

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Non-Filer/Billy Dorsey) MUR 311 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 22, 1976, the Commission determined by a vote of 5-0, that there was probable cause to believe that a violation of the Federal Election Campaign Act of 1971, as amended, had been committed. Commissioner Thomson was absent.

Marjorie W. Emmons

for Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Non-filer/Billy Dorsey) MUR 311 (76)

GENERAL COUNSEL'S REPORT

I. Allegation

Billy Dorsey as a candidate for the U.S. House of Representatives in the 6th district of Alabama has 1) failed to designate a principal campaign committee required by 2 U.S.C. §432(e)(1) and; 2) failed to file the ten day pre-election report required by 2 U.S.C. §434(a)(1).

II. Evidence

Mr. Dorsey's name appeared on the Alabama general election ballot as the National Democratic party candidate for the U.S. House of Representatives in the sixth district. The candidate's name appears on the index from the Clerk of the House of Representatives.

The Commission sent a prior notice to the candidate informing him of his filing obligations as a federal candidate. The prior notice was received by the candidate October 1, 1976.

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Failing to designate a principal campaign committee, Mr. Dorsey received a reason to believe letter for no principal campaign committee from the Commission on October 21, 1976. The reasonable cause to believe letter for no principal campaign committee was not sent due to clerical error.

The candidate also failed to file a ten day pre-election report due October 23, 1976. The Commission sent the candidate a reason to believe letter for non-filers October 25, 1976 and a reasonable cause to believe letter for non-filers October 27, 1976. Both of these letters were received by the candidate.

No response was received from Mr. Dorsey. The Commission published his name on the non-filers list October 30, 1976. The candidate lost the general election receiving 1,021 votes. The latest report filed by Mr. Dorsey, the October 10 quarterly report, reveals no receipts or expenditures.

A follow up letter has been sent to the candidate from the General Counsel informing him of his name publication and the General Counsel's intention to recommend to the Commission that civil penalties be sought.

III. Analysis

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

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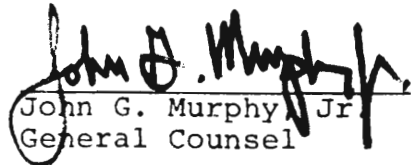
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The Commission has repeatedly contacted the candidate in regards to his filing obligations. The candidate has not responded to these efforts to prevent or correct a violation.

The reasonable cause to believe letter advised the candidate that the Commission was ready to conciliate the case, but the candidate has not utilized his statutory right to the informal methods of conference, conciliation and persuasion.

IV. Recommendation

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


John G. Murphy Jr.
General Counsel

Date; *December 14, 1974*

RECEIVED
GENERAL COUNSEL
OFFICE OF LEGAL COUNSEL

October 30, 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Billy E. Dorsey
341 22nd Street, N.W.
Birmingham, Alabama 35211

Dear Mr. Dorsey:

On October 30, 1976, your name was released for publication in a list of persons who had failed to meet the filing requirements of the Federal Election Campaign Act of 1971, as amended. I have enclosed a copy of the publication.

As of this date, we have not received your report. If we do not hear from you within five (5) days, we are prepared to recommend to the Commission that we be allowed to seek appropriate civil penalties.

Please direct any response to 202/382-6462.

Sincerely,

John G. Murphy, Jr.
General Counsel

Enclosure

77040015401

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OCT 31 1976
OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION



1325 K Street, N.W., Washington, D.C. 20463

RELEASE: ON RECEIPT

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

FEC RELEASES LIST OF "NON-FILERS"

WASHINGTON—OCTOBER 30 — The FEC today published the names of House and Senate candidates and their "principal campaign committees" which failed to file the required 10-day "pre-election" report of their campaign finances, due October 23, 1976.

In addition to publishing the names of non-filers, the FEC has the authority to undertake further enforcement action under the statute, including civil court enforcement and imposition of civil fines (\$5,000 for "any violation" and \$10,000 for a "knowing and willful violation").

