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FEDERAL ELECTION REFORM

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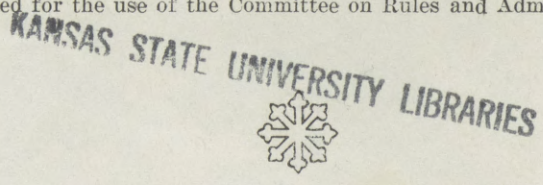
HEARINGS
BEFORE THE
SUBCOMMITTEE ON
PRIVILEGES AND ELECTIONS
OF THE
COMMITTEE ON
RULES AND ADMINISTRATION
UNITED STATES SENATE
NINETIETH CONGRESS

FIRST SESSION
ON
S. 596, S. 1546, and S. 1880
BILLS PROPOSING AMENDMENTS TO AND IMPROVEMENTS
IN THE FEDERAL ELECTION LAWS
AND
S. 1881

A BILL TO ENABLE CITIZENS WHO CHANGE THEIR
RESIDENCES TO VOTE IN PRESIDENTIAL ELECTIONS

JUNE 28 AND 29, 1967

Printed for the use of the Committee on Rules and Administration



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1967

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FEDERAL ELECTION REFORM

WEDNESDAY, JUNE 28, 1967

U.S. SENATE,
SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS
OF THE COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:04 a.m., in room 301, Old Senate Office Building, Senator Howard W. Cannon (chairman) presiding.

Present: Senator Howard W. Cannon.

Also present: James H. Duffy, chief counsel, and Burkett Van Kirk, minority counsel, Subcommittee on Privileges and Elections.

Senator CANNON. The committee will please come to order.

Under the rules of the Senate, one member of a three-man subcommittee may proceed with the hearing. In addition, the Senate has gone in session at 10 o'clock this morning and committees have permission to meet during the morning and during the afternoon.

The White House sent to the Congress on May 25, 1967, a message and proposals relating to Federal elections.

Two of the legislative proposals were directed to matters within the jurisdiction of the Senate Committee on Rules and Administration and its Subcommittee on Privileges and Elections.

It was my pleasure to introduce, on the same day—May 25—both proposals which were printed, numbered as S. 1880, the Election Reform Act of 1967, and S. 1881, the Residency Voting Act of 1967, and referred to the subcommittee.

The Federal Corrupt Practices Act was passed 42 years ago and the Hatch Act is 27 years old. In his message to the Congress, President Johnson said of those acts:

Inadequate in their scope when enacted, they are now obsolete. More loophole than law, they invite evasion and circumvention.

Action by the Congress for sweeping reform of Federal election laws is long overdue. Since 1955 the Senate Subcommittee on Privileges and Elections has studied many bills and conducted public hearings in almost every Congress.

Beginning with S. 636, reported to the Senate in 1955, and continuing through 1966 when my bill, S. 2541, was reported, several recommendations have been presented to the Senate and three such bills were passed by the Senate but were not acted upon by the House of Representatives.

S. 2436 passed the Senate in 1960 and my bill, S. 2426, was approved by the Senate in 1961. The Rules Committee reported my latest bill, S. 2541, to the Senate in 1966, but no further action was taken.

The point is that Congress after Congress has attempted to rewrite the Federal election laws, but without much success.

Limitations or ceilings upon campaign contributions or expenditures are self-defeating. Each innovation in technology necessarily changes attitudes toward campaign financing.

Radio, television, and other media of enveloping communications have caused astronomical rises in the costs of election campaigns and, due to existing limitations, have forced candidates and political committees to seek loopholes in existing law in order to meet their financial obligations.

President Kennedy and President Johnson recognized the need for remedial legislation and submitted proposals to the Congress urging prompt action.

The President's proposals, S. 1880 and S. 1881, together with S. 1546, introduced by Senator Clark, and S. 596, introduced by Senator Scott, are all before this subcommittee for consideration. Without objection, the texts of those bills will be inserted into the record of these hearings.

(The texts of S. 596, S. 1546, S. 1880, and S. 1881 may be found in the appendix to these hearings.)

Senator CANNON. S. 1880, in brief, would extend Federal jurisdiction as follows:

(a) Over all primary elections, caucuses, and conventions to nominate or elect candidates, and over all presidential preference primaries.

(b) Over all political committees—National, State, or local—which receive or spend in excess of \$1,000 per year in support of candidates for Federal office.

(c) Prohibits all firms, including corporations, which are negotiating for or performing Government contracts from making any contribution in behalf of a candidate, political committee, or party.

(d) Requires each candidate and each political committee to file quarterly reports plus two additional reports before each primary or general elections, in precise detail, with the Clerk of the House of Representatives, the Secretary of the Senate, and the clerks of certain U.S. district courts.

(e) Requires all clerks of district courts, the Clerk of the House, and the Secretary of the Senate to receive and maintain reports and to prepare filing, coding, and publishing systems so as to provide broadest possible public disclosure and supervision over all campaign funds, candidates, and committees.

S. 1881, in brief, would require:

(a) That all citizens moving from State to State be permitted to vote for President and Vice President if they establish residence in the new State by September 1 of the election year and are otherwise qualified; and

(b) That no citizen be denied the right to vote by absentee ballot for President and Vice President because of any requirement of registration that does not include a provision for absentee registration.

Before we proceed further, I feel it would be appropriate and beneficial to insert President Johnson's message to Congress of May 25, 1967, on Federal election reform at this point in the record.

(The President's message on Federal election reform is as follows:)

THE WHITE HOUSE,
Washington, May 25, 1967.

THE POLITICAL PROCESS IN AMERICA

To the Congress of the United States:

I. INTRODUCTION

Public participation in the processes of government is the essence of democracy. Public confidence in those processes strengthens democracy.

No Government can long survive which does not fuse the public will to the institutions which serve it. The American system has endured for almost two centuries because the people have involved themselves in the work of their Government, with full faith in the meaning of that involvement.

But Government itself has the continuing obligation—second to no other—to keep the machinery of public participation functioning smoothly and to improve it where necessary so that democracy remains a vital and vibrant institution.

It is in the spirit of that obligation that I send this message to the Congress today. I propose a five-point program to:

- Reform our campaign financing laws to assure full disclosure of contributions and expenses, to place realistic limits on contributions, and to remove the meaningless and ineffective ceilings on campaign expenditures.
- Provide a system of public financing for Presidential election campaigns.
- Broaden the base of public support for election campaigns, by exploring ways to encourage and stimulate small contributions.
- Close the loopholes in the Federal laws regulating lobbying.
- Assure the right to vote for millions of Americans who change their residences.

II. THE ELECTION REFORM ACT OF 1967

In our democracy, politics is the instrument which sustains our institutions and keeps them strong and free.

The laws which govern political activity should be constantly reviewed—and reshaped when necessary—to preserve the essential health and vitality of the political process which is so fundamental to our way of life.

In my 1966 State of the Union message I called attention to the need for a basic reform of the laws governing political campaigns in these words.

“* * * I will submit legislation to revise the present unrealistic restrictions on contributions—to prohibit the endless proliferation of committees, bringing local and state committees under the act—and to attach strong teeth and severe penalties to the requirement of full disclosure of contributions * * *”

A year ago this month, I submitted my proposals to the Congress in the Election Reform Act of 1966.

That measure reflected my concern, as one who has been involved in the process of elective Government for over three decades, that the laws dealing with election campaigns have not kept pace with the times.

The Federal Corrupt Practices Act was passed 42 years ago. The Hatch Act was passed 27 years ago. Inadequate in their scope when enacted, they are now obsolete. More loophole than law, they invite evasion and circumvention.

A sweeping overhaul of the laws governing election campaigns should no longer be delayed.

Basic reform—with an emphasis on clear and straightforward disclosure—is essential to insure public confidence and involvement in the political process. On the cornerstone of disclosure we can build toward further reform—by charting new ways to broaden the base of financial support for candidates and parties in election campaigns.

I again ask the Congress to take positive action in this field as we work together to insure continued and increased public confidence in the elective process.

I recommend the Election Reform Act of 1967 to correct omissions, loopholes, and shortcomings in the present campaign laws.

This Act embodies many of the same positive measures I proposed last May. Last October, after hearings, the subcommittee on Elections of the Committee on House Administration reported out substantially the bill I proposed “favorably

and with bipartisan support." The Subcommittee Report called those measures "a vast improvement over existing law."

Full Public Disclosure

The heart of basic reform is full disclosure. This measure would, for the first time, make effective the past efforts of the Congress and the Executive to achieve full disclosure of political campaign funds.

Complete disclosure will open to public view where campaign money comes from and how it is spent. Such disclosure will help dispel the growth of public skepticism which surrounds the present methods of financing political campaigns.

Full disclosure efforts are frustrated today by gaps in the law through which have passed an endless stream of national, state and local political committees.

To insure full disclosure, I recommend that:

—Every candidate, including those for the Presidency and Vice Presidency, and every committee, state, interstate, and national, that supports a candidate for federal office be required to report on every contribution, loan and expense item over \$100.

—Primaries and convention nomination contests be brought within the disclosure laws.

Effective Ceilings on the Size of Contributions

Closely related to full disclosure—the basic step in any election reform—is another equally demanding task. It requires that we make political financing more democratic by recognizing that great wealth—in reality or appearance—could be used to achieve undue political influence.

Current law limits to \$5,000 contributions to a single candidate for federal office or contributions to any national political committee supporting a candidate.

But the law does not prohibit an individual from making a \$5,000 contribution to each of several national committees supporting a candidate or party—and there is no limit to the number of such committees. Moreover, state and local political committees are not even covered by existing law.

I recommend that a \$5,000 limit be placed on the total amount that could come from any individual, his wife or minor children, to the campaign of any candidate.

Repeal of Artificial Limits of Campaign Expenses

With full disclosure and an effective ceiling on contributions we can move forward to cure another defect in our election campaign laws—the artificial limits on campaign expenditures.

Under present law, for example:

—National political committees can raise and spend no more than \$3 million.

But the law does not limit the number of national committees.

—Senate candidates are limited to expenses of \$25,000 and House candidates to \$5,000. But the law does not limit the number of committees that can spend and raise money on the candidate's behalf.

These legal ceilings on expenditures were enacted many years ago, when the potential of radio in a campaign was virtually unknown and when television did not exist. They are totally unrealistic and inadequate. They have led to the endless proliferation of political committees.

I therefore recommend a repeal of the present arbitrary limits on the total expenditures of candidates for federal office.

Barring Political Contributions by Government Contractors

Present law prohibits corporations and labor organizations from making contributions to campaigns for federal office.

But there is an anomaly which must be corrected in the law relating to contractors with the Federal Government.

Non-corporate Government contractors are now prohibited from making political contributions at all levels of Government—federal, state and local.

The bar on corporations with government contracts, however, extends only to political contributions at the federal level. These corporations are free to make political contributions at the state and local levels where finances are often intertwined with national political campaigns.

In the interests of consistency and good sense, I recommend that corporations holding contracts with the Federal Government also be prohibited from making political contributions at the state and local level.

Enforcement

To insure that these reforms are strictly enforced, the Election Reform Act of 1967 would provide criminal penalties for violations of the law.

III. CAMPAIGN FINANCING

The proposed Election Reform Act of 1967 is corrective, remedying present inadequacies in the law. It goes hand in hand with the pursuit of another goal—to provide public support for election campaigns.

The Background

Democracy rests on the voice of the people. Whatever blunts the clear expression of that voice is a threat to democratic government.

In this century one phenomenon in particular poses such a threat—the soaring costs of political campaigns.

Historically, candidates for public office in this country have always relied upon private contributions to finance their campaigns.

But in the last few decades, technology—which has changed so much of our national life—has modified the nature of political campaigning as well. Radio, television, and the airplane have brought sweeping new dimensions and costs to the concept of political candidacy.

In many ways these changes have worked to the decided advantage of the American people. They have served to bring the candidates and the issues before virtually every voting citizen. They have contributed immeasurably to the political education of the nation.

In another way, however, they have worked to the opposite effect by increasing the costs of campaigning to spectacular proportions. Costs of such magnitude can have serious consequences for our democracy:

- More and more, men and women of limited means may refrain from running for public office. Private wealth increasingly becomes an artificial and unrealistic arbiter of qualifications, and the source of public leadership is thus severely narrowed.
- Increases in the size of individual contributions create uneasiness in the minds of the public. Actually, the exercise of undue influence occurs infrequently. Nonetheless, the circumstance in which a candidate is obligated to rely on sizable contributions easily creates the impression that influence is at work. This impression—however unfounded it might be—is itself intolerable, for it erodes public confidence in the democratic order.
- The necessity of acquiring substantial funds to finance campaigns diverts a candidate's attention from his public obligations and detracts from his energetic exposition of the issues.
- The growing importance of large contributions serves to deter the search for small ones, and thus effectively narrows the base of financial support. This is exactly the opposite of what a democratic society should strive to achieve.

It is extremely difficult to devise a program which completely eliminates these undesirable consequences without inhibiting robust campaigning and the freedom of every American fully to participate in the elective process. I believe that our ultimate goal should be to finance the total expense for this vital function of our democracy with public funds, and to prohibit the use or acceptance of money from private sources. We have virtually no experience upon which to base such a program. Its risks and uncertainties are formidable. I believe, however, that we are ready to make a beginning. We should proceed with all prudent speed to enact those parts of such a program which appear to be feasible at this time.

PRESIDENTIAL CAMPAIGNS

The Problem

The election of a President is the highest expression of the free choice of the American people. It is the most visible level of politics—and also the most expensive.

For their free choice to be exercised wisely, the people must be fully informed about the opposing candidates and issues. To achieve this, candidates and parties must have the funds to bring their platforms and programs to the people.

Yet, as we have seen, the costs of campaigning are skyrocketing. This imposes extreme and heavy financial burdens on party and candidate alike, creating a potential for danger—the possibility that men of great wealth could achieve undue political influence through large contributions.

In recognition of this problem, the Congress last year enacted the Presidential Election Campaign Fund Act. By so doing, it adopted the central concept that some form of public financing of Presidential campaigns would serve the public interest.

I did not submit or recommend this legislation. It was the creation and the product of the Congress in 1966. As you will recall, it was added as an amendment to other essential legislation. When I signed that Act into law last November, I observed that "it breaks new ground in the financing of Presidential election campaigns" and that the "new law is only a beginning." It was my belief then, as it is now, that the complex issues involved in this new concept required extensive discussion and penetrating analysis.

Over the past six weeks, we have heard men of deep principle and firm conviction engage in a spirited and searching debate on the law. While there were honest and vigorous disagreements, they were voiced by those who share a common faith in the free ideals which are the bedrock of our democracy.

The Issues

The course of the debate has illuminated many of the issues which underlie the matter of Presidential campaign financing. For example:

- In what amount should Federal funds be provided for these campaigns?
- What limitations should be placed on the use of these funds?
- Should there be a complete bar on the use of private contributions for those aspects of campaign financing which would be regularly provided through appropriations?
- Can the availability of public funds result in an undue concentration of power in National Political Committees. If so, what steps can be taken to prevent it?
- Is the tax check-off method a sound approach or is a direct appropriation to be preferred?
- How can equitable treatment of minor parties be assured?
- What sanctions would be most effective to insure compliance with the law?
- Whatever the ultimate formula, how can we preserve the independence, spirit and spontaneity that has hallmarked American political enterprise through the years?

The Recommendations

Against this backdrop of concern for the political process, the protection of the public interest, and the issues that have been raised, I make these eleven recommendations to improve and strengthen the Presidential Election Campaign Fund Act:

1. *Funds to finance Presidential campaigns should be provided by direct Congressional appropriation, rather than determined by individual tax check-offs.*

This approach would:

- Provide the opportunity for Congress to make a realistic assessment, and express its judgment, of what it would cost Presidential candidates or parties to carry their views to the voters. This assessment should consider the recommendations of the special Advisory Board to the Comptroller General, created under the Presidential Election Campaign Fund Act. The Board consists of representatives of both major political parties. Based on this review and recommendation, Congress could then appropriate the necessary funds.
- Make the amount appropriated for the campaign fund more stable, by removing its uncertain reliance on tax check-offs, whose numbers might bear no reasonable relationship to the amount required to bring the issues before the public.

2. *The funds should be used only for expenses which are needed to bring the issues before the public.*

Under the procedure I recommend:

- The funds so appropriated would be used to reimburse specified expenditures incurred during the Presidential election campaign itself, after the parties have selected their candidate.
- The amount appropriated should be adequate to defray key items of expense to carry a campaign to the public and thus be limited to the following items: radios and television, newspaper and periodical advertising, the preparation and distribution of campaign literature, and travel.
- The amount of the fund for the major parties as finally determined by the Congress, would be divided equally between them.

3. *Private contributions for major parties could not be used for those items of expense to which public funds could be applied.*

Private contributions, however, could be used to defray the costs of other campaign expenses. These would include the salaries of campaign workers, over-

head, research and polls, telegraph and telephone, postage and administrative expenses.

Citizens who want to make contributions to the party or candidate of their choice will be free to do so. Party workers at the grassroots will be able to pursue their neighborhood activities, a responsibility which is deeply woven into the fabric of American political tradition.

But under the measures I have proposed, the major burden of raising money for soaring campaign costs will be lifted from a Presidential candidate's shoulders. No longer will we have to rely on the large contributions of wealthy and powerful interests.

4. A "major party" should be defined as one which received 25% or more of the popular votes cast in the last election.

A percentage-of-votes test is more realistic than the fixed number of votes (15 million) now in the present law. It recognizes our growing population with more Americans entering the voting ranks each year.

5. A "minor party" should be defined as one which received between 5% and 25% of the popular votes cast in the current elections.

For the same reasons I described above, the eligibility test for Federal support should not be based on a fixed number of votes (5 million for "minor parties" in the current law), but rather on the percentage of votes received.

Third party movements can support the rich diversity of American political life. At the same time some reasonable limitations should be developed so that Federal financial incentives are not made available to parties lacking a modicum of public support—or created solely to receive Government funds.

Under this proposal "minor parties" would receive payments based on the number of votes they receive in the current election. The payment for each vote received by a minor party would then be determined so as to be the equivalent of that made to the major parties.

For example, assume that two major parties received a total of 80 million votes in a prior election, and Congress had appropriated a \$40 million campaign fund for those two parties. Although the major parties would share equally in that fund (\$20 million each), the allocation would amount to 50 cents per vote cast for those parties. Using the 50 cents per vote as the guideline, a minor party receiving 5 million votes in the current election would be entitled to \$2.5 million for its recognized campaign expenses.

6. A "minor party" should be eligible for reimbursement promptly following an election.

A "minor party" should be able to qualify promptly for federal funds, based on its showing in the current election, rather than waiting four years until the next election. This added source of funds should enhance a minor party's opportunity to bring its programs and platforms into the public arena.

7. The percentage of federal funds received by a major or minor party which could be used in any one state should be limited to 140 percent of the percentage the population of that state bears to the population of the country.

This would prevent the concentration of funds in any particular State and would minimize the ability of national party officials to reduce the role and effectiveness of local political organizations. At the same time, it would retain the flexibility necessary to carry a party's programs to the public. The Comptroller General should be empowered to issue rules for the equitable allocation, on a geographic basis, for national campaign expenses, such as network television.

8. The Comptroller General should be required to make a full report to the Congress as soon as practicable after each Presidential election.

This report should include:

- payments made to each party from the fund;
- expenses incurred by each party;
- any misuse of the funds.

9. The Comptroller General should be given clear authority to audit the expenses of Presidential campaigns.

It is imperative that the strictest controls be exercised to safeguard the public interest. The General Accounting Office is the arm of the Government which I believe is best suited to monitor the expenditures of the fund.

Payments from the fund would be made only upon the submission of certified vouchers to the Comptroller General.

If the Comptroller General's audit reveals any improper use of funds, the following sanctions would be applied:

- the amounts involved would have to be repaid to the Treasury; and

—if the misuse is willful, a penalty of up to 50 percent of the amount involved would be imposed.

10. *To bring greater wisdom and experience to the administration of the act, the Comptroller General's special Advisory Board on the Presidential Election Campaign Fund should be expanded from 7 to 11 members.*

This Advisory Board is faced with a heavy and demanding task. It must "counsel and assist" the Comptroller General in the performance of his duties under the Act.

The membership of the Board now consists of two members from each major political party and three additional members. I recommend that the Board be enlarged to encompass the wisdom and experience of 4 distinguished Americans:

- The Majority Leader of the Senate
- The Minority Leader of the Senate
- The Speaker of the House of Representatives
- The Minority Leader of the House

11. *Criminal penalties should be applied for the willful misuse of payments received under the Act by any person with custody of the funds.*

The penalties should be a fine of not more than \$10,000, or 5 years imprisonment, or both. Criminal penalties would also be applied against any person who makes a false claim or statement for the purpose of obtaining funds under the Act.

OTHER CAMPAIGN FINANCING

We should also seek ways to provide some form of public support for Congressional, state and local political primaries and campaigns.

Here, the need is no less acute than at the Presidential level. But the problems involved are as complex as the elections themselves, which vary from district to district and contest to contest.

Because the uncertainties in this area are so very great, and because the issues have not received the benefit of the extensive debate that has characterized Presidential campaign financing, I pose for your consideration and exploration a series of alternatives.

In 1961, President Kennedy appointed a distinguished, bipartisan Commission on Campaign Costs to take a fresh look at the problems of financing election campaigns. Although the Commission devoted its attention to the problems of campaign costs for Presidential and Vice Presidential candidates, it pointed out that the measures proposed "would have a desirable effect on all political fund raising."

The Commission's 1962 report and recommendations were endorsed by Presidents Dwight D. Eisenhower and Harry S. Truman as well as leading Presidential candidates in recent elections.

Based on the Commission's recommendations and the later reviews and studies of campaign financing, there are several alternatives which should be considered. These alternatives all involve public financing of campaigns to a greater or lesser extent. Among them are:

- A system of direct appropriations, patterned after the recommendations made herein for Presidential campaigns, or modeled after recommendations pending in the Congress.
- A tax credit against federal income tax for 50 percent of contributions, up to a maximum credit of \$10 per year.
- A matching incentive plan in which the government would contribute an amount up to \$10 for an equal amount contributed by a citizen, whether or not a taxpayer, to a candidate or committee.
- A "voucher plan" in which Treasury certificates for small amounts could be mailed to citizens who, in turn, would send them to candidates or committees of their choice. These vouchers could then be redeemed from public funds, and the funds used to defray specified campaign expenditures.

I believe these deserve serious attention along with other proposals previously recommended and suggested to the Congress. Each alternative offers particular advantages. Thorough review may reveal that one is to be clearly preferred over the others, or that still other courses of action are appropriate. Whatever the outcome, any such review should reflect a realistic assessment of the amount of funds needed in these campaigns and the extent to which the funds should be provided by public means.

I recommend that Congress undertake such a review.

I have asked the Secretary of the Treasury and the Attorney General to cooperate fully with the Congress in its exploration of these alternatives in order

to give all the help the Executive Branch can to the Congress as it seeks the best congressional election campaign financing program.

* * * * *
 These recommendations represent my thoughts on the issues at stake. I believe they highlight the problems in an area so new and complex that there is little experience in our national life to guide us.

I hope that these proposals will serve as guidelines for discussion and debate in the coming weeks. A penetrating and orderly review of these vital public issues, with all the wisdom that the Congress can summon, will in itself be an important educational process for the nation in the art of government and politics.

I hope that Congress will proceed to consider promptly the problem of campaign financing and will enact appropriate legislation.

