

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Non-filer/Timothy Bearson ) MUR 278 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 21, 1976, the Commission determined by a vote of 6-0 that there was probable cause to believe that violations of the Federal Election Campaign Act of 1971, as amended, had been committed in the above captioned matter.

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OFFICE OF GENERAL COUNSEL

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Non-Filer/Timothy Bearson ) MUR 278 (76)

GENERAL COUNSEL'S REPORT

I. Allegation:

Mr. Bearson as a candidate for the U.S. House of Representatives in the third district of Wisconsin has failed to; 1) file reports in accordance with 2 U.S.C. §434(a)(1) and (2) designate a principal campaign committee required by 2 U.S.C. §432(e)(1).

II. Evidence

Mr. Bearson's name appeared on the Wisconsin primary ballot for the September 14, 1976 primary election as a candidate for the U.S. House of Representatives in the third district. The candidate's name is listed in the index from the Clerk of the U.S. House of Representatives.

Mr. Bearson was sent the prior notice August 13, 1976. He received the notice August 15, 1976 which informed him of his filing requirements as a federal candidate. When he failed to file the ten day pre-election report due September 4, 1976; the Commission sent the candidate a reason to believe letter for non-filers September 8, 1976. The mailgram was returned unclaimed.

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No response was received from Mr. Bearson. The Commission proceeded to send the candidate a reasonable cause to believe letter for non-filers September 10, 1976. The reasonable cause to believe letter for non-filers was returned unclaimed.

Mr. Bearson did not designate a principal campaign committee. The Commission sent him a special notice August 16, 1976, informing him to designate a principal campaign committee. The notice was returned unclaimed. No response was received from the candidate: therefore the Commission sent Mr. Bearson a reason to believe letter for no principal campaign committee September 2, 1976. This mailgram was also returned unclaimed.

Mr. Bearson's name was published by the Commission on the non-filers list September 23, 1976. The candidate lost the primary election receiving 5815 votes. The only report or statement filed by the candidate is a July 10 waiver.

A follow up letter from the General Counsel has been sent to the candidate informing him of his name publication and the General Counsel's intention to recommend to the Commission that civil penalties be sought. To date no response has been received.

### III. Analysis

The candidate has failed to file the ten day pre-election report and designate a principal campaign committee.

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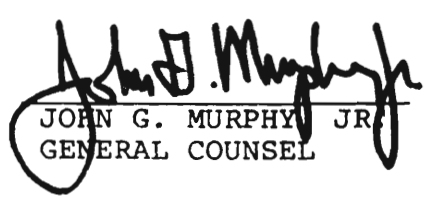
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The Commission has repeatedly tried to contact the candidate in regard to his failure to meet the federal filing requirements.

The prior notice which the candidate received informed him of his filing requirements as a federal candidate. The Commission has attempted through various communications to conciliate the case; but the candidate has not used his statutory right to implement informal methods of conference, conciliation, and persuasion.

IV. Recommendation

It is recommended that the Commission find probable cause to believe a violation has been committed of 2 U.S.C. §434(a)(1) and §432(e)(1).

  
JOHN G. MURPHY JR.  
GENERAL COUNSEL

DATE: October 18, 1974

U.S. COMMISSION  
FILE COPY  
GENERAL COUNSEL

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MAILGRAM SERVICE CENTER  
MIDDLETOWN, VA 22645

11/6-9-11-76  
(360)

TO SENDER

REASON CHECKED  
Unclaimed ☒ Refused ☐  
Address unknown ☐



Mailgram®



MAILGRAM POSTAL  
CHARGES PAID

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

\*\*\*\*\*CERTIFIED B 60\*\*\*\*\*WA12915-A3254-00  
TIMOTHY L BEARSON  
3706 CLAYMORE AVE  
EAU CLAIRE WI 54701

REASON CHECKED  
Unclaimed ☐ Refused ☐  
Address unknown ☐  
Street number ☐  
City state ☐  
Do not re-mail in this envelope