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 before 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 prior the filing date, to all candidates whose names are on the November 2 general election 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 general election, and states that this "apparent failure...gives the Commission reason to believe" that the candidate or committees 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 general election, 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...civil penalties and...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.

The following candidates and/or their "principal campaign committees" failed to file October 23 "pre-election" reports for the November 2 general election:

-OVER-

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State

Candidate

Alabama	Billy Dorsey (6th Dist.) -National Dem. ✓
Alabama	Carol Keahey (2nd Dist.)-Dem. ✓
Alaska	Eben Hopson (00 Dist.)-Dem. ✓
Arizona	Sumner D. Dodge(1st Dist.)-Libertarian ✓
California	Raymond Heaps(6th Dist.)-Am. Indept. ✓
California	Melvin Stanley(7th Dist.)-Am. Indept. ✓
California	Robert Evans (8th Dist.)-Peace & Freedom ✓
California	Jim Mills (9th Dist.)-Repub. ✓
California	Albert Sargis(9th Dist.)-Peace & Freedom ✓
California	Nicholas Kudrovzeff (11th Dist.)-Am. Indept. ✓
California	William Herrell(13th Dist.)-Am. Indept. ✓
California	Jim Madrid (25th Dist.)-Repub. ✓
California	Bruce Latta (26th Dist.)- ✓
California	William Pasley (36th Dist.)-Am. Indept. ✓
California	Doug Nilson (37th Dist.)-Dem. ✓
Colorado	Henry J. Olshaw (3rd Dist.)-Am. ✓
Colorado	Lann Meyers (1st. Dist.)-U.S. Labor ✓
Connecticut	Anthony Discepolo (2nd Dist.)-Indept. ✓
Connecticut	Richard Jackson (2nd Dist.)-Repub. ✓
Connecticut	Louis Marietta (6th Dist.)-Indept. ✓
Delaware	Donald Gies (Sen.)-Am. ✓
Delaware	Joseph McInnerney(Sen.) -Non-Partisan ✓
Delaware	Joseph Hollon (00 Dist.)-Soc. Labor ✓
District of Columbia	Susan Pennington (Delegation)-
Hawaii	Rockne Johnson (Sen.)-Libert. ✓
Hawaii	Anthony Hodges (Sen.)-Prohibition ✓
Hawaii	Don Smith (2nd Dist.)-Libert. ✓
Hawaii	Dexter Cate(2nd Dist.)-People's ✓
Illinois	A.A. Rayner (1st Dist.)-Repub. ✓
Illinois	Peter Prineas(24th Dist.)-Repub. ✓
Illinois	John Urbaszewski(8th Dist.)-Repub. ✓
Illinois	Newell Ward(7th Dist.)-Repub. ✓
Iowa	Larry Smith (1st Dist.) -Amer. ✓
Iowa	Chuck Minor(4th Dist.)-Repub. ✓
Iowa	William Mincer(6th Dist.)-Amer. ✓
Kansas	Charles Ijams(2nd Dist.)-Amer. ✓
Kansas	Robert Cowdrey(4th Dist.)-Amer. ✓
Kentucky	Anthony McCord(6th Dist.)-Amer. ✓
Louisiana	Kent Courtney(8th Dist.) -Indept. ✓
Massachusetts	Lillian McGowan(6th Dist.)-Indept. ✓
Massachusetts	Richard Daly (7th Dist.)-Repub. ✓
Massachusetts	James Murphy (7th Dist.)-Indept. ✓
Maine	Leighton Cooney(2nd Dist.)- <u>Dem</u>