I make no recommendation as to the effective date with respect to such legislation. I leave that entirely to the judgment and wisdom of the Congress. I have no desire to ask that the provisions be made applicable to any campaign in which I may be involved. On the other hand, I have no desire to request that any such campaign be exempted from modernizing legislation which Congress might enact.

Public financing of political campaigns presents the American people with an issue that is both significant and complex—departing as it does from the familiar practices of the past. It transcends partisan political considerations. I urge the American people and the Congress to consider this issue thoughtfully, on its merits, and on the highest and most objective plane, independent of any personalities now in office or seeking office.

IV. STRENGTHENING FEDERAL REGULATION OF LOBBYING

Full disclosure can serve the integrity of government in another important area—the regulation of lobbying.

Lobbying dates back to the earliest days of our Republic. It is based on the constitutionally guaranteed right of the people to petition their elected representatives for a redress of grievances.

Yet to realize the American ideal of Government, our elected representatives must be able to evaluate the varied pressures to which they are regularly subjected. In 1946, Congress responded to this need by enacting the Federal Regulation of Lobbying Act. Its purpose was not to curtail lobbying but to regulate it through disclosure. For the first time, individuals and groups who directly attempted to influence legislation were required to register.

More than twenty years of experience with the Act have highlighted its flaws. Through loopholes in the law, immune from its registration provisions, have passed some of the most powerful, best financed and best organized lobbies. Although engaged in constant and intensive lobbying, they are not legally required to disclose their existence—because lobbying is not their “principal” purpose, the narrow test under current law.

The Congress has properly taken the initiative to meet this problem. Two months ago, the Senate passed S. 355 by a decisive vote. In that measure, Federal regulation of lobbying has been strengthened by:

- Supplanting the “principal purpose” test with the broader test of “substantial purpose,” thus extending the reach of the Act by a wider definition of those required to register.
- Transferring the responsibility for administration of the law from the Clerk of the House and the Secretary of the Senate to the Comptroller General.

I strongly endorse the Senate's action in strengthening Federal regulation of lobbying as an important step toward better Government, and I urge the House to take similar action.

V. THE RESIDENCY VOTING ACT OF 1967

Voting is the first duty of democracy. H. G. Wells called it, “Democracy's ceremonial, its feast, its great function.”

This Nation has already assured that no man can legally be denied the right to vote because of the color of his skin or his economic condition. But we find that millions of Americans are still disenfranchised—because they have moved their residence from one locality to another.

Mobility is one of the attributes of a free society, and increasingly a chief characteristic of our Nation in the 20th Century. More American citizens than ever before move in search of new jobs and better opportunities.

For a mobile society, election laws which impose unduly long residence requirements are obsolete. They serve only to create a new class of disenfranchised Americans.

An analysis of the 1960 election, the last election for which studies are available, shows that between 5 and 8 million otherwise eligible voters were deprived of the right to vote because of unnecessarily long residency requirements in many of the states. Almost half the states, for example, through laws a century old, require a citizen to be a resident a full 12 months before he can vote even in a Presidential election.

These requirements diminish democracy. The people's rights to travel freely from State to State is constitutionally protected. The exercise of that right should not imperil the loss of another constitutionally protected right—the right to vote.

I propose the Residency Voting Act of 1967 which provides that a citizen, otherwise qualified to vote under the laws of a state, may not be denied his vote in a Presidential election if he becomes a resident of the state by the first day of September preceding the election.

VI. CONCLUSION

Seventy years ago, the great American historian Frederick Jackson Turner wrote these words:

"Behind institutions, behind constitutional forms and modifications, lie the vital forces that call these organs into life and shape them to meet changing conditions. The peculiarity of American institutions is the fact that they have been compelled to adapt themselves to the changes of an expanding people * * *"

This represents a valid exposition of the vitality of our democratic process as it has endured for almost two hundred years.

Over those two centuries Presidents and Congresses have strengthened that process as changing circumstances presented the clear need to do so. History has spared few generations that continuing obligation.

Today, that obligation poses for us the requirement—and the opportunity as well—to bring new strength to the processes which underlie our free institutions.

It is in keeping with this obligation that I submit the proposals in this Message.

LYNDON B. JOHNSON.

Senator CANNON. Our first witness today is Senator Albert Gore who has previously served on this committee and who conducted hearings in detail a number of years ago, when he was chairman of the subcommittee, into the problem of campaign financing and, more particularly, into the problem of where the money comes from, and where it goes.

Senator Gore, we are very happy to have you here this morning.

STATEMENT OF HON. ALBERT GORE, A U.S. SENATOR FROM THE STATE OF TENNESSEE

Senator GORE. Thank you, Mr. Chairman. I congratulate you upon your interest and success in bringing legislation to the floor and to passage in the Senate. I thank you for your interest in this very vital subject.

I welcome the renewed effort by your subcommittee to revise existing law relating to the financing of Federal election campaigns, and I appreciate this opportunity to submit to the subcommittee briefly my views.

As you know, the Senate recently debated the subject of election campaign financing for the better part of 6 weeks. Out of this debate and discussion has come, it seems to me, an increasing awareness of the need to revise existing law if we are to safeguard the ballot box from the dangers of the improper influence of money.

It is now my considered view that the election process is so vital to our form of government, and yet so endangered by current financing practices, that it would be in the public interest to provide a method of public financing, under proper safeguards, for the campaign costs incurred by those who seek Federal elective office. I feel strongly, however, that it would only compound the problem if some form of public financing were authorized without, at the same time, imposing realistic regulation and control over the giving, the receiving, and the spending of private campaign contributions.

The inadequacies of existing law relative to campaign contributions and expenditures are well known to this subcommittee. Suffice it to say, existing law is so unrealistic, so ineffective, and so easily avoided, that there are, in practical effect, no effective limits whatever on how much can be given and how much can be spent in an election campaign. I fail to see how this situation would be improved, Mr. Chairman, by an outright removal of all ceilings.

In my view, the law regulating the use of private contributions in election campaigns should be sufficiently comprehensive to eliminate the potential evil that may arise both from the source of campaign funds and the amount of money used in the campaign.

Generally, the recommendations submitted by the President contain proposals to limit effectively the amount of money any one individual may contribute. I strongly endorse such limitations. Perhaps limits even more restrictive than those proposed by the President are needed. If the concept of one man, one vote is to have practical validity we should limit the degree to which one individual's influence on the outcome of an election may be determined by the size of his pocketbook.

The President also recommends more effective rules governing the disclosure of the source of campaign contributions and the purposes for which they are spent. This, too, is badly needed.

The principal purpose of my appearance here, however, is to express my strongly held views that there should be a realistic but effective limit on the overall amount that may be spent in a campaign for public office.

Admittedly, the ceilings contained in current law are wholly unrealistic. Expenses that may be legitimately incurred in a modern campaign are much higher than they used to be. I do not suggest that we should by law impose arbitrary ceilings so unrealistically low as to encourage avoidance and evasion. At the same time, I think it would be a great mistake to eliminate altogether the idea that there should be a ceiling on how much may legally be spent, leaving only the sky as the limit. Our elective process may be endangered and the will of the electorate may be usurped through the excessive expenditure of money no matter how rigidly we limit the amount that may be contributed by one individual and no matter how effective and how timely may be the provisions for disclosure of the amounts received and spent.

The legitimate purpose of campaign expenditures is to inform the electorate as to the issues in the campaign and the views of the candidates, so that voters may make an intelligent and a wise choice. Expenditures beyond the reasonable amounts necessary to take the issues to the people may tend to obscure issues and the views of the

candidates and, in effect, be designed to "sell" an image of a candidate rather than who the candidate really is and what he actually stands for.

It is argued by some that ceilings are impractical and unnecessary. It is said that if we have effective provisions for the disclosure of how much is spent and where it came from, that this will effectively resolve the problem of excessive expenditures. I do not believe so. No matter how tight may be the provisions for disclosure, it is simply not possible to have complete disclosure of the total amounts spent or the sources from which they came in such a way that the public will have this information before votes are cast and before the effect of the money has been realized. Disclosure after the election that the winning candidate had spent an exorbitant sum of money will not operate to change the outcome at all. Voters will not be allowed to change their votes on the basis of information they obtained after the election is over. The votes will already have been cast. The vote will already have been counted. The winner will already have been announced.

Mr. Chairman, I do not believe that our form of representative government is well served by Madison Avenue-type expenditures in excessive amounts to merchandise a candidate. If there are no limits at all on how much money can be spent in pursuit of an office, to the extent that funds are available, such merchandising is what we shall have if we provide no limits at all on how much may be spent by and on behalf of a candidate. The limits should be reasonable, of course. They should be in the amounts which recognize modern campaign costs, but there should be limits and they should be effective limits.

In my view, it is no answer to say that spending ceilings cannot be made effective because of the difficulty in enforcing them. Ceilings can be made effective if the candidate, himself, is made responsible for the conduct of his campaign. I have sponsored a proposal which would fix responsibility upon the candidate himself. I do not think it is asking too much to require a candidate to authorize committees to spend money in his behalf and to include the amount spent by authorized committees in the overall ceiling applicable to that candidate's campaign. I agree that under the Constitution we cannot absolutely prohibit campaign expenditures by individuals or committees not authorized by the candidate, but such expenditures can be sharply limited without violating the constitutional guarantees of freedom of speech.

For the foregoing reasons, I strongly urge this subcommittee to include in any bill it may recommend to the Senate effective overall ceilings on the amounts that may legally be spent in an election campaign for Federal office. Removal of all limits would solve no problem at all, and would be a step in the wrong direction.

I recognize that there is divided jurisdiction on the subject of election law reform. I take it that we will eventually incorporate the recommendations of this committee and the recommendations of the Senate Finance Committee and perhaps others into one bill for the decision of the Senate. The Finance Committee will have primary jurisdiction over provisions relating to public financing, whether it be by tax credit or tax deduction or authorization of public funds in other forms. In that committee, of course, and on the floor of the Senate I shall earnestly seek to press realistic ceilings on campaign spending. There ought to be a limit on how much one man can spend

or how much can be spent on behalf of a candidate for office. Otherwise, we put them up for sale.

I thank you, Mr. Chairman, for your courteous attention.

Senator CANNON. Thank you very much, Senator Gore, for your fine statement.

Is it your opinion that limitations upon contributions and expenditures are realistic and enforceable or that disclosure of campaign finances is the only effective check on candidates and political committees?

Senator GORE. I think disclosure as an effective check on excessive spending has been greatly exaggerated. Disclosure would be of minuscule effect because complete disclosure comes after the votes are cast, after the election is over, after the successful candidate has been determined. I have not in recent years known of any election whatsoever, the outcome of which has been affected in any manner whatsoever by disclosure of the amount spent. This simply is not the way to solve the problem. I think disclosure is good public information. It makes a good newspaper story after the election is over. But as far as having any effect on the use of money in a campaign, it simply does not.

Senator CANNON. Of course, fixing of limits has proven up to this point to be completely unrealistic, quite unmanageable, perhaps due in part to the unrealistic limits which appear in existing law. But as to candidates, the minute they become candidates, committees on their behalf bustle all over with or without their consent or knowledge, raise funds, and spend funds. I do not see how the candidate himself can completely control this to the extent you suggest in your statement. We should be able to control it.

Senator GORE. Let me suggest that the limits which we have in the present law have not been enforced, because there is no way to enforce them. We have failed completely in enforcement of the limits for two reasons.

One, the limits such as they are stated to be are unrealistically low. And if enforced, our election process would be severely hampered. For instance, \$25,000 is the limit for a U.S. Senator in the State of Ohio. But there has been no test at all because these limits are not enforceable. They are so easily avoided by the stratagem which you just suggested, the proliferation of campaign committees. I know in my own campaign I have had barbers for Gore, farmers for Gore, teachers for Gore, businessmen for Gore, and as we approached a limit, if we did, why, we just established another committee. This is clearly within the law, which means we really have no law. As I said in my prepared statement, we have no limits at all. This does not mean we should not have them. I think we should have ceilings that are reasonable and realistic and enforceable. If we provide realistic and enforceable ceilings, I think we could rely upon the Department of Justice to enforce them.

Mr. Chairman, it is no answer at all to this problem of the difficulty of enforcing unrealistic ceilings to say that there should be no ceilings at all. This just says the sky's the limit. A man could spend \$10 million to obtain a small office in Nevada, and it would be legal. So far as we are concerned in Congress, if we remove all the limits, a man from New York City could establish a residence in Nevada and spend \$10 million seeking your seat in the Senate, and this would be legal. Is

this what we want to do? I certainly do not think we should. If we could do what I would like to do, make it possible for candidates for Federal elective office to break out of this circle of vicious financial practices in campaigns by seeking public office at public expense and forgoing any private contributions whatever, then it would be absolutely necessary to limit the amount of money that a competing candidate seeking the same office on the basis of private subsidy could spend. Else you put the man who had gone public at an impossible disadvantage.

Senator CANNON. In my bill, which the Senate passed but which the House did not act on several years ago, and in an identical bill reported to the Senate in 1966, there was a limit based upon a flexible formula both as to national committees in national elections and Senate and congressional candidates, which I thought at that time, as a result of our hearings, was reasonable. However, I must admit that times change so fast, techniques change so fast, that I am not sure a limit could be reasonably fixed. I am quite impressed by those who say that perhaps the answer is to remove ceilings but require very strict forms of reporting. This reporting may not be early enough in time to do the job it is intended to do. In other words, after the election a report is relatively meaningless. For instance, our national committee was honest when it reported \$3 million in expenditures for a presidential campaign. Many of us know there are, however, many, many times that amount spent by both parties in national campaigns. I would venture to say that TV costs alone are two or three times the amount reported as spent by national committees on presidential campaigns. Ad hoc committees are created.

Do you feel that whatever provisions the Finance Committee makes with respect to a tax credit or tax incentive, that all recommendations should be combined in one bill on the Senate floor—in one package?

Senator GORE. I think so, yes. I do not believe we should deal with this piecemeal.

I would like to make one comment on your previous statement. I am not sure that we can determine the reasonableness of a limit on expenditures for public office entirely by reference to the amount of expenditures in recent campaigns. Perhaps the committee might want to consider the purposes for which money can be spent. I have seen some recent campaigns in which the issues between the candidates were almost unmentioned, and obscured as much as possible. So what you had was a contest of image making with vast expenditures by which candidates could be glamorized to the greatest extent. Which one could be more identified with children, playgrounds, parks, recreation? I have particularly in mind one campaign in which the candidate did not campaign on the hard issues of the campaign at all. Large amounts were spent to demonstrate what a glorious father he was, what a grand godfather he was, how strong he had been for the children and the playgrounds. Yet the hard issues, the ones on which people could make an intelligent decision were blurred. Now, is this the kind of Madison Avenue salesmanship the committee wants to promote? I think there should be a limit on the amount of money that could be spent in a campaign.

There was a time, the chairman will recall, when candidates for the U.S. Senate were denied a seat in the Senate because they had un-

abashedly bought an election. Now we are considering on the recommendation of the President of the United States a legalized "sky's the limit" invitation. I just doubt if we want to do that. It seems to me we should have an effective limit, a reasonable limit, an enforceable limit; and insist the Department of Justice enforce it.

Senator CANNON. Do you have any specific thoughts in mind as to what ceilings you would recommend?

Senator GORE. Yes.

Senator CANNON. Should ceilings be regulated by flexible formulas such as were proposed in S. 2541?

Senator GORE. I have likewise introduced a bill, and I suggested that the limit be fixed at 20 cents per vote on the number of votes cast in the previous election for the office which the candidate seeks. I am not wedded to the 20 cents. It might be 25, it might be 30, it might be 18. But I think there should be a limit, and it should be related to the size of the constituency. I do not know to what extent your bill was flexible.

Senator CANNON. When you relate costs to the size of the constituency, sometimes it is much more expensive with a small constituency to get your message across than it is with a larger one. I can speak from personal experience, because I represent a very small population but a large State—more than 600 miles from one corner of my State to another by air. To reach one area of the State by TV, it is necessary to go into another State for that TV coverage and pay for the coverage of that State.

The provision I had in my previous bill was, in essence, as follows: A candidate could make expenditures up to a fixed sum of \$50,000 if he were a candidate for Senator or Representative at large, or the sum of \$12,500 if he were a candidate for Representative or Resident Commissioner, or an amount equal to but not higher than the following: The amount to be obtained by multiplying 20 cents by the total number not in excess of 1 million votes cast in the last election plus the amount obtained by multiplying 10 cents per vote for the total of such votes in excess of 1 million. This formula furnishes a sliding scale that would provide some flexibility both in presidential campaigns and senatorial and congressional campaigns.

Senator GORE. I think this has a lot of merit and I find myself in agreement with your view that the cost to a candidate, per voter, if one wishes to put it on that basis, is greater in a constituency widely dispersed than in a densely populated area.

Now, I have had a contrary view expressed to me, but I agree with your view. And some allowance could be made for that. I do not think it is impossible to come to a formula that is fair and reasonable. The basic question is whether we are to have no limit at all, inviting the richest to be the most successful, or those willing to accept the biggest amounts from the most willing sources to obtain Federal office, or whether we shall try to keep elections essentially based upon the concept of one man, one vote.

Senator CANNON. The statement you just made reminds me of the hearings you conducted as chairman of this subcommittee in which you pointed out in your report, which was never completely approved or published by the Senate—you pointed out that 12 of the wealthiest families in the United States contributed \$1,753,735 in one campaign to a political party or political parties, rather. I must say over \$1 million went to one political party. I will not say which one, but not

the one I am a member of. Certainly you are well aware of the problems inherent in the situation that you have described to us.

Senator GORE. Yes, I recall there were many surprises as a result of that investigation. We used the power of subpoena. We cataloged \$33 million—where it came from, who received it, and its disposition. That was the most thorough investigation that has ever been made. We put all the information on IBM punchcards, and we had many surprises when we started to punch the buttons when it was over. For instance, it was discovered the Republican Party received more money from contributors with Manhattan addresses than from the rest of the 48 States. But my face as a Democrat was red when they punched the Democratic button and found that party received a large proportion of its funds from Manhattan and Wall Street.

Should we continue to allow only one-third of the Nation to finance the Nation's political parties or should we provide enforceable limits on how much they can contribute?

Senator CANNON. There is one other important point involved here. While it is not in my bill as introduced, but as you well know and the public well knows, we have had this question under discussion for some period of time. The question of disclosure of personal income, assets, gifts, honoraria, and so forth. Do you feel that type of disclosure provision should be incorporated in this legislation or be left for other legislation?

Senator GORE. Well, this does not directly relate to the election process, but in view of experiences which some Members of the Senate have had and the parallel relationship between the two, I would favor it either in or out of this bill. I would not resist it being in the present bill, though it is not properly related to the election law reform so badly needed. I would support its enclosure in the bill.

Senator CANNON. I feel that disclosure of personal assets, and so forth, should not be included in this bill, which is strictly an election bill, and the disclosure aspect is not strictly election.

Senator GORE. I agree with your point of view. It does not properly belong in an election reform bill. But I would not move to strike it out if you report it.

Senator CANNON. Thank you very much, Senator Gore. I certainly appreciate your appearing and giving us your views from your long years of experience in this particular field. I do hope we can report a bill which will meet the requirements and desires of all of us who are interested in seeing improvements made, and that we can, in turn, consolidate into that bill on the floor perhaps such provisions as you may report out of your Finance Committee with respect to financing elections.

Senator GORE. Thank you, Mr. Chairman.

Senator CANNON. I would like to have included in the record at this point a statement by Senator Joseph S. Clark on the subject of election reform, with specific reference to his own proposal, S. 1546.

(Senator Clark's submitted statement is as follows:)

STATEMENT OF HON. JOSEPH H. CLARK, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, I am grateful to you and to the Subcommittee for this opportunity to present my views on the subject of election reform.

As you may know, on April 14, 1967, I introduced S. 1546, the proposed "Election Reform Act of 1967" which was referred to the Committee on Rules and Administration and which I understand is now under consideration. Subsequently, on May 25, 1967, the Chairman of the Subcommittee, Senator Cannon, introduced S. 1880, the Administration's election reform bill. Members of the Subcommittee may recall that last year—on June 1, 1966, to be exact—I introduced the Administration's proposed "Election Reform Act of 1966" with eleven Senatorial cosponsors drawn from both parties.

A few brief comments comparing and contrasting these three bills may be of some help to the Subcommittee. For purposes of convenience I shall refer to them as the Administration's 1966 bill (S. 3435, 89th Congress); the Administration's 1967 bill (S. 1880, 90th Congress); and the 1967 Clark bill (S. 1546, 90th Congress).

It is apparent from an examination of both of the 1967 bills—the Administration's and my own—that they share a common parent: the Administration's 1966 bill. For my part, I freely concede that my present bill is a rewrite of the Administration bill of last year, strengthened in a number of significant respects which I shall mention later on. Similarly, the 1967 Administration bill carries over a number of the highly desirable features of the 1966 bill.

Among these desirable features are the following:

1. It would close the existing loophole under which state political committees are exempt from reporting requirements.

2. It would bring primary campaigns under the law for the first time.

In addition, the Administration's 1967 bill contains a number of new features which appear to be improvements. For example:

1. The definition sections have been redrafted and tightened up in a way which would appear to spell out more plainly the legislative intention to close loopholes in the reporting requirements.

2. A new section has been added requiring that statements be filed locally with the Clerk of the United States District Court, thus making the information more readily accessible to the press and the public in the constituency.

However, despite the good features retained from the 1966 bill, and the new features which I have noted, in my judgment the Administration's 1967 bill marks a backward step and is on balance less satisfactory than the Administration bill which I introduced last year.

One of the key provisions in the Administration's 1966 bill was Title III, which provided for personal financial disclosure by Members of Congress. That Title would have required Senators and Representatives to make an annual public disclosure of gifts in excess of \$100 received by themselves, their wives and their children, and all income from personal services.

In introducing that bill I said, "As one who has long championed the cause of stronger and more effective election laws and strict financial disclosure by Members of Congress, I commend the President for taking leadership in this field. The provision relating to disclosure is particularly praiseworthy. So far as I know, it marks the first time the Executive Branch has lent a hand in the campaign to erect safeguards against conflict of interest problems in the Congress."

I very much regret the Administration's decision to omit these provisions from its present bill. Instead of moving away from personal financial disclosure, we should be moving in the direction of more effective and more comprehensive financial disclosure. Many of the difficulties in which Senator Dodd found himself might have been avoided had there been an adequate disclosure bill.

There are two major areas in which I believe my 1967 bill improves upon the Administration's 1966 bill. One of these is personal financial disclosure. Instead of the limited disclosure recommended by the President last year, Title III of my 1967 bill provides for mandatory comprehensive disclosure of assets, liabilities, income and other pertinent data relating to the financial conditions of Members of Congress and their key aides. Although my intention in drawing up this Title was to make evasion as difficult as possible, I do not believe that the disclosure required constitutes an undue burden or an unreasonable invasion of the privacy of individual Congressmen. As a matter of fact, I have voluntarily published my own disclosure in the Congressional Record in accordance with the provisions of this Title each year for the past three years.

The second major feature of my 1967 bill is concerned with the matter of enforcement. In my judgment the existing enforcement arrangements, which would be perpetuated in the Administration's 1967 bill, are wholly unsatisfactory. Under present law the principal burden of enforcement in effect rests upon the

statutory custodians of the statements, the Clerk of the House of Representatives and the Secretary of the Senate. This is a job which they are ill equipped to perform.

