top](#)

Submitting an electronic filing

Question: How do I submit an electronic filing to the FEC?

Answer: The software you use to file electronically will have a validator to make sure your report passes certain basic criteria. The report will not pass validation if there is a major problem such as incorrect file structure or a missing Treasurer's name. It also has an upload feature that automatically sends the report to the FEC via Internet connection or modem or to a 3.5" floppy disk (No other magnetic media are accepted)

Question: Can I email my filing to the FEC?

Answer: No. Email is not secure enough for that and there is no way to automatically validate and accept or reject an emailed file.

Question: How do I know the FEC has my filing?

Answer: When you upload a filing to the FEC, you receive an instant email and/or fax confirming receipt of the report. It includes a validation number to match against your own validation number to confirm that the report was not altered in any way in transit. It is important that you keep this email or fax for your records. You may also visit the FEC web site and see your filing on the web.

Question: What goes in the "Filing ID" field on the Report Information screen?

Answer: This information is entered *after* filing a report. The email or fax confirmation will include a report ID such as FEC-1234. This ID should be entered into the Filing ID field. If the report ever needs to be amended, this is the information that is entered on the upload screen under "This filing amends."

Question: What are the Configuration screen settings for uploading?

Answer:

- ▶ For uploading via the Internet: (These settings are case sensitive and must be entered exactly as indicated)

TCP/IP Hostname: fecef1.sdrdc.com

Agency ID: FEC

- ▶ For uploading via Modem:

COM Port: 2 is the default and the most common modem com port. It could vary.

BAUD Rate: 19200 is the default. Try 14400 if this does not work.

Dialup string: ATDT12027372293

Agency ID: FEC

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Updated 07/09/2001



Federal Election Commission | 999 E Street, NW | Washington, DC 20463
(800) 424-9530 | In Washington (202) 694-1100
For the hearing impaired, TTY (202) 219-3336

Send comments and suggestions about this site to: webmaster@fec.gov
[FEC Privacy Policy](#) | [Viewing Requirements](#) | [FOIA](#)

24.09.255.2939

FEC
FORM 3XREPORT OF RECEIPTS
AND DISBURSEMENTS
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

National Committee for an Effective Congress

ADDRESS (number and street)

122 C Street NW Suite 850

Check if different
than previously
reported. (AOC)

Washington

DC

20001

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00003558

3. IS THIS
-
- REPORT

X

NEW
(N)

OR

AMENDED
(A)

4. TYPE OF REPORT
-
- (Choose One)

(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (M13)

(a) Quarterly Reports:

April 15
Quarterly Report (Q1)July 15
Quarterly Report (Q2)October 15
Quarterly Report (Q3)January 31
Quarterly Report (YE)July 31 Mid-Year
Report (Non-election
Year Only) (MY)Termination Report
(TER)(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

X

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

11

05

2002

in the
State of(d) 30-Day
Post-Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

10

01

2002

through

10

18

2002

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer James E. Byron

Signature of Treasurer Electronically Filed by James E. Byron

Date 10 24 2002

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.

Office
Use
OnlyFEC FORM 3X
(Revised 1/2001)

2002-11-05 14:28



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

February 9, 2004

Judith L. Corley
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005

C00003558
AF# 827


Dear Ms. Corley:

On April 7, 2003, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the National Committee for an Effective Congress and James E. Byron, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$9,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me, at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

Attachment

24.09.255.2943



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2004 MAR -2 A 10:15

March 1, 2004

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ALISON L. DOONE
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN
AF# 827 - NATIONAL COMMITTEE FOR AN EFFECTIVE
CONGRESS AND JAMES E. BYRON, AS TREASURER
(C00003558)

SENSITIVE

On April 7, 2003, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the National Committee for an Effective Congress and James E. Byron, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 12 Day Pre-General Report. The report was filed on November 5, 2002, 12 days late, and was considered not filed for purposes of the civil money penalty calculation. As a result, on April 7, 2003, the Commission also made a preliminary determination that the civil money penalty was \$9,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 16, 2003, the Commission received the respondents' written response, Treasurer's affidavit, and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated February 5, 2004 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$9,000 because the respondents submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the 12 Day Pre-General Report in a timely manner.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received from the respondents.

OAR Recommendations

- (1) Make a final determination in AF# 827 that the National Committee for an Effective Congress and James E. Byron, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$9,000; and
- (2) Send the appropriate letter.

