

MEYER AND BROOKS, P.A.

ATTORNEYS AT LAW

2544 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301
850/678-5212
www.meyerandbrooks.com

RONALD G. MEYER
THOMAS W. BROOKS
ANTHONY D. DEMMA
MARY F. ASPROS
JENNIFER S. BLOHM
JANE A. R. DANIELS

LYNN T. THOMAS
LEGAL ASSISTANT

MAILING ADDRESS:
POST OFFICE BOX 1547
TALLAHASSEE, FLORIDA 32302
FAX: 850/656-6750
EMAIL: rmeyer@meyerandbrooks.com

MEMORANDUM

From: Ronald G. Meyer, Esquire
Jennifer S. Blohm, Esquire

Re: Effect of Recent Federal Court Ruling on Electioneering Communications Organizations

Date: June 3, 2009

I.

Background

In 2008, several groups filed a lawsuit in the United States District Court for the Northern District of Florida, challenging the constitutionality of Florida's electioneering communications statutes. In the complaint, the groups also sought a preliminary injunction to enjoin the Florida Elections Commission from enforcing the laws. On October 29, 2008, Judge Stephan P. Mickle granted the preliminary injunction precluding the Florida Elections Commission from enforcing the electioneering communications statutes. The state has appealed the decision, and the appeal is currently pending before the Eleventh Circuit Court of Appeal.

On May 22, 2009, Judge Mickle entered a final judgment in the case. In his Order Granting Plaintiffs' Motion for Summary Judgment, Judge Mickle declared Florida's electioneering communications statutes to be unconstitutional. The state has indicated that it will appeal this order as well.

This ruling affects all electioneering communications organizations ("ECOs") in Florida. Below, we have outlined the effects of the ruling and the actions that should be taken by an organization currently registered as an electioneering communications organization.

II. The Law Prior to the Ruling

Florida law defined an "electioneering communication" as a paid expression in any communications media that referred to a clearly identified candidate or issue without expressly advocating the election or defeat of the candidate or the passage or defeat of an issue. *See* §106.011(18), Fla. Stat. (2007). The Division of Elections issued an opinion in 2005, adopting the "magic words" test for determining if a communication contained express advocacy. *See* DE 05-06. The "magic words" include "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "oppose," and "reject."

Prior to the federal court's ruling, organizations that disseminated electioneering communications had to register and file periodic reports with the Florida Division of Elections or other qualifying officer. Because of this registration and reporting requirement, ECOs were considered Qualified State and Local Political Organizations ("QSLPOs") by the Internal Revenue Service. The designation as a QSLPO exempted ECOs that received in excess of \$25,000 annually from the requirement to file periodic reports with the IRS (Forms 8872 and 990).

III. The Impact of the Court's Ruling

Some of the ramifications of the decision are clear; others will require some additional consideration.

A. The Clear Impacts

- ECOs no longer exist in Florida. Instead, organizations that would have qualified as ECOs, or are registered with the state or a local supervisor as ECOs, will now simply be considered tax exempt political organizations ("pure 527s") in the same manner as such organizations existed prior to July 1, 2004, when the laws regulating ECOs first became effective in Florida;
- Such organizations no longer have to register with or report to the Florida Division of Elections or other qualifying officer in order to disseminate what would have been considered an electioneering communication. However, if the organization anticipates collecting, or does collect, in excess of \$25,000 annually, it must now periodically file a Form 8872 (copy of the paper form attached) with the IRS, reporting contributions and expenditures.

The filing schedule for 2009 is attached to this memorandum (in election years, more frequent filing dates are added). The Form 8872 essentially requires the same information that had to be reported to the Florida Division of Elections or other qualifying officer previously;

- Organizations with annual receipts in excess of \$25,000 must now file a Form 990 with the IRS on an annual basis. The 990 is due on the 15th day of the 5th month after the close of the organization's fiscal year;

B. Other Less Clear Impacts

The Court imports language developed under federal election law relating to the "functional equivalent of express advocacy." It is not entirely clear whether further legislation would be required in order for the concept to be engrafted into Florida law affecting organizations which disseminate electioneering communications or whether the Florida Elections Commission could entertain a complaint regarding a message which, while not employing the "magic words" of express advocacy, nonetheless could be viewed as the "functional equivalent of express advocacy."

