

presentation will focus on the policy framework for the plan.

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Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

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BILLING CODE 6712-01-S

## FEDERAL ELECTION COMMISSION

[Notice 2009-29]

### Filing Dates for the Florida Special Election in the 19th Congressional District

AGENCY: Federal Election Commission.

**ACTION:** Notice of filing dates for special election.

**SUMMARY:** The Governor of Florida has rescheduled the date of the Special General Election to fill the U.S. House seat in the 19th Congressional District being vacated by Representative Robert Wexler. The Special General Election, formerly set for April 6, 2010, will now be held on April 13, 2010. The Special Primary Election date remains unchanged.

Committees required to file reports in connection with the Special Primary Election on February 2, 2010, shall file a 12-day Pre-Primary Report. Committees required to file reports in connection with both the Special Primary and Special General Election on April 13, 2010, shall file a 12-day Pre-Primary Report, a 12-day Pre-General Report, and a 30-day Post-General Report.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kevin R. Salley, Information Division, 999 E Street, NW., Washington, DC 20463; Telephone: (202) 694-1100; Toll Free (800) 424-9530.

#### SUPPLEMENTARY INFORMATION:

##### Principal Campaign Committees

All principal campaign committees of candidates who participate in the Florida Special Primary and Special General Elections shall file a 12-day Pre-Primary Report on January 21, 2010; a 12-day Pre-General Report on April 1, 2010; and a 30-day Post-General Report on May 13, 2010. (See chart below for the closing date for each report).

All principal campaign committees of candidates participating *only* in the Special Primary Election shall file a 12-day Pre-Primary Report on January 21, 2010. (See chart below for the closing date for each report).

Note that these reports are in addition to the campaign committee's quarterly filings in April and July. (See chart below for the closing date for each report).

##### Unauthorized Committees (PACs and Party Committees)

Political committees filing on a quarterly basis in 2010 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Florida Special Primary or Special General Elections by the close of books for the applicable report(s). (See chart

below for the closing date for each report).

Since disclosing financial activity from two different calendar years on one report would conflict with the calendar year aggregation requirements stated in the Commission's disclosure rules, unauthorized committees that trigger the filing of the Pre-Primary Report will be required to file this report on two separate forms: One form to cover 2009 activity, labeled as the Year-End Report; and the other form to cover only 2010 activity, labeled as the Pre-Primary Report. Both forms must be filed by January 21, 2010.

Committees filing monthly that make contributions or expenditures in connection with the Florida Special Primary or Special General Elections will continue to file according to the monthly reporting schedule.

Additional disclosure information in connection with the Florida Special Election may be found on the FEC Web site at [http://www.fec.gov/info/report\\_dates.shtml](http://www.fec.gov/info/report_dates.shtml).

##### Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and Leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registant PACs that aggregate in excess of the lobbyist bundling disclosure threshold during the special election reporting periods (see charts below for closing date of each period). 11 CFR 104.22(a)(5)(v).

The lobbyist bundling disclosure threshold for calendar year 2009 is \$16,000. This threshold amount may increase in 2010 based upon the annual cost of living adjustment (COLA). As soon as the adjusted threshold amount is available, the Commission will publish it in the **Federal Register** and post it on its Web site. 11 CFR 104.22(g) and 110.17(e)(2). For more information on these requirements, see **Federal Register** Notice 2009-03, 74 FR 7285 (February 17, 2009).