Under the 1967 Clark bill, campaign statements would be filed not with the Clerk of the House and the Secretary of the Senate, but with the Comptroller General of the United States. In addition, the bill would authorize the Comptroller General to establish within the General Accounting Office an automatic information retrieval system utilizing modern automatic data processing techniques to make possible the ready availability of all filed information on an indefinite basis. The Comptroller General would also have the duty to report to the Department of Justice the failure to file of any persons or organizations under a duty to file, or the filing of misstatements. In order to perform this duty, he would have the power to investigate, either on complaint or on his own initiative, alleged violations of the Act. The GAO has a large corps of skilled investigators and has done splendid work in uncovering illegal and improper activity within programs administered by the Executive Branch, among them A.I.D. It should be drafted to do the same kind of job in policing our clean election laws.

Before concluding I should like to turn briefly to the closely related question of campaign financing. As the Subcommittee knows, the Committee on Finance has been holding hearings on a series of bills dealing with this subject. Although I do not propose that the Committee on Rules and Administration duplicate this effort, I would like to repeat for the benefit of the Subcommittee a statement I made in my testimony before the Finance Committee on June 6, 1967:

"As a matter of practical politics, the only way we can hope to tighten up the Corrupt Practices Act—to close its loopholes, to bring intrastate committees and primary elections under its coverage, and to make it enforceable by assigning monitoring duties to the Comptroller General—is by sweetening the taste of the bitter medicine with campaign finance assistance. In other words, we ought to get our penny candy, but only after we swallow our castor oil."

To sum up, therefore, I propose that the Subcommittee take up and report out my 1967 bill, having incorporated in it the innovations in the Administration's 1967 bill which constitute improvements over the prior version. The bill should then be combined with a sound and equitable campaign financing system—which I believe should also include provision for free radio and television time for political candidates—and brought to the Senate floor as a package.

Senator CANNON. The next witness is Assistant Attorney General Fred M. Vinson, Jr. Mr. Vinson, we are very happy to have you here with us this morning to give us your views on these bills.

STATEMENT OF ASSISTANT ATTORNEY GENERAL FRED M. VINSON, JR.

Mr. VINSON. Mr. Chairman and members of the Subcommittee on Privileges and Elections, I am grateful for this opportunity to appear in support of the Election Reform Act of 1967 and the Residency Voting Act of 1967. These measures constitute a most significant aspect of President Johnson's program for strengthening the political process in America. They have been introduced by Senator Cannon as S. 1880 and S. 1881, respectively.

It should be noted that this subcommittee and its parent Rules Committee have long labored to bring about reform of our inadequate, outmoded election laws. Last year, for the third time in 12 years, the Rules Committee considered and reported out election reform legislation.

In the development of the administration's position, careful attention has been given to these bills as well as to the legislation which received the bipartisan support in 1966 of the Subcommittee on Elections of the Committee on House Administration. It would be accurate to say, therefore, that S. 1880 is a legislative expression of the President's recommendations which takes into account the various proposals previously made by Members of the Congress.

I suggest, Mr. Chairman, that in the light of this subcommittee's familiarity and expressed concern with the shortcomings of existing election law, it becomes unnecessary for me to discuss these shortcomings in minute detail today. So that the purposes of the proposed changes made by S. 1880 may remain clear, however, I will discuss the present statutes briefly.

The body of election law now in operation was enacted as the Federal Corrupt Practices Act, 42 years ago, and the Hatch Act, 27 years ago.

The Federal Corrupt Practices Act—title 2, United States Code, sections 241 through 256—was designed to compel disclosure of contributions and expenditures in Federal campaigns. Treasurers of "political committees," which accept contributions and make expenditures in support of candidates for the Senate and the House or in support of presidential electors, are required to maintain certain records and file certain reports with the Clerk of the House of Representatives. Candidates for the Senate must file with the Secretary of the Senate and candidates for the House, with the Clerk of the House, additional reports on contributions received by the candidate or by other persons with the candidate's knowledge and consent and also reports on expenditures made by the candidate or by other persons with the candidate's knowledge and consent. Section 248 of the act limits the amounts candidates for Congress may expend in their campaigns for election.

The intent of the Federal Corrupt Practices Act was good—to insure disclosure to the electorate of the sources of a candidate's financial support and the recipients of the campaign funds expended by the candidate. In practical fact, however, the act has not met its goals. It is, as President Johnson has said, "more loophole than law."

First. The Federal Corrupt Practices Act does not cover primaries. I believe this striking omission may be explained by legislative history and judicial decisions. At the time of its enactment in 1925, there were serious constitutional doubts as to the power of Congress to legislate in the area of party primaries. These doubts have long since been resolved, and Congress now clearly has the power to include primaries.

Second. The existing definition of a "political committee" as one operating in two or more States or a subsidiary of a national committee leaves completely uncovered at the Federal level all State committees, all District of Columbia committees, and all local committees which support candidates for Federal office.

Turning now to the criminal statutes concerning Federal elections, we find the same good intentions and the same failure to meet practical goals.

First. Section 608(a) of title 18, United States Code, appears to prohibit a single individual from contributing over \$5,000 to any campaign for nomination or election to a Federal elective office. However, since 608(a) is expressly made inapplicable to committees operating completely within a State, there is no limit on the amount an individual can contribute to such a committee even though it supports a Federal candidate. I would also point out that 608(a) does not proscribe the making of a \$5,000 contribution by an individual to as many multistate committees supporting the same candidate as the individual may desire. This then is a limitation which does not limit.

Second. Section 609 appears to place a \$3 million ceiling on both

contributions and expenditures by a political committee but once again the statute is expressly made inapplicable to committees operating completely within a State. Even as to multistate committees, which are ostensibly covered, the law places no restriction on the number of such committees which can receive and expend up to the \$3 million limit. The soaring costs of modern campaigning have made the ceiling patently unrealistic and inevitably forced what President Johnson has described as "the endless proliferation of committees."

It is my view that S. 1880—the Election Reform Act of 1967—corrects the deficiencies of the existing election laws. The primary purpose of this proposal is to assure full public disclosure in the financing of campaigns for nomination and election to Federal office. Each candidate, and each committee supporting a candidate which accepts contributions or makes expenditures of over \$1,000 during a calendar year, must file detailed reports. Persons, other than candidates or political committees, who accept contributions or make expenditures of over \$100 are also required to file reports. Detailed financial statements are required of committees participating in financing nominating conventions for President of the United States.

Administration of these reporting provisions is placed in the Secretary of the Senate and the Clerk of the House. Duplicates of all reports must be filed as well with the clerk of the United States district court for the judicial district in which the committee is located or the candidate resides.

The proposed legislation amends the election statutes in title 18. A realistic \$5,000 limitation is placed on the total amount a contributor may give to any candidate, or to any committee or committees substantially supporting that candidate. The artificial \$3 million ceilings are repealed. The definition of "political committee" includes any committee—Federal, State, local—which supports a candidate for Federal office and which accepts contributions or makes expenditures in excess of \$1,000 in a calendar year.

The objectives of the Election Reform Act of 1967 are to require full disclosure and thus make the American voter the judge of what is reasonable and proper campaign financing; to make available through full disclosure the first reliable information on the real costs of running for office and thus create a predicate for further reform; and to make the criminal sanctions effective.

Let me turn to the second major piece of election legislation submitted to the Congress by the President in his recent message on the political process—the Residency Voting Act of 1967.

Mr. Chairman, it is a fundamental right of every American citizen to cast his vote in the election for President of the United States. In 1963, the President's Commission on Registration and Voting Participation concluded that—

No American should be deprived of the right to vote for President and Vice President because he changed his address before the election and did not have time to meet State residence requirements.

Unfortunately, it is a sad fact that millions of otherwise eligible voters are deprived of their vote in presidential elections because they fail to satisfy the unreasonable residence requirements operating in many of our States. In the presidential election of 1960, between 5 and 8 million voters were disfranchised by such residence requirements.

In the 1964 election, it has been estimated that the number of our lost voters reached the almost unbelievable total of 15 million.

According to a survey of State laws prepared by the Library of Congress in 1965, seven States impose State residence requirements of 6 months, 24 States and the District of Columbia require residence for 1 year, and one State requires residence for 2 years. Only 18 States have enacted special residence requirements to enable newly arrived citizens to vote in presidential elections. In some States, for example, archaic election laws require the closing of registration books months in advance of an election.

American citizens are today a mobile people. According to census data, population mobility in the United States has increased continuously in every decade since 1900. One-sixth of our total population in each decade changes its State residence. The groups who change their residences most frequently are professional and technical personnel, semiskilled workers, craftsmen, foremen, and migratory and agricultural labor. These are the groups who suffer the most serious prejudice from the helter-skelter residence requirements operating in the 50 States. Almost 100 years ago, the Supreme Court recognized the constitutional right of all American citizens to travel freely from State to State, to pull up stakes and seek a new life. The irony of our obsolete residence requirements is that many of the individuals who are disfranchised are among our best educated and most responsible citizens.

Section 3(a) of the Residency Voting Act is designed to remedy these defects and to eliminate the arbitrary residence requirements that disfranchise our citizens. It establishes September 1 as the uniform qualifying date for presidential elections. If a citizen is otherwise qualified to vote under the laws of a State, the bill provides that he cannot be denied his right to vote if he has resided in the State since the first day of September next preceding the election. The same provision is applicable to residence requirements at the county and local levels. In effect, then, the section limits State and local residence requirements to a maximum period of approximately 60 days.

Section 3(a) does provide, however, that a citizen who seeks to vote under the act must comply with any requirements of voter registration that are available to him after the September 1 qualifying date. The proposed statute thus abrogates no substantial State interests.

By adopting the September 1 date, the bill generously recognizes the legitimate interest that States have in perfecting their voting rolls and preventing voting frauds. In addition, whatever the merits of residence requirements in elections for the Senate and House of Representatives, or in State and local elections, such requirements are hardly relevant in presidential elections, where the issues are national and transcend local boundaries.

The Residency Voting Act accomplishes one other major purpose—removing the highly artificial barrier to voting faced by many Americans at home and overseas. These citizens are in the Armed Forces, in Government services, in business, in teaching and other occupations, and those who are handicapped or physically incapacitated. These citizens are frequently unable to register by an absentee procedure, even though the States of which they are residents would permit them to vote by absentee ballot. For example, although all but two of the States permit voting by absentee ballot, only 12 States have

absentee registration procedures available to citizens unconnected with the Armed Forces or Government agencies.

Section 3(b) of the proposed statute would eliminate this arbitrary disfranchisement in presidential elections. It would require any State with an absentee voting procedure to provide an absentee registration procedure as well.

Let me emphasize that section 3(b) is an extremely narrowly drawn provision. It would in no way require States to establish absentee voting procedures in the first instance. Once a State has decided to permit a citizen to vote by absentee ballot, however, the provision would require the State to follow through by providing for absentee registration.

I believe that this provision will be of significant benefit to a large number of American citizens. It will substantially reinforce the Federal Voting Assistance Act of 1955, which encourages—but does not require—State legislatures to establish convenient absentee voting and registration procedures for servicemen and Government employees. Although the Voting Assistance Act has been relatively successful with respect to members of the Armed Forces, the States have lagged in providing for other categories of Government personnel. It is my understanding that certain bills have recently been introduced in the Congress to extend the Voting Assistance Act to include private American citizens temporarily residing abroad. I believe that these bills deserve favorable consideration.

Section 3(b) of the Residency Voting Act would provide immediate assistance to a substantial number of these citizens in presidential elections. The Passport Office of the State Department has indicated that the number of overseas citizens officially registered at American embassies and consulates around the world is approximately 750,000. A Washington-based group organized to assist overseas citizens has indicated that the best estimate of the total number of Americans abroad is in the range of 1.5 million. The number of these citizens has increased rapidly as American business and cultural interests have expanded in other countries. Regardless of whether these citizens should be entitled to vote in all Federal elections or in State and local elections, they have a direct and legitimate interest in taking part in the national elections for President.

Mr. Chairman, in 1968 the United States will be conducting its 46th presidential election. I urge the Congress to act now on these two important bills.

Senator CANNON. Thank you very much, Mr. Vinson, for your very fine statement.

Is it your opinion that limitations upon contributions and the expenditures are not realistic or enforceable and that disclosure of campaign finances is the only effective check on candidates and political committees?

Mr. VINSON. Yes, Mr. Chairman. I would like to take a moment to comment on one of Senator Gore's remarks.

He indicated the President's bill was a "sky's the limit" proposal. That, I think, is misleading for several reasons. First, right now we have a "sky's the limit" situation. There is no effective ceiling at this time. The legislation proposed by the administration takes the general position that disclosure is the healthy answer. But, as I pointed out in

the statement, we feel one of the principal purposes of full disclosure will be for the first time to give us some definitive information and give Congress and the people some definitive information as to what it costs to run a campaign. As you pointed out, costs in States such as Nevada are very different than in States that may be large but more densely populated. Certainly, costs in Nevada would differ from costs in California and New York.

Secondly, I think the legislation which we propose does in effect cure the situation which Senator Gore discussed, and that is whether one person or one family can have a substantial influence upon a given election. This legislation, unlike that reported out by the House and unlike the present law, would effectively limit the donation of a person, his spouse, or his minor children to \$5,000 in furtherance of any candidacy. You would no longer see one person or one family making unlimited gifts to the candidacy of a given person through separate \$5,000 gifts to an endless number of committees formed to support a candidacy of that person.

Senator CANNON. Would this bill prohibit a committee from giving a candidate more than \$5,000?

Mr. VINSON. It would not, Mr. Chairman. The \$5,000 limitation does not apply to a political committee supporting a candidate. I think Senator Gore in his statement recognized the constitutional difficulty of prohibiting an individual from voluntarily and spontaneously spending his own money in the furtherance of someone's candidacy. However, that person, if he is spending more than \$100, would have to make full disclosure under this legislative proposal.

Senator CANNON. What I was thinking of was this. You may have a committee for a political party which is not oriented toward one candidate. This committee may have a fundraising program and make a contribution to a political candidate in excess of the \$5,000 limit now provided in the bill for an entire family.

Mr. VINSON. That committee could not receive more than \$5,000 from any individual. If some of the gross receipts of that committee were being used to support a particular candidate, the donor of that \$5,000 would be precluded from giving any other additional money to that candidate or to any other committee which supported that candidate.

Senator CANNON. I think that is an area that would be very difficult to follow. For example, take a congressional campaign committee, either of the political parties. They engage in fundraising to support all the candidates. They may give one candidate more money than the other, as they frequently do, as you know. It would seem to me this legislation would not apply then, because the contributors do not give them money to be used for any specific candidate. They may raise their funds through a fundraising dinner. Under the bill as it is now proposed, there would not be a \$5,000 limitation from that source.

Mr. VINSON. Yes, sir; I think there would be. Take the \$100 dinner given by Democratic or Republican congressional campaign committees. Everyone buying a \$100 ticket—well, let me backtrack. Let us assume that this committee later makes a contribution to the candidacy of Congressman A. The donor of \$100 to that committee would then be limited to a \$4,900 contribution to a committee or to another

committee sponsoring the candidacy of Congressman A. You are in a very difficult area.

I might say, Mr. Chairman, the question of multicandidate committees is resolved in our legislation by providing for an absolute ceiling of \$5,000 which could be given by any person to any committee or group of committees which in any way furnish financial support to Congressman A. The House subcommittee bill, which I believe was reported out yesterday, takes the contrary view of the situation. That legislation would, in fact, permit as many \$5,000 contributions as there are committees. It goes to the other end of the spectrum.

Senator CANNON. Now, would you have a preference, let us say, for the proposal here that you have of complete disclosure coupled with a limitation that Senator Gore referred to?

Mr. VINSON. I would have serious difficulty with that. As you know, the presidential campaign fund legislation which is before the Senate Finance Committee has a limitation of sorts in it to the effect that in certain areas such as TV and newspaper advertising, where public funds were used, no private contributions could be used. I feel that the approach here of limiting the contributions of any individual on behalf of any specific candidacy is the correct approach. It may be that any information developed through full disclosure legislation and through whatever legislation comes out of the Senate Finance Committee will lead to a different conclusion. I think the President pointed out in his message this was a virgin ground we were plowing, and the administration felt this was a logical first step.

Senator CANNON. Do you feel disclosure of personal assets, gifts, and honoraria, should be included in the bill or should that be left as a separate subject handled by another committee?

Mr. VINSON. I think the administration made its position clear last year with legislation submitted which would have required such disclosure. I might also say the bill reported out by the House committee yesterday includes a limited form, limited version, of such disclosure. At the time this legislation was submitted, as the chairman knows, there were no ethics committees operating. I tend to feel instinctively it is an ethical matter rather than an election matter.

Senator CANNON. Now, with reference to S. 1881, it appears that there are insignificant guidelines in the bill to guarantee against possible voter fraud. For instance, a number of citizens may move into a neighboring State and register before September 1 of an election year. Do you have comments on that situation?

Mr. VINSON. No, sir. I think the situation in that respect would be relatively unchanged. Citizens may do the same now. If they wish to formally assert residence in a neighboring State at whatever time is called for by the residency requirements of that State, they could do so.

Senator CANNON. Of course, now the residency requirements are of extended duration which makes it more difficult, perhaps, for a person to run that risk rather than a residency requirement of September 1.

Mr. VINSON. It has been my experience that this is largely a local and State matter. But it has been my experience that such charges of voting frauds arise after elections in any event, regardless of the residency requirement.

Senator CANNON. What do you mean by being "otherwise qualified"?

Mr. VINSON. Well, every State will have different voting require-

ments. Some age 18, and some age 21. That is a matter that has historically been left to State prerogatives. In addition, States have varying requirements as to time and place of registration. Some may keep registration books open for a week, some for a month. You have to comply with whatever laws are in effect in that locale.

Senator CANNON. And the bill proposed would relate only to the fact that they would have the right to register if they were there by September 1 and met the other qualifications prescribed by the particular State?

Mr. VINSON. That is correct, Mr. Chairman.

Senator CANNON. Do you think this bill would work a hardship on some States by requiring each of them to adopt new administrative or election procedures?

Mr. VINSON. Certainly some States would have to change their registration procedures, and some States may have closed their books prior to that time.

Senator CANNON. And your recommendation is we give consideration to the proposal to cover citizens residing outside the United States, outside the continental limits as well?

Mr. VINSON. Yes, sir.

Senator CANNON. Well, thank you very much, Mr. Vinson. We appreciate your appearing here and giving us the benefit of your views.

Mr. VINSON. My pleasure, Mr. Chairman.

Senator CANNON. The next witness will be Senator Hugh Scott, of Pennsylvania.

Senator Scott, we are very happy to have you here this morning.

STATEMENT OF HON. HUGH SCOTT, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SCOTT. Glad to be here, Mr. Chairman. I have a statement which I will submit and will read in part.

Senator CANNON. The statement will be made a part of the record and you may extract from it as you so desire.

(Senator Scott's prepared statement is as follows:)

STATEMENT OF HUGH SCOTT, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

U.S. Senator Hugh Scott (R.-Pa.) said today that, "In its present crisis of confidence, Congress can ill afford to shirk its duty" to write an effective election reform bill.

In a statement to the Subcommittee on Privileges and Elections of the Senate Rules Committee, Senator Scott said:

"Mr. Chairman, I welcome and appreciate this opportunity to express my support of election reform legislation.

"These hearings of your subcommittee come at a propitious time. The prolonged and spirited Senate debate some weeks ago on the Presidential Election Campaign Fund Act of 1966 focused attention on the urgent need to enact effective and up-to-date laws to govern political finance.

"There are two sides to this coin of political finance. One is election costs, with which the 1966 Act and other measures pending before the Committee on Finance attempt to deal. The other, equally and perhaps more important, is election reform.

"In a statement on June 7th to the Committee on Finance, I declared: 'The Congress of the United States has been undergoing a crisis of confidence in the eyes of many citizens. Restoration of public confidence in Congress depends to a significant degree on our response to the public's expectation of effective election

reform legislation to accompany a measure designed to ease the financial plight of our political parties and candidates.'

"I repeat that statement today to emphasize my strong conviction that the 90th Congress has a duty to update and strengthen existing laws regulating the collection and use of money in politics. To this end, I introduced last January S. 596, the Election Reform Act of 1967.

"My bill is identical to a measure drafted and approved last October by the Elections Subcommittee of the House Committee on Administration. That measure, known as the Ashmore-Goodell bill, after the names of the subcommittee's chairman and ranking minority member, emerged from extensive hearings and study by the subcommittee. It sought to face up, in the words of the committee print explaining the bill, 'in positive fashion to the right of the electorate to know who gives, how much, to whom, and for what.'

"That is the central purpose of my bill. Its hallmark is disclosure—full and complete disclosure of political contributions and expenditures in elections for Federal offices. Disclosure comprehends not only reporting of the sources and uses of campaign funds but also their publicity. The task of establishing a comprehensive and effective system of publicity would be assigned to the five-member Federal Elections Commission created by my bill.

"In this connection, let me comment on S. 1880, the Administration's bill introduced by the distinguished chairman of this subcommittee. I heartily support the objectives of the Administration's bill because they are in accord with those of my bill. Let me point out, however, that the Administration's bill falls short of insuring full and complete disclosure which must be the vital ingredient of any election reform law. With all respect for their offices, I simply do not believe that the Secretary of the Senate and the Clerk of the House have sufficient staff or facilities to establish and operate the comprehensive and effective system of publicity contemplated in meaningful election reform legislation. They are burdened with other important responsibilities which would divert them from devoting the full attention that is required for the important responsibility of insuring disclosure. Accordingly, I prefer the creation of the Federal Elections Commission, as proposed in my bill, which would have this responsibility as its sole concern.

"In addition to insuring disclosure, my bill tightens existing requirements concerning the reporting of receipts and disbursements by candidates and political committees, strengthens the prohibition against contributions by corporations, labor unions, and government contractors, and removes the unrealistic ceilings on aggregate expenditures by candidates and political committees. It also requires disclosure by Members of and candidates for Congress of gifts and honoraria in excess of \$100.

"The Senate's debate on the Presidential Election Campaign Fund Act of 1966 set the stage for action by the 90th Congress in the critically important area of political finance. In its present crisis of confidence, Congress can ill afford to shirk its duty. I strongly urge this subcommittee to follow through after these hearings by marking up an effective and meaningful bill which we on the parent Rules Committee can consider and report to the Senate. As a member of that Committee, I am ready to move."

Senator SCOTT. Thank you very much, Mr. Chairman.

I would also ask permission to include a brief summary of my bill, S. 596, which may simplify my statement somewhat.

Senator CANNON. Without objection, it will be included in the record.

(The summary of Senator Scott's bill, S. 596, is as follows:)

[From the Digest of Public General Bills and Resolutions, 90th Cong., first sess.]

ELECTION REFORM ACT

S. 596. Mr. Scott; January 23, 1967 (Rules and Administration)

Requires all candidates and all committees supporting them for Federal office to disclose in detail every contribution and every expense over \$100 by reports to the Federal Election Commission, and requires each committee which anticipates receiving or expending \$1,000 or more in any calendar year to file a detailed statement of organization with the Commission. Brings candidates for President and

Vice President as well as primary campaigns and conventions nomination contests under these disclosure provisions.

Establishes a Federal Elections Commission composed of five members appointed by the President by and with the advice and consent of the Senate. No more than three of the members can be of the same political party. The President shall designate one member as Chairman and another as Vice Chairman. The Commission shall have the duties of developing prescribed forms, establishing uniform reporting procedures, accepting required reports and making them public, publishing other reports it deems appropriate, and reporting suspected violations of law to the appropriate law enforcement authorities.