Accordingly, we recommend a conservative approach to the issue, as follows:

- Broadcast, cable, or satellite communications disseminated by an organization publishing what otherwise would have been an electioneering communication, within sixty days of a general election or thirty days of a primary election, should not only not contain express advocacy (magic words) but the message should also not be the functional equivalent of express advocacy. The federal court defined the functional equivalent of express advocacy as speech that is "susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate;"
- Because of the "functional equivalent" test for broadcast, cable or satellite communications, an organization should ensure that its communications are issue based. To that end, an organization should draft a mission statement or platform that sets forth the issues important to the organization (for example, "clean water"). Communications should relate to such issue (such as candidate A's record on clean water regulations), and should not simply ask the viewer to call a candidate and thank him or her;

- Print communications such as direct mail, and broadcast communications outside the 60/30 day window, must still comply with the magic words test. The use of express advocacy would transform the organization into an unregistered political committee and could result in an election complaint and large penalties (no change from the law in this regard as it existed prior to the decision);
- Although the disclaimer for electioneering communications no longer applies, the disclaimer requirements for “miscellaneous advertisements” set forth in Section 106.1437, Florida Statutes must be considered. Thus, communications should contain a statement of sponsorship (“Paid for by XYZ Corp.” or “Sponsored by XYZ Corp.”) and in a broadcast communication, the statement must be verbal as well as written.

IV. Summary

There are two important changes resulting from this ruling.

The first is that reports will now have to be filed with the IRS and not the Division of Elections or other qualifying officer.

Although it may not be necessary, we recommend that an ECO write a letter to the Division of Elections, or other qualifying officer, and advise them that in light of the recent court decision, no further reports will be filed and request that the file at the Division or other qualifying officer be closed.

In order to file Form 8872 reports, it may be necessary to locate the PIN and Password which was assigned when the ECO first registered for tax exemption using Form 8871 (assuming that annual receipts then, or now, exceed \$25,000) in order to file electronically. If they cannot be located, IRS will have to be contacted to provide them.

Secondly, broadcast communications that are aired within 60 days of a general election and 30 days of a primary election should comply with the “functional equivalent” test. This is a much more amorphous test than the “magic words” test. It is designed to ensure that communications by unregistered 527s are truly issue messages and not candidate political advertisements. Many of the communications that would pass the magic words test will not pass the functional equivalent test.

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Accordingly, we strongly recommend that a former ECO develop a platform or mission statement that outlines the issues for which the organization has been created to advocate, and communications disseminated by the organization should be designed around such issues.

Finally, until the law becomes more settled, we encourage an organization to have any of its intended messages reviewed in advance by legal counsel to minimize the likelihood of running afoul of the legal principles which apply.

If you have further questions regarding the steps your ECO should now undertake, please contact us.

Schedule A Itemized Contributions		Schedule A page of
Name of organization		Employer identification number
Contributor's name, mailing address and ZIP code	Name of contributor's employer	Amount of contribution
	Contributor's occupation	\$
	Aggregate contributions year-to-date . . . ▶ \$	Date of contribution
Contributor's name, mailing address and ZIP code	Name of contributor's employer	Amount of contribution
	Contributor's occupation	\$
	Aggregate contributions year-to-date . . . ▶ \$	Date of contribution
Contributor's name, mailing address and ZIP code	Name of contributor's employer	Amount of contribution
	Contributor's occupation	\$
	Aggregate contributions year-to-date . . . ▶ \$	Date of contribution
Contributor's name, mailing address and ZIP code	Name of contributor's employer	Amount of contribution
	Contributor's occupation	\$
	Aggregate contributions year-to-date . . . ▶ \$	Date of contribution
Contributor's name, mailing address and ZIP code	Name of contributor's employer	Amount of contribution
	Contributor's occupation	\$
	Aggregate contributions year-to-date . . . ▶ \$	Date of contribution
Contributor's name, mailing address and ZIP code	Name of contributor's employer	Amount of contribution
	Contributor's occupation	\$
	Aggregate contributions year-to-date . . . ▶ \$	Date of contribution
Contributor's name, mailing address and ZIP code	Name of contributor's employer	Amount of contribution
	Contributor's occupation	\$
	Aggregate contributions year-to-date . . . ▶ \$	Date of contribution
Contributor's name, mailing address and ZIP code	Name of contributor's employer	Amount of contribution
	Contributor's occupation	\$
	Aggregate contributions year-to-date . . . ▶ \$	Date of contribution
Contributor's name, mailing address and ZIP code	Name of contributor's employer	Amount of contribution
	Contributor's occupation	\$
	Aggregate contributions year-to-date . . . ▶ \$	Date of contribution
Subtotal of contributions reported on this page only. Enter here and also include this amount in the total on line 9 of Form 8872 ▶		\$

