



# CALIFORNIA DEMOCRATIC PARTY

SENATOR ART TORRES (Ret.), Chairman

September 4, 1998

## BEFORE THE FEDERAL ELECTION COMMISSION

Charles W. Ball

MUR# 4809

### COMPLAINT

The California Democratic Party, by and through its Executive Director, Kathleen K. Bowler, brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) (1994). The California Democratic Party is located at 911-20<sup>th</sup> Street, Sacramento, CA 95814-3115.

#### I. SUMMARY

Federal Election Commission (FEC) regulations require a candidate's principal campaign committee to file quarterly reports and pre-election reports in election years, covering activity during that quarter. FEC regulations set time periods for each report. These report periods have a clear opening date and a clear closing date. See 11 C.F.R. § 104.5(a)(1)-(iii). The quarterly report filed on July 15, 1998, by the Charles Ball for Congress Committee, which should cover activity from May 14 through June 30, 1998, erroneously includes contributions received after the close of the reporting period, June 30, in the amount of \$52,210.00, as well as loans made by Mr. Ball to the campaign after June 30, in the amount of \$90,686.65. Because of these reporting errors, the Ball report skews and overstates the amount of loans and contributions by \$142,898.65. In fact, Ball only received \$105,381.00 in loans and contributions during the reporting period, an amount that is 57.5% less than the \$248,612.65 stated in the report.

FEC regulations require the principal campaign committee to register by filing a Statement of Organization (FEC Form 1) within 10 days after it has been designated by the candidate. See 11 C.F.R. § 102.1(a). The Charles Ball for Congress Committee was therefore required to register at least by January 29, 1998, 10 days after Mr. Ball filed his Statement of Candidacy, and as early as December 16, 1997, 10 days after the date Mr. Ball should have filed his Statement of Candidacy. However, the Ball

**Committee did not file a Statement of Organization until April 4, 1998, at least 64 days late, and more accurately 113 days late, in direct violation of FEC regulations. See Exhibit A, below.**

FEC regulations require a candidate to register as a candidate, and designate a principal campaign committee, within 15 days of raising \$5,000 or more. See 11 C.F.R. §§ 101.1(a), 100.3(a), 102.12(a), 102.13(a)(2). Charles W. Ball raised \$5,000 by November 15, 1997, and therefore was required to file as a candidate within 15 days, by December 1, 1997. However, Mr. Ball did not file his Statement of Candidacy (FEC Form 2) until January 19, 1998, approximately 50 days late in direct violation of FEC regulations. See Exhibit A, below. Although Mr. Ball was permitted under federal law to conduct a variety of activities to "test the waters" to explore the feasibility of becoming a candidate, the fundraising activities of Mr. Ball in 1997 went beyond the scope of "testing the waters," indicating that he had decided to become a candidate. During the period between November 3, 1997, and the end of that year Mr. Ball raised \$13,250. See Exhibit A, below, see also 11 C.F.R. §§ 100.7(b)(1), 100.8(b)(1).

## **II. FACTS & DISCUSSION**

Charles W. Ball and his campaign committee have violated the letter and the spirit of federal campaign law, which requires the timely and accurate reporting of campaign receipts and expenditures so that this information is available to the public. The quarterly report filed on July 15, 1998, by the Charles Ball for Congress Committee inaccurately reports the contributions and loans received during the period covered, and overstates the amounts received by approximately 57.5%. Clearly, the purpose of providing the public with accurate information about the candidate and the candidate's campaign is not served by the errors included in this report.

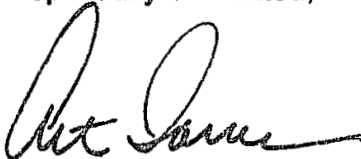
Federal campaign laws were also passed by Congress for the purpose of informing the public about when an individual becomes a candidate by virtue of receiving \$5,000 or more in contributions, and about the candidate's principal campaign committee. Mr. Ball's delay in reporting that he had become a candidate under federal law, and his committee's subsequent delay in registering by filing its Statement of Organization, meant that the public had no official report that Mr. Ball had become a candidate until 50 days after he had actually become one, and that the public had no official knowledge of the existence of the Charles Ball for Congress Committee until 64 days after it had been designated by Mr. Ball as his principal campaign committee, and 113 days after the Statement of Organization should have been filled by the committee.