Requires each candidate and Member of the legislative branch of the Federal Government to report (1) each honorarium (fee in excess of \$100 for personal services) received by him during the year and (2) all gifts of over \$100 received by him, his wife, and minor children.

Prohibits the promising of employment, position, compensation, contract, or appointment to anyone as consideration or reward for his support or opposition to any candidate or political party in any election.

Limits to \$5,000 the total amount that can come from any single source to the campaign of any candidate. (At present the Hatch Act limits contributions of \$5,000 to a single candidate or a single political committee supporting that candidate—however, there is no limit to the number of such committees).

Repeals the present ceilings on total expenditures by candidates for Federal offices.

Extends the present prohibition against political contributions by government contractors to fully cover corporate contractors including such contributions made at the State and local level—where finances are, inevitably, related by party to national political campaign finances.

Provides criminal sanctions for failure to comply with provisions of this Act or for violation of any prohibition of this Act.

Senator SCOTT. And I will read part of the statement.

There are two sides of this coin of political finance. One is election costs, with which the 1966 act and other measures pending before the Committee on Finance attempt to deal. The other, equally and perhaps more important, is election reform.

In a statement on June 7 to the Committee on Finance, I declared:

The Congress of the United States has been undergoing a crisis of confidence in the eyes of many citizens. Restoration of public confidence in Congress depends to a significant degree on our response to the public's expectation of effective election reform legislation to accompany a measure designed to ease the financial plight of our political parties and candidates.

I repeat that statement today to emphasize my strong conviction that the 90th Congress has a duty to update and strengthen existing laws regulating the collection and use of money in politics. And I therefore introduced last January S. 596, the Election Reform Act of 1967.

This bill is identical to a measure drafted and approved last October, then known as the Ashmore-Goodell bill. It emerged from extensive hearings and study by the subcommittee.

In the words of the committee print explaining the bill, "in positive fashion, the right of the electorate to know who gives, how much, to whom, and for what."

This is the central purpose of my bill. I would say its hallmark is disclosure, full and complete disclosure of political contributions and expenditures in elections for Federal offices. Disclosure comprehends not only reporting of the sources and uses of campaign funds but also their publicity. The task of establishing a comprehensive and effective system of publicity would be assigned to the five-member Federal Elections Commission created by my bill.

I would like to point out that there are two major differences in the bill which the House Election Subcommittee approved yesterday; whereas, otherwise it is substantially the same as my bill. The major differences are that the House bill provides for a Federal Elections Commission and for an Executive Director and staff which relieves the necessity of having five commissioners serving full-time at an annual salary, and these commissioners would receive instead \$100 per diem whenever they met. And there is another which prohibits Members of Congress having for their personal use funds received from testimonial dinners and other testimonials. I would support both of those.

In commenting on S. 1880, I certainly heartily support the objectives of that bill. It seems to me the administration bill in some degree falls short of the vital ingredient of any election reform law. Then with all respect for their offices, I do not personally believe the Secretary of the Senate or the Clerk of the House have sufficient staff or facilities to establish and operate the comprehensive and effective system of publicity contemplated in meaningful election reform legislation. They are burdened with other important responsibilities which would divert them from devoting the full attention that is required for the important responsibility of insuring disclosure. I prefer the creation of a Federal Elections Commission, either as proposed in my bill or substantially the same as proposed in the House bill reported yesterday.

My bill tightens really the reporting of receipts and disbursements by candidates and political committees, strengthens the prohibition against contributions by corporations, labor unions, and Government contractors, and removes the unrealistic ceilings on aggregate expenditures by candidates and political committees. It also requires disclosure by Members of and candidates for Congress of gifts and honoraria in excess of \$100.

I think the Congress really must act on this whole matter of campaign expenditures, remove this utterly unrealistic ceiling of expenditures, unlimited expenditures, which are supposedly operating without knowledge or consent of the candidate when in many cases they are either set up by the candidate or with his full knowledge and consent. This is a form of hypocrisy which we can well do without.

I also think it is not really good administration to require the Clerk of the House and the Secretary of the Senate to receive campaign fund reports and draw up rules and regulations to implement their responsibility for receiving and disbursing receipts. It appears to me to be duplicated.

I would also like to suggest that the legislation for campaign financing reported from the Finance Committee and the legislation reported by the Rules Committee be combined on the Senate floor.

I note also that my bill prohibits promising of employment, position, compensation, contract, or appointment to anyone as consideration or reward for his support or opposition to any candidate or political party in any election.

Senator CANNON. That provision, I may add, is already, I believe, in the existing law.

Senator SCOTT. I hope that it is. I would like to have that examined. I felt it would tighten up the bill. I have seen that in the Criminal

Code 2 or 3 years ago. I am not certain the wording is the same, but I suggest it be looked at. Perhaps for the purpose of tightening it up.

Senator CANNON. Title 18, United States Code, section 599 provides:

Whoever being a candidate either directly or indirectly promises, pledges his influence or support to any person for the purpose of procuring support in his candidacy shall be fined not less than \$1,000 or imprisonment or in the case of a candidate for Federal office, be fined not more than \$10,000 or imprisonment or both.

Senator SCOTT. Yes. Basically the same except my bill does prohibit also any form of contract. It goes a little further.

In any event, it is obvious what we are all trying to produce here.

I will add that my bill includes—I think we have added this—promise of benefit where it is contract and appointment, and we eliminated the terms “work” and “or other benefit” because the former is otherwise covered and the latter is so broad it could be misinterpreted. We do not want it to be either too narrow or too broad.

Basically, what we are trying to do, all of us, I think, is to improve and strengthen campaign contribution laws and eliminate areas which are undesirable and too evasive or not compliant or merely technically compliant—and in many cases, as in my bill, to provide for disclosures.

I have other legislation, other proposed legislation, not before this committee, whereby we provide tax benefits of one-half of the contribution to a political campaign not to exceed a total of \$100. That is not before this committee. It would reach these \$100 dinners which are a common source of funds. Anyone would get \$50 credit whereas the actual contribution would be twice that. It would also reach the \$5 and \$10 contributors. I am only mentioning it in passing here since it is before another committee.

Thank you very much, Mr. Chairman.

Senator CANNON. This committee on previous occasions considered tax credit matters and we reported one to the Senate, but, unfortunately, a point of order was threatened on the floor so we had to eliminate the tax credit provision. But we, in our hearings, determined that it was a measure we wished to support.

Senator Gore raised a question this morning. He felt disclosure was not enough; that we should also have a limitation on expenditures. Do you have any thoughts on that point?

Senator SCOTT. I do not have any very helpful thoughts. You mean limitation on campaign expenses now?

Senator CANNON. Yes. On all expenditures.

Senator SCOTT. I do not think I can contribute much there, because my senior colleague has publicly stated and I agree with him that should he be a candidate next year it would cost him at least \$500,000 for radio and TV alone. I think the figure is startling but realistic. I do not think you can apply limits until you go to the cost of the campaigning itself by the use of communications media. It is very improbable with broadcasters to say the air belongs to the public. Nevertheless, it does.

I remind myself of the attempt of Galileo to purge himself of the heresy when he spoke of the movement of the sun and planets around the earth. He took it all back after he made it. He said he would take it back but he said, nevertheless, it moves.

I think that is the problem here. We can talk all we want about

limitations, but they will be evaded as long as it costs large sums of money to conduct a campaign. I would rather see television and radio required to give free time to candidates.

Senator CANNON. I hate to interrupt, but I am advised there is a rollcall.

We will stand in recess for 20 or 30 minutes, or the time it takes to get there and back.

(Whereupon, at 11:25 a.m., the hearing was recessed until 11:50 a.m., at which time it was reconvened.)

Senator CANNON. The subcommittee will stand in recess until 10 o'clock tomorrow morning.

The first witness will be Congressman John Brademas.

(Whereupon, at 11:51 a.m., the hearing was adjourned, to reconvene at 10 a.m., Thursday, June 29, 1967.)

FEDERAL ELECTION REFORM

THURSDAY, JUNE 29, 1967

U.S. SENATE,
SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS
OF THE COMMITTEE ON RULES AND ADMINISTRATION,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:06 a.m., in room 301, Old Senate Office Building, Senator Howard W. Cannon (chairman) presiding.

Present: Senator Howard W. Cannon.

Also present: James H. Duffy, chief counsel, and Burkett Van Kirk, minority counsel, Subcommittee on Privileges and Elections.

Senator CANNON. The meeting will come to order.

Yesterday hearings before the Subcommittee on Privileges and Elections began, concerning two Presidential bills on election law reform; namely, S. 1880 and S. 1881.

Today the hearings will resume, and the first witness this morning is Congressman John Brademas of Indiana, who has long indicated his interest in providing to absentee citizens the right to vote, at least in presidential elections.

Congressman Brademas, we welcome you here this morning. You may proceed in whatever manner you deem best.

STATEMENT OF HON. JOHN BRADEMAS, A REPRESENTATIVE IN CONGRESS FROM THE THIRD CONGRESSIONAL DISTRICT OF THE STATE OF INDIANA

Mr. BRADEMAS. Thank you very much, Mr. Chairman, members of the committee.

I have a statement which is not long and with permission of the chairman I would like to go ahead and read it rather rapidly.

Senator CANNON. You may proceed as you so desire.

Mr. BRADEMAS. Mr. Chairman, and members of the committee, it is a pleasure to appear before you today to discuss S. 1881, the Residency Voting Act, which was recommended by President Johnson in his May 25, 1967, message to Congress on the political process in America and subsequently introduced by the distinguished chairman of this subcommittee. I also intend to discuss H.R. 8176, a bill which I introduced on April 6, 1967, which would amend the present Federal Voting Assistance Act of 1955.

Let me make clear at the outset the relationship between these two bills and why I believe it is useful to discuss both of them at the same time. These two bills have a common purpose; namely, to extend the right to vote to qualified citizens of the United States who have, as a

practical matter, been denied the exercise of that right due to restrictions which penalize American citizens who are temporarily living outside the jurisdiction in which they are eligible to vote. More specifically, both these bills recognize that the problems of absentee registration and absentee voting are directly related.

The Residency Voting Act, S. 1881, combines two proposals to help eliminate two principal deterrents to voting in presidential elections.

First, it would require—I emphasize, Mr. Chairman, the word “require”—that an otherwise qualified citizen who moved into a State before September 1 in a presidential election year be permitted to vote in the elections for President and Vice President in that election year.

Second, S. 1881 provides that if a citizen is temporarily absent from his place of residence at the time of a presidential election, and if the State in question has provisions for absentee voting in that election, the State would be required to permit the citizen to register absentee. The State would remain free to decide whether or not it would adopt absentee voting in the first place.

It is the provision for requiring that citizens may register absentee to vote in presidential elections which is of principal concern to me. I say this because this provision highlights the necessity of joining absentee registration procedures to absentee voting procedures if absentee voting is to have its intended effect of permitting citizens who are temporarily away from their jurisdictions actually to vote.

Senator CANNON. Do you think it would be wise to require the States to permit absentee voting or simply state that if you permit absentee voting at all you must permit absentee registration?

Mr. BRADEMAS. As a nonlawyer, Mr. Chairman, I am not sure whether there would be any kind of constitutional problem in that respect or not. My own view is in terms of equities involved. I think it would be appropriate to require the States to permit citizens of the United States to cast their vote for presidential and vice-presidential electors, because those are the only two genuinely national offices for which every citizen of the entire Nation may be expected to have an interest in casting his vote.

My own bill, H.R. 8176, would amend the Federal Voting Assistance Act to recommend—and I here note that this bill would recommend, not require—to the States that they extend to their citizens who are temporarily residing abroad the right to register and to vote absentee in all elections by the simple Federal post card application procedure. This procedure, as I know you are aware, is now generally available to members of the Armed Forces, the merchant marine, and civilians employed abroad by the Federal Government and their families under the existing provisions of the Federal Voting Assistance Act.

Mr. Chairman, the Federal Voting Assistance Act was enacted in 1955 when large numbers of our citizens were stationed overseas in the Armed Forces in Western Europe, Korea, Okinawa, and elsewhere. Many of these servicemen were accompanied by their families. Also, as a result of our Government's increased responsibilities abroad in such programs as foreign aid, large numbers of civilian employees of the Federal Government were living abroad with their families. For these citizens the Federal Voting Assistance Act recommended to the States—and most States have adopted—the FPCA absentee registration and voting procedure.

In 1955, when the Federal Voting Assistance Act was passed, replacing the World War II Soldiers Voting Act of 1942, the rapid expansion of American business, cultural, and other interests abroad had really begun. The act, therefore, did not recommend that the States extend absentee registration and voting procedures to private citizens residing abroad. My bill would correct what, with a dozen years of hindsight, appears to be a serious omission.

Mr. Chairman, I hope this committee will agree that American citizens abroad should not be effectively disfranchised by their temporary residency abroad. The States, under my bill, would remain free to determine what constituted such temporary residence abroad; and so there is no diminution whatsoever of a State's authority to make such a determination.

Mr. Chairman, estimates of the number of persons temporarily abroad who are disfranchised by our present outmoded registration procedures vary widely. The Passport Office of the Department of State has indicated that over 750,000 citizens have listed themselves with our Embassies and consulates abroad, but this figure is probably an understatement. Many citizens temporarily abroad do not check in at their Embassy or consulate. Even when they do, often only the head of a household which might contain several qualified voters will actually sign in with the Department of State representative. The League of Americans Residing Abroad has estimated that as many as 1,500,000 citizens might be involved, and the Washington Post has cited a possible figure of 3 million.

At this point in the record, Mr. Chairman, I should like to ask permission to submit an editorial published this morning in the Washington Post, June 29, 1967, entitled "Voters on the Move."

Senator CANNON. Without objection, it will be inserted in the record.

(The editorial referred to is as follows:)

[From the Washington (D.C.) Post, June 29, 1967]

VOTERS ON THE MOVE

Hearings will begin today before the Senate Subcommittee on Privileges and Elections in connection with the proposed Residency Voting Act of 1967. Several members of Congress, in pursuance of a recommendation by the President, have introduced bills designed to facilitate voting by Americans who have moved recently to a new residence within the country and by Americans residing overseas. It seems to us self-evident that they ought not to lose the right to vote on this account for national offices—at the very least for President and Vice President.

One out of every five Americans moves every year. This mobility means that great numbers of citizens are denied the franchise simply because they fall foul of state residency requirements framed at a time when the Nation was much more rooted in residence. Some 3 million U.S. citizens are now living and working overseas. But no more than 12 of the 50 states permit the use of absentee ballots by these exiles who are still ardent Americans.

Congress has every right, we think, to act in this field. It has been suggested that it do no more than enlarge the Federal Voting Assistance Act of 1955 so as to recommend appropriate changes in the state election laws to cover Americans on the move or living abroad. But this would entail changes in 50 state capitals, a cumbersome process. We believe that Congress ought to safeguard for all American citizens what the President has characterized as "the most basic right of all"—the right to vote.

Mr. BRADEMAS. As I have pointed out, the crux of the problem is absentee registration. While nearly all of the States permit absentee

voting, 23, or nearly half, require registration in person. The opportunities for personal registration, while not so limited as the occasion to vote in person, are often practically unavailable to persons temporarily residing abroad or, indeed, in regions of the United States distant from their homes.

I am very pleased to note, Mr. Chairman, that my own State of Indiana has provisions for absentee voting as well as both the FPCA procedure for servicemen and an absentee registration procedure for other qualified absent persons.

Mr. Chairman, H.R. 8176 is consistent with, but different from your bill, S. 1881, the Residency Voting Act. In particular, H.R. 8176 complements section 3(b) of the Residency Voting Act, which would require that if a State either had or adopted absentee voting in a presidential election the State also establish an absentee registration procedure.

H.R. 8176 would not require that the States accept absentee registration or absentee voting; it would merely recommend that they do so. The requirement for absentee registration of the Residency Voting Act, on the other hand, is limited to presidential elections; the recommendation of H.R. 8176 covers all elections. My bill relates to citizens temporarily residing abroad; the Residency Voting Act would apply to citizens, whether living abroad or in a State different from the State of their voting residence.

Mr. Chairman, we are becoming an increasingly mobile society. Our people move from State to State, from this country temporarily to others, to pursue or improve their employment and to serve the best interests of our country at home and abroad. But too many of our election laws are based on a more static concept of society. In particular, those laws which require registration in person tend to limit unnecessarily the opportunity to vote. I therefore urge your favorable consideration of both H.R. 8176 and the Residency Voting Act.

And, Mr. Chairman, I wonder if it would be appropriate to ask unanimous consent to have inserted following my prepared testimony my remarks delivered in the House on April 7, 1967, in connection with H.R. 8176.

Senator CANNON. Without objection, those remarks will be included at this point in the record.

(The statement referred to is as follows:)

[From the Congressional Record, Apr. 6, 1967]

AMENDMENT TO FEDERAL VOTING ASSISTANCE ACT OF 1955

(Mr. BRADEMAS (at the request of Mr. PRYOR) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I have introduced today a bill to amend the Federal Voting Assistance Act of 1955. This measure would recommend to the States that they extend to their citizens temporarily residing abroad the simple, uniform Federal post card application procedure for absentee registration and voting which is now generally available to members of the Armed Forces, the merchant marine, civilians employed abroad by the Federal Government and the spouses and dependents of such citizens, pursuant to the recommendation of the Federal Voting Assistance Act.

Mr. Speaker, the Federal Voting Assistance Act imposes no obligations whatsoever upon any State. It merely recommends procedures which will facilitate the exercise of the voting franchise on a more uniform basis. The States are completely free to adopt or reject its recommendations. The Federal Voting Assistance

Act of 1955 repealed and replaced the Soldiers Voting Act of 1942, enacted during World War II. Its purpose was "to permit and assist Federal personnel, including members of the Armed Forces, and their families to exercise their voting franchise." As the biennial reports of the Department of Defense attest, the act has been highly effective in achieving its stated purpose.

Mr. Speaker, since 1955 American business and other interests overseas have multiplied, and more and more private citizens have gone abroad temporarily to engage in business, teaching and in other activities. While there are few reliable statistics, their number—excluding members of the Armed Forces—has been variously estimated at between 750,000 and 1,500,000.

The time has come, I believe, to bring the Federal Voting Assistance Act up to date so as to include, in its recommendations to the several States, the extension of simple, uniform absentee registration and voting procedures to all citizens temporarily residing abroad, as well as Federal personnel and their families.

Private citizens who are temporarily residing abroad to promote American exports or to protect American investments overseas or to teach or study in foreign universities are engaged in activities important to our balance-of-payments situation in particular and to our foreign relations generally. The activities of these Americans have an important effect on our country.

It is hard to see why the benefits of the FPCA absentee registration and voting procedure should be denied to such private citizens temporarily residing abroad while such benefits are generally granted to civilian employees of the Federal Government. For example, why should the wife of a businessman abroad be denied the right to register and vote absentee when the wife of a Federal civilian employee enjoys that right? In this respect, the right to vote is made to turn upon employment, rather than citizenship, as is generally the case.

The amendment I propose would not afford the benefits of the act to expatriates or to those who have forsaken their domicile here to reside permanently abroad. My amendment would apply only to citizens "temporarily residing" abroad and each State, as is the case, under present law, would be free to define for itself citizenship, residence, or domicile.

Mr. Speaker, I am advised that the procedures provided by the Federal Voting Assistance Act have not given rise to a single allegation that even one fraudulent ballot has been cast during the 12 years the act has been on the statute books. I believe that the same experience would hold true if the States, in response to the recommendations in my amendment, were to extend to their private citizens temporarily residing abroad the Federal post card application procedure suggested by the act.

The FPCA form requires a sworn statement of the identity and home address of the applicant, and an oath that the applicant is voting solely at the address stated and not elsewhere. The statements as to identity and State address can readily be verified by the consular official administering the oath by an examination of the applicant's passport, which must be renewed or reissued periodically. It is a Federal offense to forge or misuse a U.S. passport—18 U.S.C. 1542-1544.

Mr. Speaker, I am advised that 26 States, happily including my own State of Indiana, already permit absentee registration as well as absentee voting. Moreover, several of the 24 States which still require personal registration are now considering liberalizing their laws in this respect. The Legislature of the State of Washington has before it a bill for that purpose, and the legislatures of three States—Connecticut, Florida, and New Mexico—are considering, respectively, a proposed constitutional amendment, a new proposed constitution and a proposal for a constitutional convention. In each case, liberalized legislation would be permissible under the proposed changes. Illinois, Missouri, New Jersey, Pennsylvania, and Texas have official bodies to consider revision of their election laws which have had, or now have, similar proposals before them.

In short, Mr. Speaker, I believe this amendment to the Federal Voting Assistance Act is in tune with our times. It would be an act of simple justice to the many private citizens now temporarily residing abroad. It would also be in keeping with the continuing expansion of the right to suffrage in this country. As the Supreme Court recently observed in *Wesberry* against *Sanders*:

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live."

In an editorial which appeared on January 5, 1967, the *Washington Post* drew attention to this problem and called for remedial action along the lines I propose. The editorial follows:

"VOTE FOR CITIZENS ABROAD"

"It is high time for someone to speak out in behalf of the American citizens who are deprived of their vote because they are abroad on election day. Alfred E. Davidson, an American lawyer who lives in Paris, estimates that some three million U.S. citizens are now overseas. But only 12 of the 50 states permit the use of absentee ballots by these potential voters.

"We think Mr. Davidson is right in saying that Congress should pass remedial legislation. It is quite unrealistic to expect the states to handle the problem. Many of the states do not want former citizens now living abroad to participate in their local elections. But there is no reason why they should not take part in national elections in which American citizens abroad continue to have a direct and legitimate interest.

"Congress did seek to aid absentee voting by military personnel abroad. It would be timely to review this legislation in the light of current results, and its advantages might well be extended to civilians. The Bipartisan Committee on Absentee Voting which has been created in Paris with this objective deserves hearty support on this side of the water. Nothing could more effectively maintain the ties between this country and its citizens in other lands than the privilege of voting in our quadrennial elections."

Mr. Speaker, I want also to call the attention of my colleagues to a letter which subsequently appeared in the Washington Post and which amplifies the editorial. The letter follows:

"VOTING ABROAD"

"Your excellent editorial of Jan. 5, 'Vote for Citizens Abroad' deserves amplification.

"The Federal Voting Assistance Act of 1955 recommends that the several states enact laws permitting absentee registration on a simple, uniform postcard application and absentee voting not only by members of the Armed Forces, the Merchant Marine and their families, but also by 'civilian employees of the United States' serving abroad and their families.

"The Act thus discriminates in extending the right to register and vote absentee in favor of civilians employed abroad by the Federal Government and their families and against civilian citizens abroad who are not so employed and their families.

"The Federal Voting Assistance Act therefore should be updated to encourage the states to accord to all of their citizens temporarily residing abroad the simple, uniform absentee registration and voting procedures it recommends. Such an amendment would simply recognize the tremendous increase, during the decade since the Act was passed, in the number of Americans engaged in business, teaching and in other activities abroad.

"The crux of the problem lies more in absentee registration than in absentee voting. While most states now permit absentee voting, 26 require registration in person—a requirement which few citizens residing abroad can meet.

"The League of Americans Residing Abroad (LARA) is a nonprofit organization whose membership consists of American citizens residing abroad in more than 40 different countries and whose purpose is to forward their common interests. Perhaps the most important single issue on which LARA's members are united is their desire to vote. Accordingly, LARA advocates amendment of the Federal Voting Assistance Act during this Congress to encourage the states to accord the right to register and vote absentee to all citizens residing abroad and their families regardless of occupation.