Schedule B Itemized Expenditures		Schedule B page of
Name of organization		Employer identification number
Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of expenditure \$
	Recipient's occupation	Date of expenditure
Purpose of expenditure		
Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of expenditure \$
	Recipient's occupation	Date of expenditure
Purpose of expenditure		
Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of expenditure \$
	Recipient's occupation	Date of expenditure
Purpose of expenditure		
Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of expenditure \$
	Recipient's occupation	Date of expenditure
Purpose of expenditure		
Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of expenditure \$
	Recipient's occupation	Date of expenditure
Purpose of expenditure		
Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of expenditure \$
	Recipient's occupation	Date of expenditure
Purpose of expenditure		
Recipient's name, mailing address and ZIP code	Name of recipient's employer	Amount of expenditure \$
	Recipient's occupation	Date of expenditure
Purpose of expenditure		
Subtotal of expenditures reported on this page only. Enter here and also include this amount in the total on line 10 of Form 8872		\$



Instructions for Form 8872

(Rev. January 2007)



Department of the Treasury
Internal Revenue Service

Use with Form 8872 (Rev. November 2002)

Political Organization Report of Contributions and Expenditures

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

What's New

- You are now required to report aggregate contributions less than \$200 on Schedule A. See *Schedule A—Itemized Contributions* for more information.
- If expenditures below the \$500 reporting threshold were made to a person, you must now report the aggregate of those expenditures on Schedule B. See *Schedule B—Itemized Expenditures* for more information.

Purpose of Form

Unless an exception applies (see *Who Must File* below), a tax-exempt section 527 political organization must file Form 8872 to report certain contributions received and expenditures made. Generally, an organization that is required to file Form 8872 also must file Form 8871, Political Organization Notice of Section 527 Status, within 24 hours of the organization's formation or within 30 days of any material change to the information reported on Form 8871.

Note. The organization is not required to report contributions accepted or expenditures made after July 1, 2000, if they were received or made under a contract entered into before July 2, 2000.

Who Must File

Every section 527 political organization that accepts a contribution or makes an expenditure for an exempt function during the calendar year must file Form 8872, except:

- A political organization that is not required to file Form 8871,
- A political organization that is subject to tax on its income because it did not file or amend a Form 8871, or
- A qualified state or local political organization.

A qualified state or local political organization is a political organization that meets the following requirements:

- The organization's exempt functions are solely for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local political office or office in a state or local political organization.
- The organization is subject to state law that requires it to report information that is similar to that required on Form 8872.

- The organization files the required reports with the state.
- The state makes such reports public and the organization makes them open to public inspection in the same manner that organizations must make Form 8872 available for public inspection.

For additional information, including the prohibition of involvement in the organization of a federal candidate or office holder, see section 527(e)(5).

When To File

Due dates for Form 8872 vary depending on whether the form is due for a reporting period that occurs during an even-numbered or odd-numbered year.

Note. If any due date falls on a Saturday, Sunday, or legal holiday, the organization may file on the next business day.

Even-Numbered Years

The organization may opt to file its reports on either a quarterly or monthly basis, but it must file on the same basis for the entire calendar year.

Quarterly reports. File the first report for the first quarter of the calendar year in which the organization accepts a contribution or makes an expenditure. Quarterly reports are due by the 15th day after the last day of each calendar quarter, except the year-end report which is due by January 31 of the following year. In addition, the organization may have to file a pre-election report, a post-general election report, or both, as explained below.