12-11-2013 10:25:43



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, March 02, 2004 4:00

BALLOT DEADLINE: Friday, March 05, 2004 4:00

COMMISSIONER: MASON, McDONALD, SMITH, THOMAS, TONER, WEINTRAUB

SUBJECT: **Final Determination Recommendation in AF #827
National Committee for an Effective Congress and
James E. Byron, as Treasurer (C00003558).
Memorandum from the Reviewing Officer Office of
Administrative Review dated March 1, 2004.**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I abstain from voting on the recommendation(s)
- () I am recused from voting on the recommendation(s)
- () I am not voting on this tally.

A definite vote is required. All ballots must be signed and dated. Please return **ONLY THE BALLOT** to the Commission Secretary. Please return ballot no later than date and time shown above.

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Committee for an Effective) AF #827
Congress and James E. Byron, as)
Treasurer (C00003558) -)
Final Determination Recommendation.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 5, 2004 the Commission decided by a vote of 6-0 to take the following actions in AF #827:

1. Make a final determination in AF #827 that the National Committee for an Effective Congress and James E. Byron, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$9,000.
2. Send the appropriate letter, as recommended in the Reviewing Officer's Memorandum dated March 1, 2004.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

March 5, 2004
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

24-09-255-2945

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: JUDITH L. CORLEY, ESQ.
PERKINS COIE
607 14TH ST NW
WASHINGTON DC 20005-2003

JENNIFER BOYT/OAR, REVIEW
FEDERAL ELECTION COMMISSION
999 E ST NW
WASHINGTON DC 20463

FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463

MARCH 3, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUDITH L. CORLEY, ESQ.
PERKINS COIE
607 FOURTEENTH STREET, NW
WASHINGTON, DC 20005

ID# C00003558
AF# 827

DEAR MS. CORLEY:

ON APRIL 7, 2003, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT THE NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS AND JAMES E. BYRON, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2002 12 DAY PRE-GENERAL REPORT, AN ELECTION-SENSITIVE REPORT. BY MAILGRAM DATED APRIL 10, 2003, THE COMMISSION SENT THE RESPONDENTS NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT RTB OF \$9,000 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43. ON MAY 16, 2003, THE OFFICE OF ADMINISTRATIVE REVIEW RECEIVED YOUR WRITTEN RESPONSE AND SUPPORTING DOCUMENTATION ("CHALLENGE") CHALLENGING THE RTB FINDING.

THE REVIEWING OFFICER REVIEWED THE COMMISSION RTB FINDING WITH ITS SUPPORTING DOCUMENTATION AND YOUR WRITTEN RESPONSE. BASED ON THIS REVIEW, THE REVIEWING OFFICER RECOMMENDED THAT THE COMMISSION MAKE A FINAL DETERMINATION THAT THE NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS AND JAMES E. BYRON, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY IN THE AMOUNT OF \$9,000 IN ACCORDANCE WITH 11 C.F.R. 111.43. THE BASIS FOR THE REVIEWING OFFICER RECOMMENDATION WAS INCLUDED IN THE FINAL DETERMINATION REPORT, A COPY OF WHICH WAS SENT TO YOU ON FEBRUARY 9,


**WESTERN
UNION**
WESTERN UNION COMMERCIAL SERVICES

2004.

ON MARCH 5, 2004, THE COMMISSION ADOPTED THE REVIEWING OFFICER'S RECOMMENDATION AND MADE A FINAL DETERMINATION THAT THE NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS AND JAMES E. BYRON, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESSED A CIVIL MONEY PENALTY OF \$9,000. IT IS BASED ON THE SAME FACTORS USED TO CALCULATE THE CIVIL MONEY PENALTY AT RTB.

TO PAY THE CIVIL MONEY PENALTY

TO PAY THE CIVIL MONEY PENALTY, SEND THE ENCLOSED FORM AND YOUR CLIENTS' PAYMENT TO THE ADDRESS ON PAGE 3 WITHIN 30 DAYS OF RECEIPT OF THIS LETTER.