"STUART H. JOHNSON, JR.,

*"Special Voting Counsel, League of Americans
Residing Abroad, Washington, D.C."*

Mr. Speaker, I earnestly commend this bill to the careful consideration of my colleagues with the hope that it can be acted upon in time for the several States to consider its recommendations before the 1968 national elections.

Senator CANNON. I think also we should include a copy of your bill, H.R. 8176, in the record.

Mr. BRADEMAs. Thank you, Mr. Chairman. I will supply that.

Senator CANNON. Without objection, that it be inserted in the appendix of this hearing together with the other bills under consideration.

Thank you very much for your fine statement.

This is certainly an area of very grave concern. I think you raise a very good point in your bill that is not covered in S. 1881. I can assure you that the subcommittee will consider in connection with S. 1881 the terms of your bill in that reference.

What is the status of your bill in the House now? Has the committee held any hearings?

Mr. BRADEMAS. No, sir. No hearings have as yet been conducted on this matter, so the Senate is ahead of the House in this respect.

Senator CANNON. Of course, some States have no provisions for absentee voting in primary elections and general elections under certain circumstances. I think it is a question then of whether or not they should be compelled to establish absentee voting procedures or merely recommended to do so. It is a question of how far to go, from the Federal standpoint, in requiring them to provide for absentee registration and voting.

Mr. BRADEMAS. I think, Mr. Chairman, that is quite right. This is a matter of degree. I do not pretend to be an expert in the field. I think what we ought to try to do, without in any way impinging on the rights of the States, is encourage the voters so we will have the widest possible participation by our citizens in elections.

Senator CANNON. The information we have with relation to the estimated number of people that are now disfranchised under the terms of S. 1881 alone ranges from 5 to 8 million, and you have given us an estimated 1½ million of those abroad. I think that is really conservative. I think the estimate appearing in the Post this morning indicated more than that and is probably more nearly correct.

Mr. BRADEMAS. The only comment I have to make on that, Mr. Chairman, is that it is going to make it very difficult for Dr. Gallup and Mr. Harris to carry out their polling activities.

Senator CANNON. Thank you very much. We certainly appreciate your appearance today.

Mr. BRADEMAS. Thank you very much, Mr. Chairman.

Senator CANNON. The next witness is Stuart H. Johnson, representing the League of Americans Residing Abroad.

Mr. Johnson, we are happy to have you here this morning.

STATEMENT OF STUART H. JOHNSON, JR., REPRESENTING THE LEAGUE OF AMERICANS RESIDING ABROAD

Mr. JOHNSON. Good morning, Mr. Chairman. It is a pleasure to be here, sir.

I thought I would proceed going through my statement. I may omit as I go along some which has already been ably covered by Congressman Brademas.

I represent the League of Americans Residing Abroad, a nonprofit organization whose membership consists of American citizens residing abroad and whose purpose is to forward their interests on matters of common concern. On no issue are LARA's members more united than in their desire to vote.

It is a pleasure to appear before you, Mr. Chairman, today, to express LARA's support for S. 1881, the Residency Voting Act of 1967, which has been introduced by you and also endorsed by the administration.

In particular, LARA endorses section 3(b) of the bill, which provides that no citizen, otherwise qualified, shall be denied the right to vote for electors of President and Vice President "because of any requirement of registration that does not include a provision for absentee registration."

Mr. Chairman, the citizen who is temporarily residing abroad is all too often denied the right to vote by State registration requirements, particularly requirements for registration in person. As shown by a most helpful pamphlet—which I have already furnished to your counsel, Mr. Chairman, published by the Department of Defense pursuant to its responsibilities under the Federal Voting Assistance Act of 1955 entitled "Voting Information 1966," nearly all States provide for absentee voting, but 23 States still require registration in person.

At that point, Mr. Chairman, I would like to allude to this editorial in the Washington Post this morning which states that no more than 12 of the 50 States permit the use of absentee ballots by exiles who are still ardent Americans. In fact, Mr. Chairman, as I think this voting information pamphlet will show, a substantial number of the States do permit absentee ballots. Almost all States permit absentee voting by their private citizens but the crux of the problem is the right to register absentee and I will get to that in a minute.

Senator CANNON. I might say that is not confined only to people residing abroad. For example, we have many people residing here in the District, staff people working on respective congressional staffs, yet not eligible to vote in their home State. Nevada will permit registration for people working for me on my staff from my State, but some States do not.

Mr. JOHNSON. That is correct, Mr. Chairman, but I would like to point out to you that for the private citizen who is temporarily residing abroad with his family, be he businessman, banker, United Nations employee, teacher, student, or missionary, the right to vote is precious. He pays Federal and often State and local taxes. He is engaged in activities important to our balance of payments, of foreign commerce, and our international relations. Dealing daily with the people of the country where he is living, he is constantly interpreting American events and American interests to others and so is acutely conscious of his American citizenship.

Moreover, a great many citizens from every State in the Union are involved. As Congressman Brademas pointed out, the number has multiplied with the expansion of our business and other interests overseas during the past 12 years to the point where estimates of their number vary between 1,500,000 and 3 million.

Yet, particularly in those States which require registration in person—and I picked out from the members of the full committee some of the States involved—Kentucky, North Carolina, Rhode Island, and Pennsylvania, but not your own State of Nevada, Mr. Chairman, it is difficult if not impossible for the citizen who is temporarily residing abroad to qualify to vote. When a citizen goes abroad for business, professional, or cultural reasons, he is usually preoccupied, not only with the challenges of his new job, but also with the problems surrounding his temporary change of residence, the education of his children, and other related personal problems.

In the rush of departure, he and his wife and dependents of voting age are apt to forget the need to register in person where that is required, even if their local election board happens to be open to register applicants at the time. And I might point out, Mr. Chairman, that is a considerable practical problem. Quite often there are limitations on the board's dates for registration and the applicants are apt to get shipped out before they meet, and they lose their right to vote. If he and his wife have failed to register in person before their departure overseas, it is virtually impossible for them to return for that purpose, although such a return is often feasible for a citizen who is temporarily living in another State within the United States.

I refer to the question you pointed out, Mr. Chairman. I used to be on the staff of the House Judiciary Committee and did not encounter any problem with voting in New York when I was with the committee. But, I could go back to New York to see my family and for other purposes, while a person overseas has expenses involved in an international trip which are often prohibitive.

Consequently, the private citizen temporarily residing abroad is only too likely to find himself disfranchised when he applies for an absentee ballot. And I can testify from knowledge of LARA's files to the many heartfelt protests which arise from such disfranchisement.

Accordingly, Mr. Chairman, LARA strongly endorses the Residency Voting Act and particularly section 3(b) thereof, which would require the several States to provide for absentee registration where they permit absentee voting for electors for President and Vice President.

While I am at it, Mr. Chairman, let me put in a word for H.R. 8176 and nine companion House bills which have been introduced and which I have listed in the footnote at the bottom of page 4 of my statement.

Unlike the Residency Voting Act, however, H.R. 8176 and its companion bills merely recommend to the States how this might best be done by a simple, workable, and virtually fraudproof procedure of proven effectiveness over 12 years of practical experience. It would apply only to citizens who are temporarily residing abroad whose practical problems I have already indicated. Finally, these recommendations would extend to all elections, and would not be confined to voting for electors for President and Vice President of the United States, as is the proposed Residency Voting Act.

H.R. 8176 and its companion bills would amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that they extend to their private citizens temporarily residing abroad the right to register and vote absentee by the simple, uniform Federal post card application procedure now generally available to members of the Armed Forces, the merchant marine, and civilians employed abroad by the Federal Government, and their families, pursuant to the recommendations of that act.

Mr. Chairman, I am advised that in the 12 years that the Federal Voting Assistance Act of 1955 has been law, there has not been so much as an allegation that a single fraudulent ballot has been cast under the Federal post card application procedure which it recommends. Under section 204(b) of that act, title 5, United States Code, section 2184(b), as it would be amended by H.R. 8176, the private citizen abroad who

wishes to register by the Federal post card application procedure would have to swear before a consular officer qualified to administer oaths, to his name, home address, and that—

I am not requesting a ballot from any other State and am not voting in any other manner in this election, except by absentee process, and have not voted and do not intend to vote in this election at any other address.

The official administering the oath can readily ascertain the identity of the applicant from his or her name and passport photograph and can likewise ascertain his or her home address from the passport. It is, of course, a Federal offense to misuse a U.S. passport.

Moreover, Mr. Chairman, the recommendations of the Federal Voting Assistance Act presently discriminate in favor of civilians who are employed abroad by the Federal Government and their families, and against private citizens who are temporarily residing abroad and their families. LARA's files are filled with protests by the wives of private businessmen, bankers, and professional men abroad against their disfranchisement, while the wives of Federal civilian employees abroad generally enjoy the right to register, as well as vote, absentee. As you are surely aware, Mr. Chairman, hell hath no fury like the women voter scorned. Moreover, the right of civilian citizens abroad to register and vote absentee under the Federal Voting Assistance Act as it stands today, is made to turn on the nature of one's employment, or even one's spouse's employment, rather than on the fact of citizenship, as is generally the case.

Finally, Mr. Chairman, H.R. 8716 is not designed to aid the expatriate who has lost all identification with his home State. It would leave unaffected State requirements as to citizenship, residence, and domicile. But it would recommend to the several States that they enfranchise their citizens, as they define that term, who are temporarily abroad on business, professional, cultural, or other pursuits.

Accordingly, Mr. Chairman, I respectfully submit that enactment of section 3(b) of the Residency Voting Act would go far to enfranchise our citizens who are temporarily residing abroad in presidential elections.

I also respectfully submit that this distinguished committee should take one further step to enfranchise our private citizens abroad by favorably reporting the proposal of H.R. 8176 and companion bills to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that they extend to such citizens its simple, workable, virtually fraudproof procedures for absentee registration and voting, which are now generally available under its provisions to members of the Armed Forces, the merchant marine, Federal civilian employees abroad, and their families. Enactment of both measures would constitute two giant steps toward realizing the ideal of universal suffrage in our elections.

Thank you, Mr. Chairman.

Senator CANNON. Thank you for your very fine statement.

How many people do you have in your organization, do you keep a membership list?

Mr. JOHNSON. We do, which I can furnish to you, Mr. Chairman. The majority of our members, it is fair to say, of the dues-paying members at the moment the list read like a Who's Who in American Business Abroad. You would be surprised at the number of executives from different big companies, banks, and so forth.

Senator CANNON. In your organization where you have a man registered with your organization that would not necessarily include all adult members of his family—his wife, and so forth?

Mr. JOHNSON. No.

Senator CANNON. This would represent a sizable group in and of itself.

Mr. JOHNSON. Yes, it does.

Senator CANNON. You say in your statement that on no issue are LARA's members more united than in their desire to vote. Do you have quite a number of expressions from your people on that point?

Mr. JOHNSON. Yes, indeed. I think some of the correspondence I have received from Members of the House and Senate indicate they are beginning to hear from them.

Senator CANNON. Well, thank you again for your very fine statement.

Mr. JOHNSON. Might I add as a further footnote, the Washington Post editorial talks about the difficulties of changes in 50 State capitals. As I indicated, there are about 27 States which do not require registration in person. I do not understand. The voting information published by the Department of Defense indicates that nearly all States provide for absentee voting. The State of Washington recently enacted LARA's proposal, embodied in H.R. 8176, to permit its citizens who are temporarily residing abroad to register and vote by the FPCA procedure for absentee registration and voting recommended to the several States by the Federal Voting Assistance Act of 1955. There is legislation presently pending and election law commissions in at least four States, big ones—Illinois, Missouri, New Jersey, and Pennsylvania, have these proposals under consideration. I do not think it is going to be quite such a problem.

Senator CANNON. Thank you.

Is Mr. Spizer here from the American Civil Liberties Union? He was listed to be a witness.

The committee will accept a statement from him if he so desires to submit it.

Mr. Hemenway, representing the National Committee for an Effective Congress, was to be a witness yesterday but in view of the fact that we had to recess temporarily for a vote, we did not get to hear him. His statement has been submitted for the record.

(The statement referred to is as follows:)

STATEMENT OF RUSSELL D. HEMENWAY, NATIONAL DIRECTOR, NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS, NEW YORK, N.Y.

Mr. Chairman, it is a pleasure to have this opportunity to submit a statement to your Subcommittee. As you may know, the National Committee for an Effective Congress is an independent, non-partisan citizens' committee supported by 40,000 people across the country. A principal function of our organization since its inception has been the endorsement and support of candidates of both parties seeking election to the Senate and the House. Having been involved in the raising and distribution of campaign funds for almost 20 years, the NCEC is acutely aware of the high cost of political campaigns, the loopholes in and abuses of the present laws governing the reporting of campaign funds, and the resultant problems which have been so well described before your Subcommittee.

In our testimony before the Senate Finance Committee earlier this month, we stressed that the cost of running for public office in America is rapidly reaching the level where citizens of moderate means are excluded from entering the political arena. In recommending tax incentives to broaden the base of political contributions, free television time for federal candidates, a special "register and

vote" stamp to enable candidates to reach their constituents once by mail, a reduction in the length of political campaigns, we strongly urged that these reforms be accompanied by new and stronger laws governing the raising and reporting of political contributions.

At that time we said in part: "Full disclosure and reporting requirements should be established for all Federal candidates, and for all national, state and local committees, party and nonparty, which support a candidate or candidates for federal office in primary, general, and/or special elections. The importance of disclosure and a central reporting office has been emphasized already by members of the Finance Committee and other participants in the current discussion. However, it should be stressed that this information be made public prior to the election, to the greatest extent possible, rather than after the fact."

We repeat that statement today to emphasize our strong support for the bill introduced by the Chairman of this Subcommittee (S. 1880), and, in fact, for the intent of all the disclosure measures which have been proposed.

The NCEC feels, however, that the responsibility for receiving, recording, and publicizing the vast amount of detailed information required by S. 1880 would place burdens on the Clerk of the House and the Secretary of the Senate for which their offices are neither equipped nor designed.

We agree with Senator Scott and others who have urged the creation of a Federal Elections Commission which would have this responsibility as its sole concern. Such a commission would be able to quickly establish uniform methods of reporting and bookkeeping, to process the incoming data rapidly and efficiently, and to effectively *publicize* this information—which is the real key to any meaningful disclosure legislation.

More important than any limitation on amounts is the necessity of informing the public as to who gives what to whom during the campaign. A sudden influx of money from a particular interest or group may bring into focus certain facts about the election which would otherwise be obscured. For instance, when our Committee was first formed, we were able to identify some very substantial contributions which were being sent into a particular state in support of a candidate—all of these funds coming from persons and families of a particular brand and philosophy. We think that public knowledge of these contributions from certain types of individuals definitely influenced the electorate to reject the recipient candidate on election day.

Therefore, we strongly endorse the provisions of S. 1880 which would require the filing of a semi-final report 10 days before the election of all federal candidates, and the filing of a final report 5 days before the election. This would make the information available for press and public inspection with sufficient time for publication prior to election day.

The NCEC wants to stress that some realism must pertain, that we must not force candidates to become technical violators by setting ridiculously low ceilings. Few House races are now run for less than \$25 thousand and few Senate races for less than \$250 thousand. And every election these costs are increasing.

In conclusion, we want to emphasize again that no matter is more important and more deserving of careful and prompt action than legislation dealing with our election processes. This goes to the heart and soul of democracy. It has been said that the most significant and basic difference between the American and the Soviet system of government lies in the manner of transferring power. This is central, and from this flow all the other institutional and political differences which distinguish the free from the totalitarian society.

For this reason, a thorough appraisal of the weaknesses and loopholes of the present system is in order. Action in this area cannot be delayed any longer without doing grave damage to our system of government which must rely on maximum freedom, which, in turn, can flourish only if there is maximum light.

Senator CANNON. Are there other persons present who desire to appear in this matter?

(No response.)

Senator CANNON. If not, the hearings will stand in recess subject to the call of the Chair and the record will be kept open until July 15 for the submission of statements by interested persons or groups.

(Whereupon, at 10:34 a.m. the subcommittee adjourned, subject to the call of the Chair.)

(Statements subsequently received by the subcommittee for inclusion in the record of the hearings from Lawrence Speiser, director of

the Washington office of the American Civil Liberties Union; W. D. McFarlane, a former Member of Congress from the State of Texas; the Bipartisan Committee on Absentee Voting, Paris, France; Peter J. Pestillo, labor relations manager, Chamber of Commerce of the United States; and Fred G. Scribner, Jr., general counsel, Republican National Committee, are as follows:)

STATEMENT OF LAWRENCE SPEISER, DIRECTOR, WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION

The Supreme Court has stated the proposition as succinctly as possible: "The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." *Reynolds v. Sims*, 377 U.S. 533 at 523 (1964).

It is clear, however, that many improvements are still needed in the methods by which we elect our public officials in order to give greater vitality to that right of franchise. The President, in his message of May 25, 1967, emphasized the government's "continuing obligation—second to no other—to keep machinery of public participation functioning smoothly and to improve it when necessary so that democracy remains a vital and vibrant institution." The American Civil Liberties Union offers the following comments on several of the proposals which have been advanced.

1. S. 1881—*The Residency Voting Act of 1967*

This bill would enable citizens who change their residence to vote in Presidential elections in spite of lengthy state voter residency requirements. The principal section provides that a citizen, otherwise qualified to vote under the laws of any state, may not be denied his vote in a Presidential and Vice-Presidential election if on election day he has been a resident of that state or political subdivision since September 1st.

The urgent need for this measure is dramatized by the shocking but not surprising estimate of five to eight million Americans being deprived of the right to vote for the President in the election of 1960 because of unnecessarily long residency requirements in many of the states. (Other estimates place these figures as high as fifteen million.) This was in an election decided by 180,000 votes.

Clearly, even greater millions of Americans similarly face the loss of their vote in 1968, although in all other respects but residency they will be fully qualified.

A number of states have acted to modernize their needlessly restrictive residency laws. In 1965 the Maryland Legislature reduced the residency requirement for Presidential elections—following the initiation of a suit by the American Civil Liberties Union challenging the constitutionality of the state's one-year residency requirement. A three-judge Federal court upheld the provision, and was affirmed by the Supreme Court without an opinion.¹ Although turning down the constitutional contention on the grounds that the Court could not "say that the requirements of the Maryland constitution are so unreasonable that they amount to an irrational and an unreasonable discrimination," the three-judge panel concluded with this statement:

"Plaintiff herein may take some comfort, however, in the fact that they have set in motion the procedures for what appears to be a desirable reform."

The Court was referring to the fact that the Maryland Deputy Attorney General, during oral argument, promised that his office would urge the Legislature to reduce the state residency requirement, and the Legislature did expeditiously lower the requirement to forty-five days.

Nevertheless, about half the states still require residency of about a year, even in Presidential elections. If these residency requirements (1) bore some reasonable relationship to the voter's competence, or his ability to cast his ballot intelligently; or (2) were necessary to prevent fraud, they might be justified. However, neither argument holds up.

Obviously state boundaries—or the boundaries of political subdivisions within a state—have no relevance today, if they ever did, to the ability of a voter to inform and familiarize himself with the issues and candidates in a Presidential

¹ *Drucding v. Devlin*, USDC Md. 234 F. Supp. 721 (1964); affirmed in 380 U.S. 120 (1965).

election—a national election. Nor do we believe that familiarity with local issues is a factor which should ever be considered in establishing standards to determine voter competency in a Presidential election.

The notion that residency requirements are a means of safeguarding against fraud is similarly antiquated. In the days of immeasurably lower population mobility and urbanization, personal identification by election officials might well have been a means of curbing fraud. With today's vastly increased transient population and urbanization, however, personal identification as a factor in preventing voter fraud is at best negligible.

If we have a single complaint against the bill, it is that we believe the residency requirement from September 1st to the first Tuesday in November—over sixty days—is too long. A number of states even manage with no advance registration.

In urging the strongest bi-partisan support for this measure, we agree with the language in the President's message:

"For a mobile society, election laws which impose unduly long residency requirements are obsolete. They serve only to create a new class of disenfranchised Americans."

We strongly support S. 1881.

2. *H.R. 8176, To Extend Absentee Registration and Voting Procedures to Citizens Temporarily Residing Abroad*

This is another measure in the spirit of S. 1881, aimed at eliminating needless disenfranchisement and, indeed, at promoting a wider exercise of the right to vote.

The Federal Voting Assistance Act of 1955 sought to secure and protect absentee voting rights for the great numbers of American servicemen and their families and American government employees temporarily residing abroad. It recommends to the States that absentee voting registration and voting procedures be extended to those classes of Americans. By all accounts it has been extremely successful. All of the states now encourage and aid members of the armed forces and their families to vote, greatly assisted by the efforts of the military establishment.

H.R. 8176 merely recommends that the states extend the voting procedures to cover *all* U.S. citizens temporarily residing abroad. It is a logical, desirable, and completely non-controversial proposal. We similarly strongly urge its adoption.

3. *Campaign Financing*

A great deal of attention has been focused on the principle of public financing of campaigns and on various proposals for implementing it. We take no position on the principle itself. We do wish to express our particular concern that if legislation is adopted to finance campaigns by public funds, the rights of minority parties be carefully protected and recognized.

Certainly the approach of the Presidential Election Campaign Fund Act of 1966 was an unreasonable, and probably unconstitutional, one in this respect. Political parties which received less than 5 million votes in the preceding Presidential election would be denied any funds. This distinction and discrimination between "major" and "minor" parties is continued under the President's plan, with the qualifying figure for a minority party changed to 5 percent in the current election.

We believe this discrimination to be of dubious constitutionality as:

- (1) Violating the First Amendment by abridging the freedom of those supporting candidates who fail to qualify for Federal funds to speak, to assemble, and to petition the government for redress of grievances; and
- (2) Violating the due process clause of the Fifth Amendment by denying the minority parties and voters equal protection of the laws.²

² We have grave doubts that plans which so blatantly discriminated against minority parties as that upheld by the Supreme Court in *MacDougall v. Green*, 335 U.S. 281 (1948), would be upheld today.

In that case, Illinois required a minority party in order to qualify to collect 25,000 signatures with at least 200 in each of the state's 50 counties, no matter how sparsely settled.

Justice Douglas, speaking for himself and Justices Black and Murphy in dissent, prophetically forecast the end of the denial of the equal weight of vote which came to pass in *Baker v. Carr*, 369 U.S. 186 (1962) and *Reynolds v. Sims*, 377 U.S. 533 (1964). Justice Douglas pointed out that, even if the state wanted parties to have state-wide support, they still could have done this by making the required signatures approximately proportionate to the distribution of voters among the various counties.

Nor as a matter of policy, or in keeping with our tradition of government neutrality in the political process, is it seemly or appropriate for the government to contribute to the entrenchment of two or more major parties, and thus place obstacles in the path of smaller parties which seek to displace the established parties of the moment.³

Of the various proposals for campaign financing, the scheme in S. 1390 appears best suited in avoiding unwise discriminations against minority parties. Under this plan, each taxpayer may elect to receive Congressional and Presidential election campaign vouchers each worth one dollar, which could be contributed to the campaign of any candidate for Congress or President. Those candidates could then present these vouchers to the Secretary of the Treasury for redemption. The only standard for a Presidential or Congressional candidate is that he has met all of the requirements established by the laws of any state to qualify as a candidate for office.