Monthly reports. File the first report for the first month of the calendar year in which the organization accepts a contribution or makes an expenditure. Reports are due by the 20th day after the end of the month. This report must reflect all reportable contributions accepted and expenditures made during the month for which the report is being filed. No monthly reports are due for October and November. Instead, the organization must file a pre-general election report and a post-general election report (see *Pre-election report* and *Post-general election report*). In addition, a year-end report must also be filed by January 31 of the following year instead of a monthly report for December.

Pre-election report. This report must be filed before any election for which the organization made a contribution or expenditure. This report must be filed by the:

- 12th day before the election, or
- 15th day before the election, if the organization is posting the report by certified or registered mail.

This report must reflect all reportable contributions accepted and expenditures made through the 20th day before the election.

Post-general election report. File by the 30th day after the general election. This report must reflect all reportable contributions accepted and expenditures made through the 20th day after the general election.

Election means:

- A general, special, primary, or runoff election for a federal office,
- A convention or caucus of a political party which has authority to nominate a candidate for federal office,
- A primary election held for the selection of delegates to a national nominating convention of a political party, or
- A primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

General election means:

- An election for a federal office held in even numbered years on the Tuesday following the first Monday in November, or
- An election held to fill a vacancy in a federal office (that is, a special election) that is intended to result in the final selection of a single individual to the office at stake in a general election.

Odd-Numbered Years

The organization may opt to file its reports on either a semiannual or monthly basis, but it must file on the same basis for the entire calendar year.

Semiannual reports. File the mid-year report by July 31 for the period beginning January 1 through June 30. File the year-end report by January 31 of the following year for the period beginning July 1 and ending December 31.

Monthly reports. File the first report for the first month of the calendar year in which the organization accepts a contribution or makes an expenditure. Reports are due by the 20th day after the end of the month, except for the December report, which is due on January 31 of the following year. This report must reflect all reportable contributions accepted and expenditures made during the month for which the report is being filed.

Where and How To File

Form 8872 may be filed either electronically or by mail. Organizations that have, or expect to have, contributions or expenditures exceeding \$50,000 are required to file electronically.

To file by mail, send Form 8872 to the:

Internal Revenue Service Center
Ogden, UT 84201

File electronically using the IRS Internet website at www.irs.gov/polorgs. A username and a password are required for electronically filing Form 8872. Organizations that have completed the electronic filing of Form 8871 and submitted a completed, signed Form 8453-X, Political Organization Declaration for Electronic Filing of Notice of Section 527 Status, will receive a username and a password in the mail. Organizations that have completed the electronic filing of Form 8871, but have not received their username and password may request them by writing to the following address:

Internal Revenue Service
Attn: Request for 8872
Password Mail Stop 6273
Ogden, UT 84201

If you have forgotten or misplaced the username and password issued to your organization after you filed your initial Form 8871 and Form 8453-X, please send a letter requesting a new username and password to the above address. You may also fax your request to 801-620-3249. It may take 3-6 weeks for your new username and password to arrive, as they will be mailed to the organization. Submit your request now in order to have your username and password available for your next filing.

Who Must Sign

Form 8872 must be signed by an official authorized by the organization to sign this report.

Penalty

A penalty will be imposed if the organization is required to file Form 8872 and it:

- Fails to file the form by the due date, or
- Files the form but fails to report all of the information required or it reports incorrect information.

The penalty is 35% of the total amount of contributions and expenditures to which a failure relates.

Other Required Reports and Returns

An organization that files Form 8872 may also be required to file the following forms.

- Form 990, Return of Organization Exempt From Income Tax, or Form 990-EZ, Short Form Return of Organization Exempt From Income Tax (or other designated annual return).
- Form 1120-POL, U.S. Income Tax Return for Certain Political Organizations (annual return).

Public Inspection of Form 8872

The IRS will make Form 8872 (including Schedules A and B) open to public inspection on the IRS website at www.irs.gov/polorgs. In addition, the organization must make available for public inspection a copy of this report during regular business hours at the organization's principal office and at each of its regional or district offices having at least 3 paid employees. A penalty of \$20 per day will be imposed on any person under a duty to comply with the public inspection requirement for each day a failure to comply continues. The maximum penalty imposed on all persons for failures relating to one report is \$10,000.

Telephone Assistance

If you have questions or need help completing Form 8872, please call 1-877-829-5500. This toll-free telephone service is available Monday through Friday.