**CERTIFIED**

WA12915-A3254-0000

**MAILGRAM**

- Return Receipt Required
- SHOW • To Whom
- Date Delivered

SEP 1  
SEP 27

MAILGRAM SERVICE CENTER  
MIDDLETOWN, VA 22645

RETURNED TO SENDER  
UNCLAIMED

UNCLAIMED



Mailgram®



MAILGRAM POSTAL  
CHARGES PAID

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

\*\*\*\*\*CERTIFIED B 60\*\*\*\*\*WA12915-K4247-0000  
MR TIMOTHY BEARSON  
3706 CLAYMORE AVE  
EAU CLAIRE WI 54701

RETURNED TO SENDER  
UNCLAIMED  
SEP 4 1976

- Return Receipt Required
- SHOW • To Whom
- Date Delivered

B

2110 Notice  
Return SEP 20

MAILGRAM SERVICE CENTER  
MIDDLETOWN, VA. 22645



UNCLAIMED



**Mailgram**



MAILGRAM POSTAL  
CHARGES PAID

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY

\*\*\*\*CERTIFIED B 60\*\*\*\*\*A12915-A4229-0000--  
MR TIMOTHY L BEARSON  
3706 CLAYMORE AVE  
EAU CLAIRE WI 54701

ST AUG 17 1976  
Post Office 8-23-76  
F-1

<b>CERTIFIED</b>
No. WA12915-A4229-00003
<b>MAILGRAM</b>
• Return Receipt Required SHOW • To Whom • Date Delivered

8/16



7 7 0 4 0 0 : 1 7 9  
NEWS FROM...

# FEDERAL ELECTION COMMISSION



1325 K Street, N.W., Washington, D.C. 20453

RELEASE: ON RECEIPT  
THURSDAY, SEPTEMBER 23, 1976

CONTACT: DAVID FISKE  
SUSAN TIFFT  
(202) 382-4112

## FEC PUBLISHES LIST OF "NON-FILERS"

WASHINGTON - September 23 - The FEC today published the names of House and Senate candidates and their "principal campaign committees" which failed to file the required "ten-day pre-election report" of their campaign finances in the August 3 and the September 14 primaries.

In these primaries, the following candidates and/or their "principal campaign committees" failed to file "ten-day pre-election reports":

<u>Candidate</u>	<u>State</u>	<u>Primary Date</u>
Randy Yowell (1st Dist.)	Kansas	August 3
/ Percy Gray (1st Dist.)	Missouri	August 3
Bernard Shannon (Sen.)	Massachusetts	September 14
Robert G. Cunningham (9th Dist.)	Massachusetts	September 14
Robert O. Flynn (9th Dist.)	Massachusetts	September 14
John H. Glover (Sen.)	Minnesota	September 14
Joel Alexander Saliterman (3rd Dist)	Minnesota	September 14
Rowena M. VonWolff (Sen.)	Nevada	September 14
Nelson J. Gamrans (6th Dist.)	New York	September 14
Luz P. Vega (12th Dist.)	New York	September 14
John Adams (1st Dist.)	New Hampshire	September 14
Richard Ellis (1st Dist.)	New Hampshire	September 14
Norman Jacques (1st Dist.)	Rhode Island	September 14
Timothy Bearson (9th Dist.)	Wisconsin	September 14

Starting September 1, 1976, the Commission began publishing "non-filers" for primary elections.

The Federal Election Campaign Act of 1971, as amended in 1974 and 1976, states that "It shall be the duty of the Commission to ...prepare and publish from time to time special reports listing those candidates ... for whom...reports were not filed as so required."

Federal candidates and committees must file a "pre-election" report 10 days be-

fore each election, covering their financial transactions up to 15 days before the election. Under FEC procedures, three notices are sent to the candidates and committees, reminding them of their reporting obligations, and urging compliance. If a report is not filed following these notices, the names of all "non-filers" are made public.

"Prior notice" is the first reminder, sent on a routine basis 21 days before the primary date, to all candidates whose names are on the ballot in their respective states, as certified by their Secretary of State, and confirmed by lists with the Clerk of the House and the Secretary of the Senate. This notice simply reminds candidates and committees of their required 10-day pre-election, and 30-day post election reports, and the appropriate filing dates.

The second notice is sent, by mailgram, only to candidates and committees whose reports have not been received 8 days before the primary, and states that this "apparent failure...gives the Commission "reason to believe" that the candidate or committee is in violation of the reporting requirements.

The third notice is sent, by mailgram, only to candidates and committees whose reports are not filed 6 days before the primary, and states that "continued failure to file has given the Commission "reasonable cause to believe" that they are in violation, and that "failure to respond may subject the candidate or committee to...publication of the candidate's or committee's name on a list of non-filers."

When a candidate or committee continues to fail to file after receiving the "prior notice" reminder, and the "reason to believe" and reasonable cause to believe" notices, the Commission publishes the names of the candidates and/or his committee on a list of non-filers.

In addition to these "expedited" procedures for 10-day pre-election reports, the Commission will notify candidates and/or their committees on a routine basis with regard to monthly, quarterly, and post-primary reports.