Although this voucher plan would conceivably be more expensive to administer, it would avoid problem of discrimination almost inevitable in any type of public subsidization plan. It also would have the advantage of permitting the giving and redemption of vouchers at any time before, during and after the campaign.

We do not believe that any civil liberties issue is raised by Congressional proposals limiting the aggregate amount of campaign contributions that any individual can make, or for provisions for reimbursement to Party organizations rather than to candidates. We also do not feel that any civil liberties issue is raised by the limitation of expenditures of public funds to the communications media, as proposed in some bills.

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STATEMENT OF W. D. McFARLANE, A FORMER REPRESENTATIVE IN CONGRESS FROM
THE STATE OF TEXAS

Mr. Chairman, in keeping with the permission given me, I have prepared this statement concerning the proposed legislation which is cited in said bills as the "Election Reform Act of 1967" (S. 1880, S. 596 and S. 1546); however, after setting forth the necessary definitions of the terms used in this proposed legislation in Title I we note that Title II of said bills are entitled "Disclosure of Federal Campaign Funds"; Title III of said bills are entitled "Authorization of Appropriations and Effective Date" (S. 1880); "Disclosure of Gifts and Honorariums" (S. 596); and "Disclosure of Gifts and Certain Compensation" (S. 1546).

I will briefly analyze the above proposed bills in the order stated and then set forth my suggestions for the proposed amendments thereto. The President in his message to Congress dated May 25, 1967, entitled "Public Participation in the Processes of Government" submitted a five-point program to:

"[1] Reform our campaign financing laws to assure full disclosure of contributions and expenses, to place realistic limits on contributions, and to remove the meaningless and ineffective ceilings on campaign expenditures [S. 1880].

[2] Provide a system of public financing for Presidential election campaigns [S. 1883].

[3] Broaden the base of public support for election campaigns by exploring ways to encourage and stimulate small contributions [S. 1882].

[4] Close the loopholes in the Federal laws regulating lobbying.

[5] Assure the right to vote for millions of Americans who change their residences, [S. 1881]" [House Document No. 129, p. 1].

Since the President's message submits the above five-point reform program along with proposed legislation to make it become effective includes not only "full disclosure legislation" but also legislation to "Close the loopholes in the Federal laws regulating lobbying," I will refer to both these subjects which are

³ Note, *Legal Obstacles to Minority Party Success*, 57 Yale L.J. 1276 (1948); Note, *Denial of Equal Voting Facilities to Minor Parties*, 50 Colum. L. Rev. 712 (1950); Note, *The Right to Form a Political Party*, 43 Ill. L. Rev. 832 (1949); Note, *Legal Barriers Confronting Third Parties*, 16 U. Chi. L. Rev. 499 (1949); Note, 34 Cornell L.Q. 620 (1949); Nader and Jacobs, *Do Third Parties Have a Chance?* Harv. Law Record, Oct. 9, 1958. See also American Civil Liberties Union, *Minority Parties on the Ballot* (rev. 1943); Smith, *Voting and Election Laws* (1960).

E.g., *Christian Nationalist Party v. Jordan*, 49 Cal. 2d 448, 318 P. 2d 473, 70 A.L.R. 2d 1153 (1957); *Socialist Party v. Jordan*, 49 Cal. 2d 864, 318 P. 2d 479 (1957), cert. den., 356 U.S. 952 (1958); *Preisler v. Calcaterra*, 362 Mo. 662, 243 S.W. 2d 62 (1951) noted in 38 Va. L. Rev. 672 (1952).

included in the proposed legislation now pending before the House Rules Committee (H.R. 10435).

S. 1880

This proposed legislation, as shown by the President's message on this subject matter (H. Doc. 129, p. 1), is submitted now as a result of the enactment of the "Election Reform Act of 1966," and the six weeks lambasting it received recently in the Senate, along with the complex delayed status of his proposed legislation on this subject matter now pending before Congress. (H. Doc. 129, pp. 1-11. *Post*, 6-27-67 and 7-14-67.)

Senator Williams (R. Del.) charged that to put Federal money into campaigns without closing loopholes in existing laws supposed to regulate campaign spending would be "pouring more money down the same rat hole," and that "The No. 1 objective should be to overhaul the Corrupt Practices Act and then we could go on from there." (*Star*, June 8, 1967.)

While Title II of S. 1880 is known as the "Campaign Funds Disclosure Act of 1967," it has been pointed out by Senator Clark (D. Pa.) that the President failed to include the Title III heart of his 1966 measure requiring Senators and Representatives to annually disclose gifts in excess of \$100.00 received by themselves, their wives and children as well as income from personal services." (*Post*, 6-26-67.)

Furthermore, it has been pointed out that S. 1880 requires all reports by the Political Committees and Candidates to be filed with the Clerk of the House of Representatives and the Secretary of the Senate without any strong enforcement provisions. (*Post*, 6-26-67.)

In other words, S. 1880 does not either remove the important loopholes in existing law or provide proper and adequate enforcement provisions in this so-called "Full Public Disclosure Proposed Legislation."

S. 596

This proposed measure is practically the same bill as S. 1880 except in Title II it sets up a Federal Elections Commission composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President, by and with the advice and consent of the Senate. The Political Committees, Candidates, and persons receiving contributions and expending campaign funds are required to file reports with the Commission and the U.S. District Courts nearest their place of residence under about the same provisions contained in S. 1880. The Commission is given the necessary powers, authority and duty to prescribe forms for making reports and statements required by Titles II and III of the proposed bill, to prepare and publish a manual prescribing methods of bookkeeping and reporting for use of committees, candidates and persons who make reports and statements required by Titles II and III of the bill; and to do any and everything necessary to hold hearings on any complaints filed and to render its findings and decisions thereon.

Title III of the bill provides for disclosure of gifts and honorariums received by members of the Senate or House of Representatives or candidates for these offices for gifts and honorariums of \$100.00 or more, but does not contain the necessary provisions requiring a complete itemization of the amount and source of each item of income; each item of reimbursement for any expenditure; the value of each asset held by him or by him and his wife jointly; all dealings in securities or commodities by him or by him and his wife jointly; the purchase and sales of real property or any interest therein by him or by him and his wife jointly; any money or other things of value as a result of any testimonial dinner or any such gathering otherwise named; or if a member of Congress, as a result of any of the above mentioned provisions, due to such conflict of interest in such income, gifts, honorariums, ownership of property, dealings in securities or commodities, or other transactions, he should refrain from trying to influence the decision and from voting upon such legislation; or if a civil or military officer of the executive or legislative branch of the government he should refrain from taking any part in trying to influence the decisions made in his field of employment. (H.R. 10435.)

It is thus made clear, why this bill as well as S. 1880 does not provide proper and adequate enforcement provisions written into these measures.

S. 1546

This proposed measure in Title I and Title II is practically the same bill as S. 1880 except in Title II, it requires all reports and statements to be filed with the Comptroller of the United States instead of with the Clerk of the House of Representatives and the Secretary of the Senate as required in S. 1880.

Title III of S. 1546 entitled "Disclosure of Gifts and Certain Compensation" requires members of the Senate and House of Representatives and officers and employees of the Congress compensated at a gross rate in excess of \$10,000 per year to file annual reports containing the fair market value of all property, real or personal, having a value of \$5,000, exclusive of any dwelling occupied as a residence by him or his immediate family; the amount of each liability in excess of \$5,000 owed by him or by his wife or by him and his wife jointly; the total value of all capital gains realized exceeding \$5,000 owned by him or by his wife, or by him and his wife jointly; the amount of income and each gift received by him or his wife or by him and his wife jointly which exceeds \$100 in amount or value; the value of any honorarium received by him or in connection with the preparation or delivery of any speech or address; or from any other source of income from any property or service rendered, and all such information to be filed under oath with the Comptroller of the United States.

This bill does not contain the necessary provisions requiring the members of Congress or the officers or employees drawing salaries in excess of \$10,000 per year, when as a result of the above mentioned provisions, due to such conflict of interest in owning such property, or receiving such income, gifts, honorariums, or other things of value, to refrain from voting upon or trying to influence the decision on such pending legislation due to the receipt and ownership of such property, gifts, income, etc.; or if an officer or employee of Congress that he be required to refrain from taking any part in trying to influence the decisions made in his field of employment (H.R. 10435).

Furthermore, this bill does not contain any provisions for requiring the officers and employees in the executive branch of the government having such salary in excess of \$10,000 to file reports containing such information and where such report shows a possible conflict of interest to refrain from trying to influence the decisions made in his field of employment. (H.R. 10435).

H.R. 10435

As indicated in my opening statement following the references to the President's five-point reform program, H.R. 10435 deals with both full disclosure of gifts, campaign contributions, honorariums, etc. to members of Congress, officers and employees in the legislative and executive departments, and also full disclosure by the lobbyists and the removal of the loopholes in the Federal Anti-Lobbying Act of 1946. (Titles I and II of H.R. 10435).

The Bobby Baker, Adam Clayton Powell, and Senator Dodd cases clearly show the need for such "full disclosure" legislation. S. 355 does not eliminate the loopholes in the Federal Anti-Lobby Act of 1946.

Almost daily we read in the papers and see and hear on T.V. and radio, articles and discussions on the need for Congress to correct the known existing situation.

Congress has set up Standards and Conduct Committees in both the Senate and the House of Representatives. But are these Committees the answer to this problem?

We read daily in the press and magazines that such Committees are *not* the answer—that a "Code of Ethics" for Congress without an independent enforcement authority is not the answer—(*Post*, 5-26-67, 7-14-67; *Star*, 5-26-67, 7-14-67).

Congress enacted a good "Code of Ethics" in 1958, but it contained no enforcement provisions except the conscience of Congress.

As pointed out by the foregoing references in the newspapers, we have had the "Ten Commandments" as well as the Congressional "Code of Ethics," and yet we have had the above mentioned and many other Congressional "ethics" violations. What we now need on the statute books is an adequate law with proper provisions requiring all members of Congress and officers and employees, compensated above \$10,000 per annum in the legislative and executive departments, to make a full disclosure, not only of all campaign contributions, gifts, honorariums, income, property ownership, etc., but to have an independent agency of government to enforce such a law as to all receipts and expenditures of such money, gifts,

favors, real and personal property, etc. Such legislation must be clear and complete in its provisions and must cover all parties concerned, as above stated. Neither S. 1880, S. 596 or S. 1546 meet these requirements, but H.R. 10435 will meet these requirements as to both the members of Congress and the policy-making people in the legislative and executive departments and the lobbyists who continually call upon all the people here involved.

Why not hold hearings on this type of legislation and enact it into law at this session of Congress?

STATEMENT OF THE BIPARTISAN COMMITTEE ON ABSENTEE VOTING, PARIS, FRANCE

The Bipartisan Committee on Absentee Voting, established in Paris, France, following the last Presidential election, has been conducting since 1964 an investigation into the voting status of American citizens resident abroad, and means of remedying present deficiencies. This has been carried out through study of individual cases, legal research, and direct correspondence with the Attorney Generals of the fifty States. The Committee's study has revealed substantial disenfranchisement of American citizens resident abroad, either temporarily or permanently, through restrictive state registration and residence requirements.

This has been found to be true not only of civilians abroad in private occupations, but also of civilian government employees and military personnel abroad, since the recommendations contained in the Federal Voting Assistance Act of 1955 have not been implemented by many States.

The Bipartisan Committee has been urging remedial Federal legislation to require the various States to establish appropriate procedures to permit voting by their citizens abroad. This action by the Bipartisan Committee has been formally endorsed by numerous American organizations in Europe, including the American Chamber of Commerce in France, the American Club of Paris and the Federation of American Women's Clubs Overseas.

Accordingly, the Bipartisan Committee welcomes and supports Senate Bill 1881. It urges, however, that the provisions of S. 1881 be extended to ensure more clearly the right to vote by absentee ballot by all American citizens who are resident abroad at the time of Presidential elections.

It is estimated that at this time there are over two million United States citizens abroad.

It is respectfully submitted that the following amendment to S. 1881 would be appropriate to accomplish this purpose:

Text of Sub-paragraph (b) of Section 3 of the Residency Voting Act of 1967 would be amended by inserting the number "(1)" after the word "because" and by adding at the end of the paragraph the number "(2)" and the words "such citizen has relinquished his place of abode in a State where he had been previously qualified to vote, and has not qualified as a voter in any other State."

The above amendment has two purposes.

1. It is a perfecting amendment to sub-section (a) because it enables any citizen to vote from the state of his previous abode when he has physically moved away but has not yet met the requirement in the bill of a minimum of sixty days residence in the state where he intends to live in the future. No problems of locus arise because the vote is only for President and Vice President.

2. It is a perfecting amendment as it applies to members of the Armed Forces and their civilian dependents, and government employees serving abroad. Only about one-half of the states have fully complied with the recommendations of Congress in the Federal Assistance Voting Act of 1955 which was designed to assure that these citizens could vote while serving abroad.

In addition it would also apply to the many Americans who are abroad for professional, or business and other reasons and who no longer maintain an abode in states where they had previously been qualified to vote. This situation has disenfranchised most citizens abroad because of the complexity and rigidity of of certain state requirements about "legal residence." With respect to this group it is considered that state citizenship, like U.S. citizenship, is not lost or taken away except by some affirmative act repudiating or relinquishing state citizenship as, for example, by becoming a citizen of another state. This is rarely the case of most Americans abroad.

STATEMENT OF PETER J. PESTILLO, LABOR RELATIONS MANAGER, CHAMBER OF COMMERCE OF THE UNITED STATES

This statement is submitted on behalf of the Chamber of Commerce of the United States, the largest voluntary association of businessmen in the world. With over 32,000 business members, 3,000 local and state chambers of commerce and over 1,050 association members, the National Chamber represents over 4,000,000 individuals in the business community.

The National Chamber recognizes the need for election reform. It has, in testimony before the Senate Finance Committee on June 8, 1967, supported tax deductions for political contributions, and election reform proposals calling for full disclosure and effective ceiling on the size of political contributions, among other proposals. This statement, however, will be confined to Section 105 of S. 1880, the proposal that would prohibit corporations with government contracts from making contributions in elections for state and local offices.

We note that corporations and unions are now prohibited from making contributions in elections involving federal offices. Moreover, in 35 states, corporations are now prohibited from making contributions in elections involving state and local offices—whether or not the corporations hold government contracts. Section 105 of S. 1880, then, would be extended to the fifteen remaining states that still permit corporate contributions in elections involving state and local offices. We would like to call the Committee's attention to the fact that unions are restricted on a state and local level in only five states at the present time.

This is an obvious imbalance that ought not to be perpetuated. However, if Section 105 of S. 1880 is enacted into law it would create a further imbalance in state and local elections as between corporations and labor.

We believe that the principle of parity should apply as between corporations and labor unions in the matter of restrictions on political activity.

We do not believe it is vital to the objective of election law reform that Section 105 be enacted into law. From a practical standpoint, corporations are already pre-empted from making political contributions on a state and local level in all but a few states and most corporations in the remaining states voluntarily abstain from making contributions in state and local elections.

Nevertheless, if the Committee feels that such a further prohibition is warranted, then, in fairness, unions should be brought under the same restriction. In short, Section 105 should in that case be amended to include unions whose members work for companies holding contracts with the United States Government. Such an amendment would make the proposed provision consistent with the prevailing public interest and sound policy that regulation of union activities in the political arena be consistent with the regulation of corporate activities in the same area.

The inequitable approach of Section 105 does violence to the existing and very valid concept of our laws covering campaign financing: that there must be a concomitance of regulation of the activities of organized labor in this field with that of corporations.

The Question of Election Law Reform

We agree that the Corrupt Practices Act ought to be tightened. For instance, organized labor's use of assessments and contributions of doubtful voluntariness to gain funds to contribute to campaigns; its use of internal news media of wide public circulation to advance the candidacy of those it favors; and other defects show the need for improvement of the law.

The Corrupt Practices Act as interpreted by the courts has given organized labor wide latitude to influence elections with very little restraint. The added limitations on business which are proposed in Section 105 of S. 1880 would add to the arsenal of union powers in this area. This is our basic objection. The business community is willing to accept further limitations. We would support Section 105 if it were extended to apply to unions to the same extent that it would be applied to business firms.

The Advantage to Unions Can Be Profound

The effect of Section 105 of S. 1880 is to assure that no business which enters into a contract with the United States shall make any contribution designed to influence the nomination or election of anyone to any public office. For corporations the effect is to add state and local contests to the list of proscribed campaign activities. It should be noted that it is the right to contribute which proscribed. Nothing proposed in S. 1880 would modify existing tax law

which prohibits income tax deductions for contributions made by individuals or corporations.

In most situations, elections of local, state, and federal officials are conducted simultaneously. All candidates on a ticket draw at least some support from other members of the ticket. Thus the unions would get benefits from their contributions in federal contests as well. So the limitation on business contributions would have a harmful effect beyond merely the proscribed contests.

The practice of having a "ticket" share billboards or radio or television time is common and widely known. This could again increase the harmful effect of the abuse Section 105 permits. Under it a union could directly contribute to a state or local candidate. The candidate's campaign fund could then finance the entire amount of the cost of the joint advertising. The benefit to the candidate for federal office would be the same but he would not have to utilize campaign funds raised under restrictions common to corporation and unions.

A further and only slightly more remote liability of the proposed change is that the local and state officials of today are in many cases the federal legislators of tomorrow. Unions should have no advantage in soliciting their support. The business community wants no advantage. We seek only a concurrent and co-extensive limitation on the campaign financing practices of organized labor.

To Achieve Equity, Unions Must Be Covered Also

To the extent that the Corrupt Practices Act has sought to impose identical restrictions and proscriptions on corporations and labor unions, it has served well. This concept is reflected in the section immediately preceding that which would be amended by Section 105 of S. 1880. It reads as follows:

"It is unlawful * * * for any corporations whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section." (18 U.S.C. 610)

Identical penalties for violation may be imposed on violating corporations or unions.

The framers of the Act exercised, we believe, sound judgment in confining the bulk of their regulation in the area to unions and corporations. The public interest requires that this concept be continued.

Neither side should be subjected to restraint not imposed upon the other. The business community seeks no advantage here. We do not seek to avoid the proposed limitations on campaign contributions. We submit that parity requires that the restriction apply to unions so engaged as well. Only in this way can the mutuality of restrictions of existing law regarding campaign financing be maintained. This principle is long standing and worthy of retention.

Unions Can Be Covered

Such an extension to unions is legally permissible in our opinion. The extension of this restriction to federal contractors is presumably based on the fact that they are beneficiaries of federal contracts and must, therefore, submit to additional regulation by virtue of their status as beneficiaries.

But the unions in situations where their members are engaged in government contract work are also beneficiaries of the contract albeit third party beneficiaries. The unions in question have the right and obligation to represent all employees in the unit. Wages are paid for work performed under the contract to the extent that the contract provides jobs. It benefits the employees and their agent, the union, in the same way that the contract is intended to benefit the company by the expectation of profits.

Thus the federal government may properly extend such additional restrictions as are justified by virtue of engagement in work under federal government contracts to unions.

We urge the members of the Senate Rules Committee to modify Section 105 of S. 1880 so that corporations and labor unions will be treated on a parity basis.

We repeat, Section 105 should be amended to include unions whose members work for companies holding government contracts with the United States Government.

STATEMENT OF FRED G. SCRIBNER, JR., GENERAL COUNSEL, REPUBLICAN NATIONAL COMMITTEE

As general counsel for the Republican National Committee I welcome this opportunity to present to this committee a brief statement in support of the objectives of the Election Reform Act of 1967.

There is little need for the Republican National Committee to add to the comments and statements which have already been presented by Republican Senators and Members of Congress: these emphasize and underline the importance of revising and reforming the existing Federal election laws.

Reform has long been necessary. It is certainly overdue.

In June of 1961, Senator Thruston B. Morton, who served as Chairman of the Republican National Committee during the 1960 Presidential Campaign, stated that in his opinion the Federal Corrupt Practices Act should be substantially revised to meet the problems of modern political campaign techniques. The same viewpoint was expressed by his successor, Representative William E. Miller.

This continues to be the position of the Republican National Committee.

We believe that existing Federal legislation is archaic; that it need to be modernized and made realistic. We also believe that the major weapon in preventing improper and excessive use of money in campaigns is early and detailed full public disclosure.

Statements of amounts spent, the sources of funds, and of the items and the purposes for which expenditures have been made and full public disclosures thereof, will be far more effective than strict limitations on contributions and expenditures. These have resulted in the proliferation of committees and the creation of new campaign techniques which meet statutory requirements while at the same time allowing candidates and committees to spend the amounts which they desire for the purposes they select.

The present Corrupt Practices Act contains strict limitations on contributions and expenditures, but these statutory provisions have been of little or no effect. We doubt the effectiveness of mere revisions in the present law.

Ceilings on expenditures should be removed. Control should be made effective through the required publication of frequent and detailed reports of funds raised and amounts spent.

The Republican Party recognizes that the American people do object to unlimited expenditures for campaign purposes. If such expenditures are not required to be reported or if the reports can be delayed until after Election Day, then the restraining influence ceases to have any restraining effect on campaign expenditures.

Therefore, we favor the removal of limitations on amounts which may be expended, but we would require frequent and cumulative reports prior to Election Day on expenditures made. Legislation should insure that the voters would have available to them on Election Day full information as to the amounts spent by candidates and political committees for election purposes.

The Republican Coordinating Committee in discussing this matter in a report which it issued in December 1965, said:

"We also recommend that the wholly unrealistic limitation of \$3 million on the annual amount political committees can raise and spend be removed from Federal statutes. In practice, this provision has not limited the amount of money spent in presidential elections, but has spawned the creation by both major parties of hosts of satellite committees, each legally able to collect and spend \$3 million. Equally unrealistic ceilings which apply to senatorial and congressional campaigns should be raised to meaningful levels."

Not only is reform of Federal election laws long overdue, but the States should review and revise their corrupt practice laws. On the local level, State legislation applicable to elections for State and local offices needs basic revision. We endorse the Florida statute which requires detailed reports of "who gave the money" and "who received the money" as a model for State action, requiring pre-election reports of the sources of all campaign funds and the manner in which such funds are spent.

The Federal Corrupt Practice Act should require each political committee, whether operating in a single State or in several States to make a full disclosure of all contributions. We believe, however, that the minimum in the proposed legislation requiring any committee receiving more than \$1,000 to make a report is not realistic and that the minimum should be increased to \$3,000. The purpose

of such a minimum is to make meaningful the reporting requirement and not swamp the office receiving reports with a mass of papers.

We endorse the principle that the Corrupt Practices Act should be applicable to primaries as well as general elections.

Civil service employees should be permitted and entitled to make voluntary contributions to the party or candidate of their choice but solicitation of such employees on an organized basis by political committee whether National, State, or independent should not be permitted.

The committee should consider providing greater publicity for the material contained in filed financial reports than is provided by any of the pending legislation. The mere filing of reports, even though they are available for a few months to reporters and students, is not sufficient. It is the widespread publication of reports of contributions and expenditures which provide the limiting and controlling effect which all desire. The publication of such reports in the Congressional Record would be an improvement over the publicity which such reports now receive. However, even this does not go far enough.

I suggest that consideration be given to authorizing the official receiving reports of receipts and expenditures to publish summaries thereof in major newspapers and magazines throughout the country.

APPENDIX

The texts of the bills S. 596, S. 1546, S. 1880, S. 1881, and H.R. 8176, relating to Federal election reform and the subject of these hearings, are as follows:

90TH CONGRESS
1ST SESSION

S. 596

IN THE SENATE OF THE UNITED STATES

JANUARY 23 (legislative day, JANUARY 19), 1967

Mr. SCOTT introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To revise the Federal election laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Election Reform Act of
4 1967".