## **III. PRAYER FOR RELIEF**

The FEC should require the Charles Ball for Congress Committee and its treasurer to amend the quarterly report(s) submitted on July 15, 1998, to reflect the actual amount of loans and contributions received by the Committee during the

reporting period of May 14 through June 30, 1998. The FEC should also investigate the failure to make required reports when Mr. Ball actually became a candidate under federal law, and when Mr. Ball was required to designate his principal campaign committee. Finally, the FEC should take all necessary additional actions to make sure that Charles Ball and his campaign committee understand federal election laws and adhere to those laws.

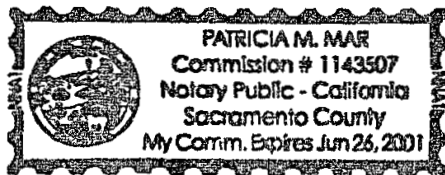
Respectfully Submitted,



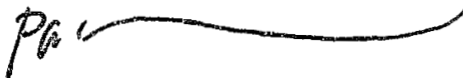
SENATOR ART TORRES (Ret.)  
Chairman  
California Democratic Party

State of California                      ss.  
County of Sacramento

Subscribed and sworn to before me on September 4, 1998.



WITNESS my hand and official seal.



Patricia M. Mar, Notary Public

## **EXHIBIT A**

### **TIME LINE OF TRIGGERING EVENTS AND VIOLATIONS: CHARLES W. BALL AND CHARLES BALL FOR CONGRESS COMMITTEE**

According to reports filed by the Charles Ball for Congress Committee, these key events triggered the following filing deadlines, which were not met by the candidate or the campaign committee:

<i>November 3, 1997</i>	<b>Receives \$2000; \$1000 contribution from John Ball and \$1000 contribution from Marion Ball.</b>
<i>November 5, 1997</i>	<b>Receives \$2000; \$1000 contribution from Ernst Jokl and \$1000 contribution from Erica Jokl.</b>
<i>November 15, 1997</i>	<b>Receives \$1000 contribution from Morris Collin; Reaches \$5000 in contributions; thereby Becomes candidate under federal law who is required to file within 15 days.</b>
<i>November 19, 1997</i>	<b>Receives \$1000 contribution from Allan Tapas.</b>
<i>December 1, 1997</i>	<b>FAILS TO MEET STATUTORY DEADLINE FOR FILING STATEMENT OF CANDIDACY (FEC Form 2) as candidate, designating principal campaign committee.</b>
<i>December 2, 1997</i>	<b>Receives \$1000 contribution from Ana Diaz.</b>
<i>December 3, 1997</i>	<b>Receives \$2000; \$1000 contribution from Edward Lyons and \$1000 contribution from Scott Shaw.</b>
<i>December 5, 1997</i>	<b>Receives \$1500; \$1000 contribution from Elizabeth Concordia and \$500 contribution from Jean L. Braine.</b>
<i>December 6, 1997</i>	<b>Receives \$1000 contribution from Kathleen Bally.</b>
<i>December 11, 1997</i>	<b>FAILS TO MEET STATUTORY DEADLINE FOR FILING STATEMENT OF ORGANIZATION (FEC</b>

Form 1).

<i>December 15, 1997</i>	Receives \$1000 contribution from John Fotterman.
<i>December 26, 1997</i>	Receives \$750 contribution from Jerome Jaffe; Reaches \$13,250 in contributions for year.
<i>January 19, 1998</i>	<b>FILES STATEMENT OF CANDIDACY LATE BY 50 DAYS</b> after the December 1, 1997, deadline; designates principal campaign committee.
<i>January 29, 1998</i>	<b>FAILS TO MEET SELF-REPORTED DEADLINE FOR FILING STATEMENT OF ORGANIZATION.</b> using the deadline imposed by the January 19, 1998 Statement of Candidacy filing.
<i>April 4, 1998</i>	<b>FILES STATEMENT OF ORGANIZATION LATE BY 64 DAYS</b> after self-reported trigger of January 19, 1998 filing of Statement of Candidacy, and <b>113 DAYS LATE USING THE STATUTORILY REQUIRED DATE OF DECEMBER 11, 1998</b>

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