Exempt Organizations Update

The IRS has established a new, subscription-based email service for tax professionals and representatives of tax-exempt organizations. Subscribers will receive periodic updates from the IRS regarding exempt organizations tax law and regulations, available services, and other information. To subscribe, visit www.irs.gov/eo.

Specific Instructions

Line A

Enter the beginning and ending date for the period to which this report relates. If the organization filed a prior report for the calendar year, the beginning date must be the first day following the ending date shown on the prior report.

Line B

- Check the "Initial report" box if this is the first Form 8872 filed by the organization for this period.
- Check the "Change of address" box if the organization changed its address since it last filed Form 8871, Form 8872, Form 990 (or 990-EZ), or Form 1120-POL.
- Check the "Amended report" box if the organization is filing an amended report.
- Check the "Final report" box if the organization will not be required to file Form 8872 in the future.

Employer Identification Number (EIN)

Enter the correct EIN in the space provided as shown on the Form 8871 the organization filed.

Lines 5a and 5b

Enter the name and address of the person in possession of the organization's books and records.

Lines 6a and 6b

Enter the name and address of the person whom the public may contact for more information about the organization.

Lines 8a through 8h

Check only one box. See *When To File* beginning on page 1 for details on the types of reports and the periods covered.

Line 8f. If the organization is filing on a monthly basis, enter the month for which this report is being filed. During even-numbered years, do not check this box to report October, November, or December activity. Instead, file a pre-general election report, post-general election report, a year-end report, and check the appropriate box on line 8d, 8g, or 8h.

Line 8g. If the organization is filing a pre-election report also indicate the type of election (primary, general, convention, special, or run-off) on line 8g(1), the date of the election on line 8g(2), and the state in which the election is held on line 8g(3).

Line 8h. If the organization is filing a post-general election report, indicate the date of the election on line 8h(1) and the state in which the election was held on line 8h(2).

Line 9

If the organization is required to file Schedule(s) A, enter the total of all subtotals shown on those schedules. If the organization is not required to file Schedule A, enter zero.

Line 10

If the organization is required to file Schedule(s) B, enter the total of all subtotals shown on those schedules. If the organization is not required to file Schedule B, enter zero.

Schedule A—Itemized Contributions

Note. Multiple Schedules A can be filed with any report. Number each schedule in the box in the top right corner of the schedule. Be sure to include both the number of the specific page and the total number of Schedules A (for example, "Schedule A, page 2 of 5").

The organization must list on Schedule A each contributor from whom it accepted contributions during the calendar year if:

- The aggregate amount of the contributions accepted from that person during the calendar year as of the end of this reporting period was at least \$200 and
- Any of those contributions were accepted during this reporting period.

Treat contributions as accepted if the contributor has contracted or is otherwise obligated to make the contribution.

In-kind contributions must be included. These contributions may be identified by including "(In-kind)" in the contributor's name field.

As an entry on the last page of Schedule A, enter the total amount of all contributions received from contributors whose aggregate contributions were less than \$200 and are not reported elsewhere. Enter "Aggregate below Threshold" instead of the contributor's name. If filing electronically, also enter your organization's address and the last day of the reporting period (for example, Jan. 31); and enter "NA" for employer, occupation, and date.

Name of Contributor's Employer

If the contributor is an individual, enter the name of the organization or person by whom the contributor is employed (and not the name of his or her supervisor). If the individual is self-employed, enter "Self-employed." If the individual is not employed, enter "Not employed." If filing electronically and the contributor is not an individual, enter "NA."

Contributor's Occupation

If the contributor is an individual, enter the principal job title or position of that contributor. If the individual is self-employed, enter the principal job title or position of that contributor. If the individual is not employed, enter a descriptive title to explain the individual's status such as "Retired," "Student," "Homemaker," or "Unemployed." If filing electronically and the contributor is not an individual, enter "NA."

Aggregate Year-to-Date Contributions

Enter the total amount of contributions accepted from the contributor during this calendar year as of the end of this reporting period.

Amount of Contribution

If a contributor made more than one contribution in a reporting period, report each contribution separately. If the contribution is an in-kind contribution, report the fair market value of the contribution.