5 TITLE I—AMENDMENTS TO CRIMINAL CODE

6 SEC. 101. Section 591 of title 18 of the United States
7 Code is amended to read as follows:

8 "§ 591. Definitions

9 "When used in sections 597, 599, 602, 608, 610, and
10 611 of this title—

2

1 “(a) The term ‘election’ means (1) a general, special,
2 or primary election, (2) a convention or caucus of a politi-
3 cal party held to nominate a candidate, and (3) a primary
4 held for the selection of delegates to a national nominating
5 convention of a political party, or for the expression of a
6 preference for the nomination of persons for election to the
7 office of President and Vice President;

8 “(b) The term ‘candidate’ means an individual who
9 seeks nomination for election, or election, to Federal office,
10 whether or not such individual is elected. For purposes of
11 this paragraph, an individual shall be deemed to seek nomi-
12 nation for election, or election, if he (1) has taken the action
13 necessary under the law of a State to qualify him for nomi-
14 nation for election, or election, to Federal office or (2)
15 has received contributions or made expenditures, or has
16 given his consent for any other person to receive contribu-
17 tions or make expenditures, with a view to bringing about his
18 nomination for election, or election, to such an office;

19 “(c) The term ‘Federal office’ means the office of Pres-
20 ident or Vice President of the United States, or of Senator
21 or Representative in, or Resident Commissioner to, the Con-
22 gress of the United States;

23 “(d) The term ‘political committee’ means any com-
24 mittee, association, or organization which has accepted con-

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1 tributions or made expenditures during a calendar year in
2 an aggregate amount exceeding \$1,000;

3 “(e) The term ‘contribution’ means a gift, donation,
4 payment, or loan of money or anything of value, made for
5 the purpose of influencing the nomination for election, or
6 election, of any person to Federal office or as presidential and
7 vice-presidential electors, or for the purpose of influencing
8 the result of a primary held for the selection of delegates
9 to a national nominating convention of a political party,
10 or for the expression of a preference for the nomination of
11 persons for election to the office of President and Vice Pres-
12 ident, and includes a contract, promise, or agreement,
13 whether or not legally enforceable, to make a contribution,
14 and also includes a transfer of funds between political com-
15 mittees;

16 “(f) The term ‘expenditure’ includes a purchase, pay-
17 ment, loan, advance, deposit, or gift of money or anything of
18 value, made for the purpose of influencing the nomination
19 for election, or election, of any person to Federal office, or
20 as presidential and vice-presidential electors, or for the pur-
21 pose of influencing the result of a primary held for the selec-
22 tion of delegates to a national nominating convention of a
23 political party, or for the expression of a preference for the
24 nomination of persons for election to the office of President

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1 and Vice President, and includes a contract, promise, or
2 agreement, whether or not legally enforceable, to make an
3 expenditure, and also includes a transfer of funds between
4 political committees.”

5 SEC. 102. Section 600 of title 18 of the United States
6 Code is amended to read as follows:

7 **“§ 600. Promise of employment or other benefit for political**
8 **activity**

9 “Whoever, directly or indirectly, promises any employ-
10 ment, position, compensation, contract, or appointment,
11 provided for or made possible in whole or in part by any
12 Act of Congress, or any special consideration in obtain-
13 ing any such benefit, to any person as consideration, favor,
14 or reward for any political activity or for the support of
15 or opposition to any candidate or any political party in any
16 election, shall be fined not more than \$1,000 or imprisoned
17 not more than one year, or both.”

18 SEC. 103. Section 608 of title 18 of the United States
19 Code is amended to read as follows:

20 **“§ 608. Limitations on political contributions and pur-**
21 **chases**

22 “(a) Whoever, other than a political committee or a
23 candidate, directly or indirectly, makes contributions in an
24 aggregate amount in excess of \$5,000 during any calendar
25 year, or in connection with any campaign for nomination

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1 for election, or election, to any political committee or candi-
2 date or to any individual seeking office as presidential and
3 vice-presidential elector shall be fined not more than \$5,000
4 or imprisoned not more than five years, or both.

5 “(b) Whoever, being a political committee or candi-
6 date, sells to anyone other than a political committee or
7 candidate, and

8 “Whoever, other than a political committee or candi-
9 date, purchases from a political committee or candidate—
10 any goods, commodities, advertising, or articles, or any serv-
11 ices, shall be fined not more than \$5,000 or imprisoned
12 not more than five years, or both.

13 “(c) Subsection (b) shall not apply to a sale or pur-
14 chase (1) of any political campaign pin, button, badge,
15 flag, emblem, hat, banner, or similar campaign souvenir or
16 any political campaign literature or publications (but shall
17 apply to sales of advertising including the sale of space in
18 any publication), for prices not exceeding \$25 each, (2)
19 of tickets to political events or gatherings, (3) of food or
20 drink for a charge not substantially in excess of the normal
21 charge therefor, or (4) made in the course of the usual and
22 known business, trade, or profession of any individual or
23 which is a normal arm’s-length transaction between indi-
24 viduals.

25 “(d) In all cases of violations of this section by a part-

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1 nership, committee, association, corporation, or other orga-
2 nization or group of persons, the officers, directors, or man-
3 aging heads thereof who knowingly and willfully participate
4 in such violation shall be punished as herein provided.”

5 SEC. 104. Section 609 of title 18 of the United States
6 Code is repealed.

7 SEC. 105. (a) The first paragraph of section 610 of title
8 18 of the United States Code is amended by inserting “(1)”
9 after “unlawful”, by striking out “political office, or for”
10 and inserting in lieu thereof “political office, (2) for”, and
11 by inserting after “labor organization,” the following: “or
12 (3) for any organization or association which is supported
13 financially by a corporation, trade association, or labor or-
14 ganization from its own funds,”.

15 (b) The second paragraph of such section is amended
16 by striking out “or labor organization” both times it appears
17 and inserting in lieu thereof “, labor organization, or other
18 organization or association”, and by inserting after “any labor
19 organization” the following: “or other organization or asso-
20 ciation”.

21 SEC. 106. Section 611 of title 18 of the United States
22 Code is amended to read as follows:

23 **“§ 611. Contributions by Government contractors**

24 “Whoever, including a corporation, enters into any con-
25 tract with the United States or any department or agency

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1 thereof, either for the rendition of personal services or
2 furnishing any material, supplies, or equipment to the United
3 States or any department or agency thereof, or selling
4 any land or building to the United States or any department
5 or agency thereof, if payment for the performance of such
6 contract or payment for such material, supplies, equip-
7 ment, land, or building is to be made in whole or in
8 part from funds appropriated by the Congress, during the
9 period of negotiation for, or performance under such con-
10 tract or furnishing of material, supplies, equipment, land, or
11 buildings, directly or indirectly makes any contribution of
12 money or any other thing of value, or promises expressly
13 or impliedly to make any such contribution, to any political
14 party, committee, or candidate for public office or to any
15 person for any political purpose or use; or

16 "Whoever knowingly solicits any such contribution from
17 any such person, for any such purpose during any such
18 period—

19 "Shall be fined not more than \$5,000 or imprisoned not
20 more than five years, or both."

21 SEC. 107. So much of the sectional analysis at the begin-
22 ning of chapter 29 of title 18 of the United States Code as
23 relates to sections 600, 609, and 611 is amended to read:

"600. Promise of employment or other benefit for political activity.

"609. Repealed.

"611. Contributions by Government contractors."

1 TITLE II—DISCLOSURE OF FEDERAL CAMPAIGN

2 FUNDS

3 DEFINITIONS

4 SEC. 201. When used in this title—

5 (a) The term “election” means (1) a general, special,
6 or primary election, (2) a convention or caucus of a political
7 party held to nominate a candidate, and (3) a primary held
8 for the selection of delegates to a national nominating con-
9 vention of a political party, or for the expression of a prefer-
10 ence for the nomination of persons for election to the office
11 of President or Vice President;

12 (b) The term “candidate” means an individual who
13 seeks nomination for election, or election, to Federal office,
14 whether or not such individual is elected. For purposes
15 of this paragraph, an individual shall be deemed to seek
16 nomination for election, or election, if he (1) has taken the
17 action necessary under the law of a State to qualify him for
18 nomination for election, or election, to Federal office, or
19 (2) has received contributions or made expenditures, or has
20 given his consent for any other person to receive contributions
21 or make expenditures, with a view to bringing about his
22 nomination for election, or election, to such an office;

23 (c) The term “Federal office” means the office of Pres-
24 ident or Vice President of the United States; or of Senator

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1 or Representative in, or Resident Commissioner to, the
2 Congress of the United States;

3 (d) The term "political committee" means any com-
4 mittee, association, or organization which accepts contribu-
5 tions or makes expenditures in an aggregate amount of
6 \$1,000 or more in any calendar year;

7 (e) The term "contribution" means a gift, donation,
8 payment, or loan of money or any thing of value, made
9 for the purpose of influencing the nomination for election, or
10 election, of any person to Federal office or presidential and
11 vice-presidential electors, or for the purpose of influencing the
12 result of a primary held for the selection of delegates to a
13 national nominating convention of a political party, or for
14 the expression of a preference for the nomination of persons
15 for election to the office of President and Vice President, and
16 includes a transfer of funds between political committees;

17 (f) The term "expenditure" includes a purchase, pay-
18 ment, loan, advance, deposit, or gift of money or anything
19 of value, made for the purpose of influencing the nomination
20 for election, or election, of any person to Federal office, or
21 as presidential and vice-presidential electors, and includes a
22 contract, promise, or agreement, whether or not legally
23 enforceable, to make an expenditure, or for the purpose of

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1 influencing the result of a primary held for the selection of
2 delegates to a national nominating convention of a political
3 party, or for the expression of a preference for the nomina-
4 tion of persons for election to the office of President and
5 Vice President, and also includes a transfer of funds between
6 political committees;

7 (g) The term "person" includes an individual, part-
8 nership, committee, association, corporation, labor organiza-
9 tion, and any other organization or group of persons;

10 (h) The term "State" includes the District of Co-
11 lumbia, Puerto Rico, Guam, American Samoa, and the
12 Virgin Islands.

13 FEDERAL ELECTIONS COMMISSION

14 SEC. 202. (a) There is hereby created a commission to
15 be known as the Federal Elections Commission, which shall
16 be composed of five members, not more than three of whom
17 shall be members of the same political party, who shall be
18 appointed by the President, by and with the advice and con-
19 sent of the Senate. One of the original members shall be
20 appointed for a term of two years, one for a term of four
21 years, one for a term of six years, one for a term of eight
22 years, and one for a term of ten years, beginning from the
23 date of enactment of this title, but their successors shall be
24 appointed for terms of ten years each, except that any in-
25 dividual chosen to fill a vacancy shall be appointed only for

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1 the unexpired term of the member whom he shall succeed.
2 The President shall designate one member to serve as Chair-
3 man of the Commission, and one member to serve as Vice
4 Chairman. The Chairman shall be responsible on behalf of
5 the Commission for the administrative operations of the Com-
6 mission, and shall appoint, in accordance with the civil
7 service laws, such officers, agents, attorneys, and employees
8 as it deems necessary to assist it in the performance of its
9 functions and to fix their compensation in accordance with
10 chapter 51 of title 5 of the United States Code and sub-
11 chapter III of chapter 53 of title 5 of the United States
12 Code. The Vice Chairman shall act as Chairman in the ab-
13 sence or disability of the Chairman or in the event of a
14 vacancy in that office.

15 (b) A vacancy in the Commission shall not impair the
16 right of the remaining members to exercise all the powers
17 of the Commission and three members thereof shall consti-
18 tute a quorum.

19 (c) The Commission shall have an official seal which
20 shall be judicially noticed.

21 (d) The Commission shall at the close of each fiscal
22 year report to the Congress and to the President concerning
23 the action it has taken; the names, salaries, and duties of all
24 individuals in its employ and the moneys it has disbursed;
25 and shall make such further reports on the matters within

1 its jurisdiction and such recommendations for further legisla-
2 tion as may appear desirable.

3 (e) (1) Section 5314 of title 5 of the United States
4 Code is amended by adding at the end thereof the following:

5 " (46) Chairman, Federal Elections Commission."

6 (2) Section 5315 of title 5 of the United States Code
7 is amended by adding at the end thereof the following:

8 " (78) Members, Federal Elections Commission."

9 (f) The principal office of the Commission shall be in
10 or near the District of Columbia, but it may meet or exer-
11 cise any or all its powers at any other place.

12 (g) All officers, agents, attorneys, and employees of the
13 Commission shall be subject to the provisions of section 9 of
14 the Act of August 2, 1939, as amended (the Hatch Act),
15 notwithstanding any exemption contained in such section.

16 ORGANIZATION OF POLITICAL COMMITTEES

17 SEC. 203. (a) Every political committee shall have a
18 chairman and a treasurer. No contribution and no expendi-
19 ture shall be accepted or made by or on behalf of a political
20 committee at a time when there is a vacancy in the office of
21 chairman or treasurer thereof. No expenditure shall be made
22 for or on behalf of a political committee without the authori-
23 zation of its chairman or treasurer, or their designated agents.

24 (b) Every person who receives a contribution for a
25 political committee shall, on demand of the treasurer, and

1 in any event within five days after the receipt of such con-
2 tribution, render to the treasurer a detailed account thereof,
3 including the amount, the name and address of the person
4 making such contribution, and the date on which received.
5 All funds of a political committee shall be kept separate
6 from other funds.

7 (c) It shall be the duty of the treasurer of a political
8 committee to keep a detailed and exact account of—

9 (1) all contributions made to or for such committee;

10 (2) the full name and mailing address of every
11 person making any contribution, and the date and
12 amount thereof;

13 (3) all expenditures made by or on behalf of such
14 committee; and

15 (4) the full name and mailing address of every
16 person to whom any expenditure is made, and the date
17 and amount thereof.

18 (d) It shall be the duty of the treasurer to obtain and
19 keep a receipted bill, stating the particulars, for every ex-
20 penditure made by or on behalf of a political committee of
21 \$100 or more in amount. The treasurer shall preserve all
22 receipted bills and accounts required to be kept by this sec-
23 tion for periods of time to be determined by the Commission
24 in accordance with published regulations.

1 REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

2 SEC. 204. (a) Each committee which anticipates re-
3 ceiving contributions or making expenditures in an aggre-
4 gate amount of \$1,000 or more in any calendar year shall,
5 within ten days after its organization or, if later, ten days
6 after the date on which it has information which causes it to
7 anticipate it will receive or make contributions or expendi-
8 tures in such amount, file with the Commission a statement
9 of organization. Each such political committee in existence
10 at the date of enactment of this Act shall file a statement of
11 organization with the Commission at such time as it
12 prescribes.

13 (b) The statement of organization shall include—

14 (1) the name and address of the committee;

15 (2) the names, addresses, and relationships of
16 affiliated or connected organizations;

17 (3) the area, scope, or jurisdiction of the com-
18 mittee;

19 (4) the name, address, and position of the custodian
20 of books and accounts;

21 (5) the name, address, and position of other prin-
22 cipal officers, including officers and members of the fi-
23 nance committee, if any;

24 (6) the name, office sought, and party affiliation
25 of (A) each candidate whom the organization is sup-

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1 porting and (B) any other individuals whom the or-
2 ganization is supporting for nomination or election to
3 public office; or, if the organization is supporting the
4 entire ticket of any party, the name of the party;

5 (7) a statement whether the committee is a con-
6 tinuing one;

7 (8) what disposition of residual funds will be made
8 in the event of dissolution;

9 (9) a listing of all banks, safety deposit boxes, or
10 other repositories used;

11 (10) a statement whether the committee is required
12 by law to file reports with State or local officers, and
13 if so, the names, addresses, and positions of such per-
14 sons; and

15 (11) such other information as shall be required
16 by the Commission by published regulation.

17 (c) Any change in information previously submitted
18 in a statement of organization shall be reported to the Com-
19 mission within a ten-day period following the change.

20 (d) Any political committee which, after having filed
21 one or more statements of organization, disbands or de-
22 termines it will no longer receive contributions or make
23 expenditures of \$1,000 or more in any calendar year shall
24 so notify the Commission.

1 REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

2 SEC. 205. (a) Each treasurer of a political committee
3 and each candidate shall file reports of receipts and expendi-
4 tures with the Commission, on forms to be prescribed or
5 approved by it. Such reports shall be filed on the 10th day
6 of March, June, and September, in each year, and on the
7 fifteenth and fifth days, next preceding the date on which
8 an election is held and also by the 31st day of January.
9 Such reports shall be complete as of such date as the Com-
10 mission may prescribe which shall not be less than five days
11 before the date of filing.

12 (b) Each report under this section shall disclose:

13 (1) the amount of cash on hand at the beginning
14 of the reporting period;

15 (2) the full name and mailing address of each
16 person who has made one or more contributions to or
17 for such committee or candidate (including the purchase
18 of tickets for events such as dinners, luncheons, rallies,
19 and similar fund-raising events), in the aggregate
20 amount or value, within the calendar year, of \$100 or
21 more, together with the amount and date of such
22 contributions;

23 (3) the total sum of individual contributions made
24 to or for such committee or candidate during the report-
25 ing period and not reported under paragraph (2);

17

1 (4) the name and address of each political com-
2 mittee from which the reporting committee or the can-
3 didate received, or to which that committee or candidate
4 made, any transfer of funds, together with the amounts
5 and dates of all such transfers;

6 (5) each loan to or from any person, together
7 with the full names and mailing addresses of the lender
8 and endorsers if any and the date and amount of such
9 loan;

10 (6) each contribution, rebate, refund, or other
11 receipt not otherwise listed under paragraphs (2)
12 through (5);

13 (7) the total sum of all receipts by or for such
14 committee or candidate during the reporting period;

15 (8) the full name and mailing address of each per-
16 son to whom an expenditure or expenditures have been
17 made by such committee or candidate within the calen-
18 dar year in the aggregate amount or value of \$100 or
19 more, and the amount, date, and purpose of each such
20 expenditure;

21 (9) the full name and mailing address of each per-
22 son to whom an expenditure for personal services,
23 salaries, and reimbursed expenses of \$100 or more has

1 been made, and which is not otherwise reported, includ-
2 ing the amount, date, and purpose of such expenditure;

3 (10) the total sum of expenditures made by such
4 committee or candidate during the calendar year;

5 (11) the amount and nature of debts and obliga-
6 tions owed by or to the committee, in such form as the
7 Commission may prescribe;

8 (12) such other information as shall be required
9 by the Commission by published regulation.

10 (c) The reports required to be filed by subsection (a)
11 shall be cumulative during the calendar year to which they
12 relate, but where there has been no change in an item re-
13 ported in a previous report only the amount need be carried
14 forward.

15 REPORTS BY OTHERS THAN POLITICAL COMMITTEES

16 SEC. 206. Every person (other than a political com-
17 mittee or candidate) who makes contributions or expendi-
18 tures, other than by contribution to a political committee or
19 candidate, aggregating \$100 or more within a calendar year
20 shall file with the Commission a statement containing the
21 information required by section 205. Statements required
22 by this section shall be filed on the dates on which reports
23 by political committees are filed, but need not be cumulative.

1 (d) The Commission shall, by published regulations of
2 general applicability, prescribe the manner in which contri-
3 butions and expenditures in the nature of debts and other
4 contracts, agreements, and promises to make contributions
5 or expenditures shall be reported. Such regulations shall
6 provide that they be reported in separate schedules. In de-
7 termining aggregate amounts of contributions and expendi-
8 tures, amounts reported as provided in such regulations shall
9 not be considered until actual payment is made.

10 REPORTS ON CONVENTION FINANCING

11 SEC. 208. Each committee or other organization which—

12 (1) represents a State, or a political subdivision
13 thereof, or any group of persons, in dealing with officials
14 of a national political party with respect to matters in-
15 volving a convention held in such State or political
16 subdivision to nominate a candidate for the office of
17 President or Vice President, or

18 (2) represents a national political party in making
19 arrangements for the convention of such party held to
20 nominate a candidate for the office of President or Vice
21 President,

22 shall, within sixty days following the end of the convention
23 (but not later than twenty days prior to the date on which
24 presidential and vice-presidential electors are chosen), file
25 with the Commission a full and complete financial statement,

1 in such form and detail as it may prescribe, the sources
2 from which it derived its funds and the purposes for which
3 such funds were expended.

4 DUTIES OF THE COMMISSION

5 SEC. 209. (a) It shall be the duty of the Commission—

6 (1) to develop prescribed forms for the making of
7 the reports and statements required by this title and
8 title III of this Act;

9 (2) to prepare and publish a manual setting forth
10 recommended uniform methods of bookkeeping and
11 reporting for use by persons required to make reports
12 and statements required by this title and title III of
13 this Act;

14 (3) to develop a filing, coding, and cross-indexing
15 system consonant with the purposes of this Act;

16 (4) to make the reports and statements filed with
17 it available for public inspection and copying during
18 regular office hours, commencing as soon as practicable
19 but not later than the end of the second day following
20 the day during which it was received, and to permit
21 copying of any such report or statement by hand or by
22 duplicating machine, as requested by any person, at the
23 expense of such person;

24 (5) to preserve such reports and statements for a
25 period of 10 years from date of receipt, except that re-

1 ports and statements relating solely to candidates for the
2 House of Representatives shall be preserved for only
3 five years from the date of receipt;

4 (6) to compile and maintain a current list of all
5 statements or parts of statements pertaining to each
6 candidate;

7 (7) to prepare and publish an annual report in-
8 cluding compilations of (A) total reported contributions
9 and expenditures for all candidates, political committees,
10 and other persons during the year; (B) total amounts
11 expended according to such categories as the Commission
12 shall determine and broken down into candidate, party,
13 and nonparty expenditures on the National, State, and
14 local levels; (C) total amounts expended for influencing
15 nominations and elections stated separately; (D) total
16 amounts contributed according to such categories of
17 amounts as the Commission shall determine and broken
18 down into contributions on the National, State, and local
19 levels for candidates and political committees; and (E)
20 aggregate amounts contributed by any contributor shown
21 to have contributed the sum of \$100 or more;

22 (8) to prepare and publish from time to time special
23 reports comparing the various totals and categories of
24 contributions and expenditures made in preceding elec-
25 tion years;

23

1 (9) to prepare and publish such other reports as
2 it may deem appropriate;

3 (10) to assure wide dissemination of summaries
4 and reports;

5 (11) to make from time to time audits and field in-
6 vestigations with respect to reports and statements filed
7 under the provisions of this title and title III of this Act,
8 and with respect to alleged failures to file any report or
9 statement required under the provisions of this title or
10 title III of this Act;

11 (12) to report apparent violations of law to the
12 appropriate law enforcement authorities;

13 (13) to prescribe suitable procedural regulations to
14 carry out the provisions of this title and title III of this
15 Act; and

16 (14) for the purpose of any audit or investigation
17 provided for in paragraph (11) of subsection (a) or in
18 subsection (b) of this section, the provisions of sections
19 9 and 10 of the Federal Trade Commission Act (15
20 U.S.C. 49, 50) are hereby made applicable to the
21 jurisdiction, powers, and duties of the Commission, or
22 any officer designated by it, except that the attendance
23 of a witness may not be required outside of the State
24 where he is found, resides, or transacts business, and the

1 production of evidence may not be required outside the
2 State where such evidence is kept.