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Maryland

William Salisbury(7th Dist.)-Indep't ✓

Michigan

Thoedore G. Albert(Sen.)-Human Rights ✓

Michigan

Isaac Hood(1st Dist.)-Repub. ✓

Michigan

Edward Aho(11th Dist.)-Human Rights ✓

Michigan

James Walaskay(15th Dist.)-Repub. ✓

Michigan

Aldi Fuhrman(15th Dist.)-Am. Indept. ✓

Michigan

John Sarkisian(15th Dist.)-Soc. Labor. ✓

Michigan

William Rostrom(16th Dist.)-Repub. ✓

Michigan

Slayter Miller(16th Dist.)-Am. Indept. ✓

Minnesota

Matt Savola(Sen.)-Communist ✓

Minnesota

Robert Olson(1st Dist.)-Dem. ✓

Minnesota

Jean Brust(5th Dist.)-Workers ✓

Missouri

Lawrence Petty(Sen.)-Indept. ✓

Nevada

James Burns(00Dist.)-Libertarian ✓

Nevada

Byron Young(Sen.)-Indept. Am. ✓

New Jersey

David Jones, Jr.(14th Dist.)-Bring Us Together ✓

New Jersey

Robert Ryley(14th Dist.)-Libertarian ✓

New Jersey

F.E. DeMott(13th Dist.)-Indept. ✓

New Jersey

Chas Poekel, Jr.(11th Dist.)-Repub. ✓

New Jersey

Warren Kupchik(11th Dist.)-Libertarian ✓

New Jersey

Joseph Rogers(11th Dist.)-Jobs, Equality, Peace ✓

New Jersey

Kathleen McAdam (10th Dist.)-Libertarian ✓

New Jersey

Tony Grandison(10th Dist.)-Repub. ✓

New Jersey

Herbert Shaw(9th Dist.)-Politicians Are Crooks ✓

New Jersey

Frank Primich(9th Dist.)-Libertarian ✓

New Jersey

James Terlizzi(9th Dist.)-Indept. Taxpayer's Watchdog ✓

New Jersey

Jack Moyers(4th Dist.)-Libertarian ✓

New Jersey

John Mahalchik(4th Dist.)-Regular Democracy ✓

New Jersey

Walter Swirsky(3rd Dist.)-Libertarian ✓

New Jersey

Hannibal Cundari(Sen.)-Libertarian ✓

New York

Herbert Aptheker(Sen.)-Communist ✓

New York

Elijah Boyd(Sen.)-Labor ✓

New York

Seth Morgan(1st Dist.)-Conservative ✓

New York

Rochelle Davidson(2nd Dist.)-Liberal ✓

New York

Nelson Gammans(6th Dist.)-Conservative ✓

New York

Wm. Whitman(7th Dist.)-Conservative ✓

New York

Albert Lemishow(8th Dist.)-Repub./Conserv. ✓

New York

Harry Brown(8th Dist.)-Workers ✓

New York

Alan Kluger(9th Dist.)-Liberal ✓

New York

Bryan Levinson(11th Dist.)-Conservative ✓

New York

Arthur Paone(15th Dist.)-Liberal ✓

New York

Kenneth Grossberger(17th Dist.)-Repub. ✓

New York

Ned Schneir(17th Dist.)-Liberal ✓

New York

Lawrence Lindsley(21st Dist.)-Conserv. ✓

New York

Edmond Assante(24th Dist.)-Liberal ✓

New York

Eugene Victor(26th Dist.)-Liberal ✓

New York

Christopher Lewis(28th Dist.)-Labor ✓

New York

Rocco Ferran(29th Dist.)-CoEqual Citizens ✓

New York

Calvin Kimbrough(37th Dist.)-Repub. ✓

New York

Steven Grimm(37th Dist.)-Conservative ✓

New York

Martin Sheperd(12th Dist.)-Conservative ✓

New Hampshire

John Adams(1st. Dist.)-Repub. ✓

North Carolina

Roy Underwood(11th Dist.)-American ✓

New Mexico

Maurice Dillon(Sen.)- American ✓

New Mexico

Ernesto Borunda(Sen.)-La Raza Unida ✓

New Mexico

Jesus Aragon(1st Dist.)-La Raza Unida ✓

ON 15

John O'Neill(Sen.)- ✓

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Ohio	Leonard Hobbs(3rd Dist.)-Democrat ✓
Ohio	John Griffin(8th Dist.)-Democrat ✓
Ohio	Harold Festerly(16th Dist.)-American ✓
Oklahoma	Jack Finley(3rd Dist.)-Indept. ✓