Non-Disclosed Amounts

As the last entry on Schedule A, list the aggregate amount of contributions that are required to be reported on this schedule for which the organization does not disclose all of the information required under section 527(j). Enter "Withheld" as the contributor's name. If filing electronically, enter the organization's address, the date of the report, and "NA" for occupation and employer. This amount is subject to the penalty for the failure to provide all the information required. See *Penalty* on page 2 for details.

Schedule B—Itemized Expenditures

Note. Multiple Schedules B can be filed with any report. Number each schedule in the box in the top right corner of the schedule. Be sure to include both the number of the specific page and the total number of Schedules B (for example, "Schedule B, page 2 of 10").

The organization must list on Schedule B each recipient to whom it made expenditures during the calendar year if:

- The aggregate amount of expenditures made to that person during the calendar year as of the end of this reporting period was at least \$500 and
- Any of those expenditures were made during this reporting period.

Treat expenditures as made if the organization has contracted or is otherwise obligated to make the expenditure.

In-kind expenditures must be included. These expenditures may be identified by including "(In-kind)" in the purpose field.

As an entry on the last page of Schedule B, enter the total amount of all expenditures paid to recipients whose aggregate receipts were less than \$500 and are not reported elsewhere. Enter "Aggregate below Threshold" instead of the recipient's name. *If filing electronically*, also enter the organization's address and the last day of the reporting period (for example, Jan. 31); and enter "NA" for employer, occupation, and date.



Do not include any independent expenditures. An independent expenditure means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate that is not made with the cooperation or prior consent of, in consultation with, or at the request or suggestion of a candidate or agent or authorized committee of a candidate.

Name of Recipient's Employer

If the recipient is an individual, enter the name of the organization or person by whom the recipient is employed (and not the name of his or her supervisor). If the individual is self-employed, enter "Self-employed." If the individual is not employed, enter "Not employed." If filing electronically and the recipient is not an individual, enter "NA."

Recipient's Occupation

If the recipient is an individual, enter the principal job title or position of that recipient. If the individual is

self-employed, enter the principal job title or position of that recipient. If the individual is not employed, enter a descriptive title to explain the individual's status such as "Volunteer." If filing electronically and the recipient is not an individual, enter "NA."

Amount of Each Expenditure Reported for This Period

Report each separate expenditure made to any person during the calendar year that was not reported in a prior reporting period. If the expenditure is an in-kind expenditure, report the fair market value of the expenditure.

Purpose

Describe the purpose of each separate expenditure.

Non-Disclosed Amounts

As the last entry on Schedule B, list the aggregate amount of expenditures that are required to be reported on this schedule for which the organization does not disclose all of the information required under section 527(j). Enter "Withheld" as the recipient's name and as the purpose. If filing electronically, enter the organization's address, the date of the report, and "NA" for occupation and employer. This amount is subject to the penalty for the failure to provide all the information required. See *Penalty* on page 2 for details.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. If the organization is required to report contributions accepted and expenditures made as required by section 527(j), you are required to give us the information. We need it to ensure that you are complying with these laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. The rules governing the confidentiality of Form 8872 are covered in section 6104.

The time needed to complete and file the form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping	9 hr., 48 min.
Learning about the law or the form	24 min.
Preparing and sending the form to the IRS	34 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave. NW, IR-6406, Washington, DC 20224.

Do not send Form 8872 to this address. Instead, see *Where and How To File* on page 2.

Form 8872 Filing Dates (for 2009)

During a non-election year, a political organization has the option of filing on either a monthly or semi-annual schedule. The organization must continue on the same filing schedule for the entire calendar year. Monthly filers report beginning with the first month of the year in which they accept a contribution or make an expenditure.

Option 1: Semi-Annual Filing Schedule	
Report	Filing Date
1st Half (January 1 - June 30)	July 31, 2009
2nd Half (July 1 - December 31)	February 1, 2010

Option 2: Monthly Filing Schedule	
Report	Filing Date
January	February 20, 2009
February	March 20, 2009
March	April 20, 2009
April	May 20, 2009
May	June 22, 2009
June	July 20, 2009
July	August 20, 2009
August	September 21, 2009
September	October 20, 2009
October	November 20, 2009
November	December 21, 2009
December	February 1, 2010