



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 24, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1992-11

Thomas C. Nice
Coopers & Lybrand
1800 M Street, N.W.
Washington, D.C. 20036

Dear Mr. Nice:

This responds to your letters dated March 18 and March 5, 1992, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the reproduction of substitute Commission reporting forms.

You provide the service of preparing reports for political committees, which are filed with the Commission. You have submitted for the Commission's approval a computer generated Form 3X Summary Page and Detailed Summary Page.^{1/} You state that the form you have produced is identical to the FEC 3X forms except for font size, i.e., the size of the print. You submitted a second version of these pages with your March 18 letter which corrected various errors appearing in the pages you sent on March 5.

Commission regulations at 11 CFR 104.2(a) provide that reports of political committees shall be filed on the appropriate FEC form. The regulations also provide, however, that "[a] committee may reproduce FEC forms for its own use provided they are not reduced in size." 11 CFR 104.2(c). In Advisory Opinion 1982-7, the Commission stated that it interprets the term "reproduce" in that subsection of the regulations "to mean a photocopy or an otherwise accurate and exact format which would be uncompromisingly legible and would lend itself to a high degree of clarity in microfilming and indexing for public disclosure purposes." The Commission concluded that the term "reproduce" in section 104.2(c) "requires a resulting product which is identical in every respect to an original FEC Form 3X." Advisory Opinion 1982-7.

The regulations do not specify or limit the manner of reproduction, but the product must be, in fact, a reproduction, not merely an "altered facsimile." Advisory Opinion 1982-7. The Commission, therefore, will accept the use of the second version of the Summary Page and Detailed Summary Page sent by you if a number of format changes are made to conform with the standards stated above. Changes need to be made with respect to font size, margins, spacing, shading, space for staff use, and citation form. The deviations will be easy to remedy and Commission staff will communicate with you forthwith on the specific changes needed. The Commission requires these modifications in order to ensure that the reports, as processed by the Commission for public disclosure and for its own use, are easy to read and review.

The Commission notes that, normally, the process by which substitute FEC forms are approved or not approved is conducted by the Commission's Reports Analysis Division ("RAD"). In your situation, however, you requested an advisory opinion after RAD declined to approve use of the form you submitted to that office. Accordingly, the Commission has considered your substitute FEC form in the advisory opinion process. The Commission has availed itself of this opportunity to emphasize that a reproduction of an FEC reporting form requires precision and conformance to certain standards. The Commission wishes to make clear that any future requests by any other person for approval of substitute report forms will be considered, consistent with past practice, by RAD.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely,

(signed)

Joan D. Aikens
Chairman for the Federal Election Commission

Enclosure (AO 1982-7)

ENDNOTES

1\ Form 3X is the reporting form for use by any political committee that is not an authorized committee.