## CALENDAR OF REPORTING DATES FOR FLORIDA SPECIAL ELECTION

Report	Close of books <sup>1</sup>	Reg. cert. & overnight mailing deadline	Filing deadline
<b>Committees Involved in <i>Only</i> the Special Primary (02/02/10) Must File</b>			
Year-End .....	—WAIVED—		
Pre-Primary .....	01/13/10	<sup>2</sup> 01/18/10	01/21/10
April Quarterly .....	03/31/10	04/15/10	04/15/10
<b>Committees Involved in Both the Special Primary (02/02/10) and Special General (04/13/10) Must File</b>			
Year-End .....	—WAIVED—		
Pre-Primary .....	01/13/10	<sup>2</sup> 01/18/10	01/21/10
Pre-General .....	03/24/10	03/29/10	04/01/10
April Quarterly .....	03/31/10	04/15/10	04/15/10
Post-General .....	05/03/10	05/13/10	05/13/10
July Quarterly .....	06/30/10	07/15/10	07/15/10
<b>Committees Involved in <i>Only</i> the Special General (04/13/10) Must File</b>			
Pre-General .....	03/24/10	03/29/10	04/01/10
April Quarterly .....	03/31/10	04/15/10	04/15/10
Post-General .....	05/03/10	05/13/10	05/13/10
July Quarterly .....	06/30/10	07/15/10	07/15/10

<sup>1</sup> The 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 as a political committee with the Commission up through the close of books for the first report due.

<sup>2</sup> Notice that the registered/certified & overnight mailing deadline falls on a federal holiday. The report should be postmarked on or before that date.

On behalf of the Commission.

Dated: December 8, 2009.

**Steven T. Walther,**

*Chairman, Federal Election Commission.*

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## FEDERAL ELECTION COMMISSION

[Notice 2009-28]

### Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record

**AGENCY:** Federal Election Commission.

**ACTION:** Statement of Policy.

**SUMMARY:** The Federal Election Commission will resume the practice of placing all First General Counsel's Reports on the public record, subject to appropriate redaction or withholding.

**DATES:** December 14, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Lawrence Calvert, Deputy General Counsel, or Nicole St. Louis Matthis, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** The Federal Election Commission is returning to its prior practice of placing First General Counsel's Reports on the public record to promote transparency.

## I. Background

For approximately the first 25 years of its existence, the Federal Election Commission ("Commission") placed on the public record, at the close of an enforcement matter, all materials considered by the Commissioners in their disposition of a case, except for those materials prohibited from disclosure by the Federal Election Campaign Act ("FECA" or "the Act") or, in most instances, those exempt from disclosure under the Freedom of Information Act ("FOIA").

In 2001, following the decision of the district court in *AFL-CIO v. FEC*, 177 F. Supp. 2d 48 (D.D.C. 2001) ("*AFL-CIO*"), the Commission placed on the public record only those documents that reflected the very final action in an enforcement matter and the reasons for that action. Then, after the court of appeals decision in the *AFL-CIO* case, 333 F.3d 168 (DC Cir. 2003), the Commission adopted an interim policy, in which it said it would place on the public record, among other things, "General Counsel's Reports that recommend dismissal, reason to believe, no reason to believe, no action at this time, probable cause to believe, no probable cause to believe, no further action, or acceptance of a conciliation agreement[.]" See Statement of Policy Regarding Disclosure of Closed Enforcement or Related Files, 68 FR

70423 (Dec. 20, 2003) ("Interim Disclosure Policy").

In 2006, the Commission reconsidered its practice of placing First General Counsel's Reports on the public record after a case arose in which the Commission adopted a recommendation offered by the Office of General Counsel ("OGC") in a General Counsel's Report, but rejected one of several underlying rationales for the recommendation. Thereafter, OGC began recommending the approval of a Factual & Legal Analysis ("F&LA") in all cases, not just those with reason to believe recommendations. From January 2007 forward, F&LAs providing an explanation for the Commission's decisions were placed on the public record in new enforcement matters, but First General Counsel's Reports were not.

## II. Return to Prior Practice

In the interest of promoting transparency, the Commission is resuming the practice of placing all First General Counsel's Reports on the public record, whether or not the recommendations in these First General Counsel's Reports are adopted by the Commission.

The Commission will place all First General Counsel's Reports on the public record in closed enforcement matters, prospectively and retroactively, while