Oklahoma	Paul Trent(4th Dist.)-Indept. ✓
Oklahoma	Donald Parker(5th Dist.)-Indept. ✓
Pennsylvania	Andrew Watson(Sen.)-Constitutional ✓
Pennsylvania	Jesse Woods(2nd Dist.)-Repub. ✓
Pennsylvania	Garland Fisher(6th Dist.)-Constitutional ✓
Pennsylvania	Howard Williams(11th Dist.)-Repub. ✓
Pennsylvania	Vernon Dublin(17th Dist.)-Constitutional ✓
Rhode Island	Ann Morrissey(1st Dist.)-Indept. ✓
Rhode Island	Pasquale Pacia(2nd Dist.)-Indept. ✓
South Carolina	Clyde Livingston(2nd Dist.)-Democrat ✓
Tennessee	William McGlamery(4th Dist.)-Indept. ✓
Texas	Earl Armstrong(24th Dist.)-American ✓
Texas	Ramon Carrillo(21st Dist.)-La Raza Unida ✓
Texas	Ed Gallion(21st Dist.)-American ✓
Texas	William Hathcock(13th Dist.)-American ✓
Texas	Marjoria Gallion (Sen.)-American ✓
Washington	Alan Gottlieb(1st Dist.)-Libertarian ✓
Washington	Tom Bly(2nd Dist.)-American Constitution ✓
Washington	D.E. Sandahl(5th Dist.)-Libertarian ✓
Washington	Micahel Duane(6th Dist.) -U.S. Labor ✓
Washington	Gene Goosman (7th Dist.)-American Constitution ✓
Wisconsin	Wm. Hart (Sen.)-Dem. Socialist ✓
Wisconsin	Robert Nordlander(Sen.)- Dem. ✓
Wisconsin	Michael McLaurin (Sen.)-U.S. Labor ✓
Utah	Steven Trotter(Sen.)-Libertarian ✓

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Report of the Committee

SEP 28 1976

Billy E. Donsey

344- 22nd Street SW

Address (number and street)

Birmingham, Alabama 35211

City, State and ZIP Code

Check if address is different than previously reported

2. LO #

3.

Office Sought

State/District

62-15

A. Type of Report

☐ April 10 Report

☐ July 10 Report

☒ October 10 Report

☐ January 31 Report

☐ Tenth Day Pre Election Report

☐ Thirtieth Day Post Election Report

Check if appropriate

☐ Amended filing

☐ Termination Report

SUMMARY OF RECEIPTS AND EXPENDITURES

(Figures may be rounded to nearest dollar)

B. Covering Period Oct 1, 1976 through _____

	This period	Calendar year to date
1. Cash on Hand January 1, 1976	0	0
2. Cash on Hand at beginning of reporting period	0	0
3. Receipts		
Itemized (use Schedule 6A)		
Unitemized	0	0
Total Receipts	0	0
4. Expenditures		
Itemized (use Schedule 6B)	0	0
Unitemized	0	0
Total Expenditures	0	0
5. Cash on Hand at close of reporting period	0	0
6. Gifts and obligations owed to the committee (use Schedule 6C)	0	0
7. Gifts and obligations owed by the committee (use Schedule 6D)	0	0

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

Oct 25, 1976
(Date)

Billy E. Donsey
(Print Name of Treasurer or Secretary)

B. M. S. Donsey
(Signature of Treasurer or Secretary)

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

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where delivered

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to addressee

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1

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2

B-5-WA-12915-03274-00242

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10-1-76

PN DORSEY

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DORSEY RTB-10 PCE

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RTB

10 PCE

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