

PUBLIC LAW & POLICY ALERT

POLITICAL ACTION COMMITTEE FILING SCHEDULE

The Federal Election Commission (FEC) requires political action committees (PACs) to file additional reports in an election year. Quarterly and monthly filers are required to submit the following list of reports including a pre- and post-general election report. Outlined below are the filings for the remainder of 2008.

Included in the chart are suggested deadlines for submitting your information to the Akin Gump team so we can file your report accurately and on time. As usual, we will also be sending you reminders about these reports and your filing obligations.

Report	Submit Info to Akin Gump Team	Report Period	Filing Deadline
QUARTERLY FILERS			
October Quarterly	10/8/2008 ¹	07/01/08 – 09/30/08	10/15/2008
Pre-General	10/15/2008	10/01/08 – 10/15/08	10/23/2008
Post-General	11/26/2008 ²	10/16/08 – 11/24/08	12/04/2008
Year-End	01/15/2008	11/25/08 – 12/31/08	01/31/2009
MONTHLY FILERS			
October Monthly	10/8/2008	09/01/08 – 09/30/08	10/20/08
Pre-General	10/18/2008	10/01/08 – 10/15/08	10/23/08
Post-General	11/26/2008 ²	10/16/08 – 11/24/08	12/04/08
Year-End	01/15/2008	11/25/08 – 12/31/08	01/31/09

¹ Please make sure to submit information before any personal vacations for Yom Kippur.

² Please make sure to submit information before any personal vacations for the Thanksgiving holiday.

FEDERAL ELECTION COMMISSION 2009

PACs that file quarterly in election years change to a semi-annual reporting schedule in 2009. Treasurers and record keepers should remain diligent in keeping and maintaining accurate records. Akin Gump will continue to send reminders about filing obligations you may have.

ROAD TO THE WHITE HOUSE – CONTRIBUTIONS TO PRESIDENTIAL INAUGURAL COMMITTEES

The November 4th general election is just around the corner. On January 20, 2009, the 44th President of the United States of America will be inaugurated into office. The Presidential Inaugural Committee is established to oversee and plan the opening ceremonies, parade, galas, balls and other events surrounding the inauguration of the President.

Corporation and individuals are permitted to make donations in any amount, however, foreign nationals are prohibited from making donations. Donations to an inaugural committee include any donation of money or anything of value made to the committee and includes the entire amount paid for any ticket for an inaugural event, whether paid to the inaugural committee, or an agent thereof, such as a vendor hired by a committee. Donations which, in the aggregate, equal or are greater than \$200, will be reported by the Inaugural Committee to the FEC and will also include the name, address, amount and date each donation was received.

If your connected organization is registered under the Lobbying Disclosure Act (LDA), any donations aggregating over \$200 must be disclosed on the LD-203 report.

PAC INTERNAL CONTROLS

At the heart of a healthy PAC should be accurate record keeping and a structure of compliance bolstered by strong internal controls. In a busy election year, it is critical to have a system in place to maintain a compliant PAC that operates efficiently, reports accurate information, complies with all local, state and federal laws, and protects the organization. At the end of this year and before the new cycle begins, we recommend conducting an audit of the PAC's bank accounts as well as its policies and procedures.

As a reminder, be sure to-

- designate checks properly to ensure there is no confusion to which election (primary or general) or account (federal or state) your PAC's contribution is being made
- transmit checks with a cover letter stating the purpose of the contribution, identifying your PAC as multicandidate (if applicable) and include your FEC ID number. Have the letter signed by your PAC chairman or treasurer
- double check your history of contributions to individual members and leadership PACs to be sure your PAC is compliant with cycle limits
- plan ahead for an end-of-cycle audit to review your progress and reconcile your bank accounts.

Reviewing your PAC's risk can help avoid accidental or intentional mistakes that may result in disciplinary action. If you need assistance reviewing your PAC's internal control system, please contact any member of the Akin Gump team.

PAY-TO-PLAY

Many states have enacted pay-to-play laws which prohibit or severely restrict the ability of companies to contract with a state or municipality if political contributions have been made.

Pay-to-play laws and regulations are broadly drafted and can have far reaching detrimental effects for companies and the status of their contracts in a state. In some cases, if an individual, his or her spouse, or his or her children make a contribution, it can nullify existing contracts and prevent future contracts from being awarded.

Before you or your executive staff makes a contribution—

- understand what rules apply to you and your business
- review any applicable statutes
- inventory your current contracts and future business opportunities
- understand and weigh the potential effects.

It is important for your organization to educate current employees about the existence of pay-to-play and develop a compliance system to consider contributions, before they are made, that may have a significant impact on your business. When developing your internal program, consider your company's structure and how you communicate and disseminate information to executives and employees. Develop a strategy to handle questions that take into account existing corporate policies.

CONTACT INFORMATION

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