IF YOU DO NOT PAY THE CIVIL MONEY PENALTY

UNPAID CIVIL MONEY PENALTIES ASSESSED THROUGH THE ADMINISTRATIVE FINE REGULATIONS WILL BE SUBJECT TO THE DEBT COLLECTION ACT OF 1982 ("DCA") AS AMENDED BY THE DEBT COLLECTION IMPROVEMENT ACT OF 1996 ("DCIA"), 31 U.S.C. 3701 ET SEQ. IF YOUR CLIENTS DO NOT PAY THIS DEBT WITHIN 30 DAYS (OR FILE A WRITTEN PETITION TO A FEDERAL DISTRICT COURT - SEE BELOW), THE COMMISSION WILL TRANSFER THE DEBT TO THE U.S. DEPARTMENT OF THE TREASURY ("TREASURY") FOR COLLECTION. WITHIN 5 DAYS OF THE TRANSFER TO TREASURY, TREASURY WILL CONTACT THE DEBTOR AND REQUEST PAYMENT. TREASURY CURRENTLY CHARGES A FEE OF 18% OF THE CIVIL MONEY PENALTY AMOUNT FOR ITS COLLECTION SERVICES. THE FEE WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY THAT YOUR CLIENTS OWE. SHOULD TREASURY ATTEMPTS FAIL, TREASURY WILL REFER THE DEBT TO A PRIVATE COLLECTION AGENCY ("PCA"). IF THE DEBT IS REFERRED TO A PCA, THE TREASURY AND PCA COLLECT A FEE OF 28% OF THE CIVIL MONEY PENALTY AMOUNT WHICH WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY THAT YOUR CLIENTS OWE. IF THE DEBT REMAINS UNPAID, TREASURY MAY RECOMMEND THAT THE COMMISSION REFER THE MATTER TO THE DEPARTMENT OF JUSTICE FOR LITIGATION.

IF YOU CHOOSE TO APPEAL THE FINAL DETERMINATION AND/OR CIVIL MONEY PENALTY

IF YOUR CLIENTS CHOOSE TO APPEAL THE FINAL DETERMINATION, YOU SHOULD SUBMIT A WRITTEN PETITION, WITHIN 30 DAYS OF RECEIPT OF THIS LETTER, TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT IN WHICH THE COMMITTEE OR TREASURER RESIDE, OR TRANSACT BUSINESS, REQUESTING THAT THE FINAL DETERMINATION BE MODIFIED OR SET ASIDE. SEE 2 U.S.C. 437G(A)(4)(C)(III). YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF THE RESPONDENTS' RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

THE CONFIDENTIALITY PROVISIONS AT 2 U.S.C. 437G(A)(12) NO LONGER APPLY AND THIS MATTER IS NOW PUBLIC. THE FILE WILL BE MADE A PART OF THE PUBLIC RECORD PURSUANT TO 11 C.F.R. 111.42(3). ALTHOUGH THE FILE MUST BE PLACED ON THE PUBLIC RECORD WITHIN 30 DAYS FROM THE DATE OF THE COMMISSION'S NOTIFICATION, THIS COULD OCCUR AT ANY TIME FOLLOWING CERTIFICATION OF THE COMMISSION'S VOTE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SHAWN WOODHEAD WERTH ON OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

SINCERELY,

BRADLEY A. SMITH
CHAIRMAN

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R.
111.43, THE CIVIL MONEY PENALTY IS \$9,000 FOR THE 2002 12 DAY
PRE-GENERAL REPORT.

THIS PENALTY SHOULD BE PAID BY CHECK OR MONEY ORDER, MADE
PAYABLE TO THE FEDERAL ELECTION COMMISSION. IT SHOULD BE SENT BY
MAIL TO:

FEDERAL ELECTION COMMISSION
PO BOX 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR PAYMENT BY COURIER OR OVERNIGHT
DELIVERY, PLEASE USE THIS ADDRESS:

U.S. BANK - GOVERNMENT LOCKBOX
FEC # 952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE FORM AND PAYMENT ARE DUE WITHIN 30 DAYS OF RECEIPT OF THIS
LETTER.

PLEASE DETACH AND RETURN THIS PORTION BELOW WITH YOUR PAYMENT

FOR NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS

FEC ID # C00003558

AF # 327

PAYMENT AMOUNT DUE \$9,000

FOR National Committee for an Effective Congress

FEC ID # C00003558

AF # 827

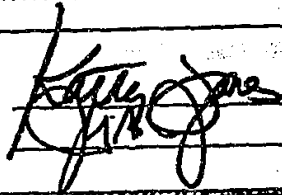
PAYMENT AMOUNT DUE \$9,000

MGMCOMP 15:39 EST

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000900000 BA# 1 03-17-04 20 9

usbancorp.
The Bank of America

NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS		WASHINGTON, DC	18997
Federal Election Commission		15-6/840	3/12/2004
PAY TO THE ORDER OF	Federal Election Commission		\$ **9,000.00
Nine Thousand and 00/100*****		DOLLARS	
Federal Election Commission PO Box 952182 St. Louis, MO 63195-2182			
MEMO			

THIS IS THE END OF ADMINISTRATIVE FINE CASE

827

DATE FILMED 5-28-04 CAMERA NO. 3

CAMERAMAN JMP

05:12:12.00