3 (b) Any candidate who believes a violation of this title
4 or title III has occurred may file a complaint with the Com-
5 mission. If the Commission determines there is substantial
6 reason to believe such a violation has occurred, it shall expedi-
7 tiously make an investigation which shall include an inves-
8 tigation of reports and statements filed by the complainant,
9 as well as of the matter complained of. If, on the basis of
10 such investigation and after affording due notice and oppor-
11 tunity for a hearing on the record, it determines such a viola-
12 tion has occurred, the Commission shall issue an order
13 directing the violator to take such action as the Commission
14 determines may be necessary in the public interest to correct
15 the injury occasioned by the violation. Such action may
16 include requiring the violator to make public the fact that a
17 violation has occurred, and the nature thereof, and may also
18 include requiring the violator to make public complete state-
19 ments, in corrected form, containing information required by
20 this title or title III. The Commission may also take action
21 to correct such an injury by making public the fact that a
22 violation has occurred, and the nature thereof, and may also
23 make public complete statements (prepared by the Com-
24 mission itself and its officers and employees) containing the
25 information required by this title or title III. Any party

1 in interest who is aggrieved by a determination of the Com-
2 mission under this subsection may, within sixty days after such
3 order is issued, file with the United States court of appeals for
4 the circuit in which he resides or in the United States Court of
5 Appeals for the District of Columbia circuit a petition for re-
6 view of the action of the Commission in issuing the order. A
7 copy of the petition shall be forthwith transmitted by the
8 clerk of the court to the Commission. The Commission there-
9 upon shall file in the court the record of the proceedings on
10 which it based its action, as provided in section 2112 of title
11 28, United States Code. The findings of fact by the Com-
12 mission, if supported by substantial evidence, shall be conclu-
13 sive; but the court, for good cause shown, may remand the
14 case to the Commission to take further evidence, and the
15 Commission may thereupon make new or modified findings
16 of fact and may modify its previous action, and shall certify to
17 the court the record of the further proceedings. Such new or
18 modified findings of fact shall likewise be conclusive if sup-
19 ported by substantial evidence. The court shall have juris-
20 diction to affirm the action of the Commission or to set it
21 aside, in whole or in part. The judgment of the court shall
22 be subject to review by the Supreme Court of the United
23 States upon certiorari or certification as provided in section
24 1254 of title 28, United States Code. Any action brought
25 under this section shall be advanced on the docket of the

1 court in which filed, and put ahead of all other actions (other
2 than other actions brought under this sections).

3 STATEMENTS FILED WITH CLERK OF UNITED STATES

4 COURTS

5 SEC. 210. (a) A copy of each statement required to be
6 filed with the Commission by this title shall be filed with the
7 clerk of the United States district court for the judicial
8 district in which is located the principal office of the political
9 committee or, in the case of a statement filed by a candidate
10 or other person, in which is located such person's residence;
11 except that this section shall not apply to political commit-
12 tees supporting candidates in more than one State. The
13 Commission may require the filing of reports and statements
14 required by this Act with the clerks of other United States
15 district courts where it determines the public interest will be
16 served thereby.

17 (b) It shall be the duty of the clerks under subsection

18 (a) —

19 (1) to receive and maintain in an orderly manner
20 all reports and statements required by this title to be filed
21 with such clerks;

22 (2) to preserve such reports and statements for a
23 period of 10 years from date of receipt, except that

1 reports and statements relating solely to candidates for
2 the House of Representatives shall be preserved for only
3 five years from the date of receipt;

4 (3) to make the reports and statements filed with
5 it available for public inspection and copying during
6 regular office hours, commencing as soon as practicable
7 but not later than the end of the second day following
8 the day during which it was received, and to permit
9 copying of any such report or statement by hand or by
10 duplicating machine, as requested by any person, at
11 the expense of such person; and

12 (4) to compile and maintain a current list of all
13 statements or parts of statements pertaining to each
14 candidate.

15 PROHIBITION ON CONTRIBUTIONS IN NAME OF ANOTHER

16 SEC. 211. No person shall make a contribution in the
17 name of another person, and no person shall knowingly
18 accept a contribution made by one person in the name of
19 another person.

20 PENALTY FOR VIOLATIONS

21 SEC. 212. Any person who violates any of the provisions
22 of this title shall be fined not more than \$1,000 or imprisoned
23 not more than one year, or both.

1 STATE LAWS NOT AFFECTED

2 SEC. 213. (a) Nothing in this title shall be deemed
3 to invalidate or make inapplicable any provision of any
4 State law, except where compliance with such provision
5 of law would result in a violation of a provision of this title.

6 (b) The Commission shall encourage, and cooperate
7 with, the election officials in the several States to develop pro-
8 cedures which will eliminate the necessity of multiple filings
9 by permitting the filing of copies of Federal reports to satisfy
10 the State requirements.

11 PARTIAL INVALIDITY

12 SEC. 214. If any provision of this title, or the applica-
13 tion thereof, to any person or circumstance is held invalid,
14 the validity of the remainder of said title and the applica-
15 tion of such provision to other persons and circumstances
16 shall not be affected thereby.

17 REPEALING CLAUSE

18 SEC. 215. The Federal Corrupt Practices Act, 1925,
19 and all other Acts or parts of Acts inconsistent herewith are
20 repealed.

21 CITATION

22 SEC. 216. This title may be cited as the "Campaign
23 Funds Disclosure Act".

1 TITLE III—DISCLOSURE OF GIFTS AND
2 HONORARIUMS

3 DEFINITIONS

4 SEC. 301. When used in this title—

5 (a) The term “honorarium” shall mean all fees in ex-
6 cess of \$100 paid from any source other than the Govern-
7 ment of the United States for lectures, speeches, articles, and
8 similar services.

9 (b) The term “Representative” shall mean each Repre-
10 sentative in, or Resident Commissioner to, the Congress of
11 the United States.

12 (c) The term “Commission” means the Federal Elec-
13 tions Commission.

14 (d) The term “candidate” has the meaning given it by
15 section 201 (b).

16 STATEMENT OF GIFTS TO BE FILED

17 SEC. 302. (a) Each candidate for nomination for elec-
18 tion, or election, in or to the Senate or House of Represent-
19 atives shall file with the Commission between the tenth
20 and fifteenth days next preceding the date on which an elec-
21 tion is held in which he is a candidate, a statement disclosing
22 gifts as required by subsection (c) for the reporting period
23 applicable under this title to candidates.

1 (b) Each Senator and Representative shall file with the
2 Commission by the thirty-first day of January a statement
3 disclosing gifts as required by subsection (c) for the report-
4 ing period applicable to Senators and Representatives.

5 (c) Each statement required by this section from a can-
6 didate or Senator or Representative shall disclose—

7 (1) the full name and mailing address of each donor
8 from whom he, or his wife or minor children received,
9 or from whom there was received on his or their behalf,
10 one or more gifts of money (other than contributions
11 as defined in section 201 (e)) of an aggregate amount
12 of \$100 or more within the reporting period, together
13 with the amount and date of such gifts;

14 (2) the full name and mailing address of each donor
15 from whom he, or his wife or minor children received,
16 or from whom there was received on his or their behalf,
17 one or more gifts other than money (except contribu-
18 tions as defined in section 201 (e)) of an aggregate
19 value estimated by the donee of \$100 or more within
20 the reporting period, together with the date and identity
21 of such gifts; and

22 (3) the total sum of gifts of money (except contri-
23 butions as defined in section 201 (e)) received by him,
24 his wife, or minor children, on his or their behalf, dur-

1 ing the reporting period and not stated under paragraph
2 (1).

3 (d) In the case of a candidate a reporting period begins
4 when he becomes a candidate and ends on the fifteenth day
5 preceding the election, except that it shall not include any
6 time included within a prior reporting period and, except that
7 he may, if he chooses, include the remainder of the calendar
8 year during which he became a candidate in the reporting
9 period. In the case of a Senator or Representative a re-
10 porting period shall be the calendar year preceding the year
11 during which the statement was filed, or the portion thereof
12 during which he was a Senator or Representative, except
13 that, in the case of a Senator or Representative who was
14 also a candidate during part of such preceding year, his
15 reporting period shall not begin until after the end of his
16 reporting period as a candidate.

17 (e) Gifts from a spouse, child, parent, grandparent,
18 brother, or sister need not be disclosed under this section.

19 STATEMENT OF HONORARIUMS TO BE FILED

20 SEC. 303. (a) Each candidate for nomination for elec-
21 tion, or election, in or to the Senate or House of Repre-
22 sentatives shall file with the Commission between the tenth
23 and fifteenth days next preceding the date on which an elec-
24 tion is held in which he is a candidate, a statement disclosing

1 honorariums received by him as required by subsection (c)
2 for the reporting period applicable to candidates.

3 (b) Each Senator and each Representative shall file
4 with the Commission by the thirty-first day of January a
5 statement disclosing honorariums received by him as required
6 by subsection (c) for the reporting period applicable to
7 Senators and Representatives.

8 (c) Each statement required by this section from a
9 candidate or Senator or Representative shall disclose—

10 (1) the full name and mailing address of each per-
11 son from whom he or anyone on his behalf received any
12 honorarium within the reporting period; the amount or,
13 if not money, the identity and value thereof; and the
14 name and address of each person for whom such service
15 was performed;

16 (2) a description of the service performed;

17 (3) the aggregate amount of honorariums received
18 by him.

19 (d) In the case of a candidate a reporting period begins
20 when he becomes a candidate and ends on the fifteenth day
21 preceding the election, except that it shall not include any
22 time included within a prior reporting period, and except
23 that he may, if he chooses, include the remainder of the
24 calendar year during which he became a candidate in the
25 reporting period. In the case of a Senator or Representative

1 a reporting period shall be the calendar year preceding the
2 year during which the statement was filed, or the portion
3 thereof during which he was a Senator or Representative,
4 except that, in the case of a Senator or Representative who
5 was also a candidate during part of such preceding year, his
6 reporting period shall not begin until after the end of his
7 reporting period as a candidate.

8 STATEMENTS; VERIFICATION; FILING

9 SEC. 304. (a) Statements required to be filed with
10 Commission—

11 (1) shall be verified by the oath or affirmation of
12 the person filing such statement, taken before any officer
13 authorized to administer oaths;

14 (2) shall be deemed properly filed when deposited
15 in an established post office within the prescribed time,
16 duly stamped, registered, and directed to the Commission
17 at Washington, District of Columbia; but in the event
18 it is not received, a duplicate of such statement shall be
19 promptly filed.

20 (b) A copy of each statement required to be filed with
21 the Commission by this title shall be filed with, in the case
22 of a Senator or Representative-at-large, or a candidate for
23 such office, the Clerk of the United States district court in
24 which the capital of the State is located, and, in the case
25 of a Representative (other than a Representative elected

34

1 at large) or a candidate for that office, with the Clerk of
2 the United States district court for each judicial district
3 which comprises all or part of his congressional district.

4 PENALTY FOR VIOLATION

5 SEC. 305. Whoever violates any of the provisions of
6 this title shall be fined not more than \$1,000 or imprisoned
7 not more than one year, or both.

8 CITATION

9 SEC. 306. This title may be cited as the "Disclosure of
10 Gifts and Honorariums Act".

11 TITLE IV

12 AUTHORIZATION OF APPROPRIATIONS

13 SEC. 401. There are hereby authorized to be appro-
14 priated such sums as may be necessary to carry out this Act.

15 EFFECTIVE DATE

16 SEC. 402. This Act shall take effect July 1, 1967.

90TH CONGRESS
1ST SESSION

S. 1546

IN THE SENATE OF THE UNITED STATES

APRIL 14, 1967

Mr. CLARK introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To revise the Federal election laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Election Reform Act of
4 1967".

TITLE I

AMENDMENTS TO CRIMINAL CODE

7 SEC. 101. Section 591 of title 18 of the United States
8 Code is amended to read as follows:

9 "§ 591. Definitions

10 "When used in sections 597, 599, 602, 608, and 610
11 of this title—

2

1 “(a) The term ‘election’ includes a general, special, or
2 primary election;

3 “(b) The term ‘candidate’ means an individual who
4 seeks nomination or election as President or Vice President
5 of the United States, Senator or Representative in, or Resi-
6 dent Commissioner to, the Congress of the United States,
7 whether or not such individual is elected;

8 “(c) The term ‘political committee’ includes—

9 “(1) any political party, committee, association,
10 organization, group of individuals, or other entity, or
11 any branch or subdivision thereof, which accepts con-
12 tributions, or makes expenditures, in an aggregate
13 amount of \$250 or more in any calendar year for the
14 purpose of influencing or attempting to influence the
15 election of any candidate or presidential or vice-pres-
16 idential elector, without regard to whether such entity
17 or subdivision (A) is of a temporary or permanent
18 character, or (B) has been organized or exists pri-
19 marily for purposes other than the acceptance of such
20 contributions or the making of such expenditures; and

21 “(2) any organization, association, group of indi-
22 viduals, or other entity organized for or engaged in the
23 preparation or distribution of any campaign book or
24 other publication containing or intended to contain ad-
25 vertising matter which has been or may be prepared

3

1 chiefly for the purpose of influencing or attempting to
2 influence the election of any candidate or the election
3 of one or more presidential or vice-presidential electors.

4 “(d) The term ‘contribution’ includes—

5 “(1) a gift, subscription, loan, advance, or deposit
6 of money or anything of value;

7 “(2) a contract, promise, or agreement, whether or
8 not legally enforceable, to make a contribution; and

9 “(3) a payment made to or on behalf of any entity
10 of a kind described in paragraph (2) of subsection (c)
11 for or on account of any advertisement contained in or
12 solicited for any publication of a kind described in that
13 paragraph.

14 “(e) The term ‘expenditure’ includes a purchase, pay-
15 ment or loan of money, or anything of value, made for the
16 purpose of influencing or attempting to influence the elec-
17 tion of a candidate, or presidential and vice-presidential elec-
18 tors, and includes a transfer of funds between political com-
19 mittees.”

20 SEC. 102. Section 608 of title 18 of the United States
21 Code is amended to read as follows:

22 **“§ 608. Limitations on political contributions and pur-
23 chases**

24 “(a) Whoever, other than a political committee, di-
25 rectly or indirectly, makes contributions in an aggregate

1 amount in excess of \$5,000 during any calendar year, or in
2 connection with any campaign for nomination or election
3 to any candidate or to any political committee supporting
4 such candidate, or presidential and vice-presidential electors,
5 or to any national political committees, shall be fined not
6 more than \$5,000 or imprisoned not more than five years,
7 or both;

8 “(b) Whoever, being a candidate, political committee,
9 or national political committee sells to anyone other than a
10 candidate, political committee, or national political commit-
11 tee, any goods, commodities, advertising, or articles of any
12 kind or any services, shall be fined not more than \$5,000 or
13 imprisoned not more than five years, or both.

14 “(c) Whoever, other than a candidate, political com-
15 mittee, or national political committee buys from a candidate,
16 political committee, or national political committee, any
17 goods, commodities, advertising, or articles of any kind or
18 any services, shall be fined not more than \$5,000 or impris-
19 oned not more than five years, or both.

20 “(d) Subsections (b) and (c) shall not apply to the
21 sale or purchase of political campaign pins, buttons, badges,
22 flags, emblems, hats, banners, and similar campaign sou-
23 venirs for prices not exceeding \$5 each. Such purchases

5

1 shall be deemed contributions under subsection (a). Sub-
2 sections (b) and (c) shall not interfere with the usual and
3 known business, trade, or profession of any candidate.

4 “(e) In all cases of violations of this section by a part-
5 nership, committee, association, corporation, or other orga-
6 nization or group of persons, the officers, directors, or man-
7 aging heads thereof who knowingly and willfully participate
8 in such violation shall be punished as herein provided.”

9 SEC. 103. Section 609 of title 18 of the United States
10 Code is repealed.

11 SEC. 104. Section 610 of title 18, United States Code
12 (relating to election contributions or expenditures by na-
13 tional banks, corporations, and labor organizations), is
14 amended by adding at the end thereof the following new
15 paragraph:

16 “For the purposes of this section, the term ‘expenditure’
17 includes any payment made for the purchase of advertising
18 or advertising space in any campaign book or other publi-
19 cation prepared or to be prepared for use chiefly in connec-
20 tion with (1) the election of any person to political office,
21 or (2) a primary election or political caucus held to select
22 candidates for political office.”

6

1 SEC. 105. Section 611 of title 18 of the United States
2 Code is amended to read as follows:

3 **“§ 611. Contributions by corporations, firms, or individuals**
4 **contracting with the United States**

5 “Whoever, including a corporation, enters into any con-
6 tract with the United States or any department or agency
7 thereof, either for the rendition of personal services or fur-
8 nishing any material, supplies, or equipment to the United
9 States or any department or agency thereof, or selling any
10 land or building to the United States or any department or
11 agency thereof, if payment for the performance of such con-
12 tract or payment for such material, supplies, equipment,
13 land, or building is to be made in whole or in part from
14 funds appropriated by the Congress, during the period of
15 negotiation for, or performance under such contract or fur-
16 nishing of material, supplies, equipment, land, or buildings,
17 directly or indirectly makes any contribution of money or
18 any other thing of value, or promises expressly or impliedly
19 to make any such contribution, to any political party, com-
20 mittee, or candidate for public office or to any person for any
21 political purpose or use; or

22 “Whoever knowingly solicits any such contribution from
23 any such person, for any such purpose during any such
24 period—

7

1 "Shall be fined not more than \$5,000 or imprisoned not
2 more than five years, or both."

3 SEC. 106. So much of the sectional analysis at the be-
4 ginning of chapter 29 of title 18 of the United States Code
5 as relates to sections 609 and 611 is amended to read:

"609. Repealed.

* * * * *
"611. Contributions by corporations, firms, or individuals contracting
with the United States."

6 TITLE II—DISCLOSURE OF FEDERAL CAMPAIGN

7 FUNDS

8 DEFINITIONS

9 SEC. 201. When used in this title—

10 (a) The term "election" includes a general, special, or
11 primary election;

12 (b) The term "candidate" means an individual who
13 seeks nomination or election as President or Vice President
14 of the United States, Senator or Representative in, or Res-
15 ident Commissioner to, the Congress of the United States,
16 whether or not such individual is elected;

17 (c) The term "political committee" includes—

18 (1) any political party, committee, association,
19 organization, group of individuals, or other entity, or
20 any branch or subdivision thereof, which accepts con-
21 tributions, or makes expenditures, in an aggregate
22 amount of \$250 or more in any calendar year for the

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1 purpose of influencing or attempting to influence the
2 election of any candidate or presidential or vice-pres-
3 idential elector, without regard to whether such entity
4 or subdivision (A) is of a temporary or permanent
5 character, or (B) has been organized or exists pri-
6 marily for purposes other than the acceptance of such
7 contributions or the making of such expenditures; and

8 (2) any organization, association, group of indi-
9 viduals, or other entity organized for or engaged in the
10 preparation or distribution of any campaign book or
11 other publication containing or intended to contain ad-
12 vertising matter which has been or may be prepared
13 chiefly for the purpose of influencing or attempting to
14 influence the election of any candidate or the election
15 of one or more presidential or vice-presidential electors.

16 (d) The term "contribution" includes—

17 (1) a gift, subscription, loan, advance, or deposit
18 of money or anything of value;

19 (2) a contract, promise, or agreement, whether or
20 not legally enforceable, to make a contribution; and

21 (3) a payment made to or on behalf of any entity
22 of a kind described in paragraph (2) of subsection (c)
23 for or on account of any advertisement contained in or
24 solicited for any publication of a kind described in that
25 paragraph.

9

1 (e) The term "expenditure" includes a purchase, pay-
2 ment, or loan of money, or any thing of value, made for the
3 purpose of influencing or attempting to influence the election
4 of a candidate, or presidential and vice-presidential electors,
5 and includes a transfer of funds between political committees.

6 (f) The term "Comptroller General" means the Comp-
7 troller General of the United States.

8 TREASURER OF POLITICAL COMMITTEE; DUTIES OF

9 TREASURER

10 SEC. 202. (a) Every political committee shall have a
11 treasurer. No contribution shall be accepted, and no expend-
12 iture made, by or on behalf of a political committee for the
13 purpose of influencing an election until such treasurer has
14 been chosen. It shall be the duty of the treasurer to keep
15 the contributions received by or for a committee in a special
16 account separate from any personal or other funds.

17 (b) It shall be the duty of the treasurer of a political
18 committee to keep a detailed and exact account of—

19 (1) all contributions made to or for such commit-
20 tee;

21 (2) the name and address of every person making
22 any such contribution, and the date thereof;

23 (3) all expenditures made by or on behalf of such
24 committee, including the name and address of every

10

1 person to whom any such expenditure is made, and the
2 date thereof.

3 (c) It shall be the duty of the treasurer to obtain and
4 keep a receipted bill, stating the particulars, for every ex-
5 penditure by or on behalf of a political committee exceeding
6 \$100 in amount. The treasurer shall preserve all receipted
7 bills and accounts required to be kept by this section for a
8 period of at least two years from the date of the filing of the
9 statement containing such items.

10 ACCOUNTS OF CONTRIBUTIONS RECEIVED

11 SEC. 203. Every person who receives a contribution for
12 a political committee shall, on demand of the treasurer, and
13 in any event within five days after the receipt of such con-
14 tribution, render to the treasurer a detailed account thereof,
15 including the name and address of the person making such
16 contribution, and the date on which received.

17 STATEMENTS FILED WITH THE COMPTROLLER GENERAL

18 SEC. 204. (a) The treasurer of a political committee
19 supporting a candidate or candidates for nomination or elec-
20 tion as President or Vice President of the United States,
21 United States Senator, or Representative in, or Resident
22 Commissioner to, the Congress of the United States shall file
23 with the Comptroller General between the 1st and 10th days
24 of March, June, and September, in each year, and also be-
25 tween the 10th and 15th days, and on the 5th day, next

1 preceding the date on which an election is to be held, and
2 also by the 31st day of January, a statement, upon forms
3 prescribed by the Comptroller General, containing, complete
4 as of the day next preceding the date of filing—

5 (1) The name and address of each person who has
6 made a contribution to or for such committee in one or
7 more items of the aggregate amount or value, within the
8 calendar year, of \$100 or more, together with the
9 amount and date of such contribution;

10 (2) The total sum of the contributions made to or
11 for such committee during the calendar year and not
12 stated under paragraph (1);

13 (3) The total sum of any contributions made to or
14 for such committee during the calendar year;

15 (4) The name and address of each person to whom
16 an expenditure in one or more items of the aggregate
17 amount or value, within the calendar year, of \$100 or
18 more has been made by or on behalf of such committee,
19 and the amount, date, and purpose of such expenditure;

20 (5) The total sum of all expenditures made by or
21 on behalf of such committee during the calendar year
22 and not stated under paragraph (4); and

23 (6) The total sum of all expenditures made by or
24 on behalf of such committee during the calendar year.

25 (b) The statements required to be filed by subsection

12

1 (a) of this section shall be cumulative during the calendar
2 year to which they relate; but where there has been no
3 change in an item reported in a previous statement, only the
4 amount need be carried forward.

5 STATEMENTS BY OTHERS THAN POLITICAL COMMITTEE

6 FILED WITH THE COMPTROLLER GENERAL

7 SEC. 205. Every person (other than a political com-
8 mittee) who makes an expenditure in one or more items,
9 other than by contribution to a political committee, aggre-
10 gating \$100 or more within a calendar year for the purpose
11 of influencing the election of a candidate, shall file with the
12 Comptroller General an itemized detailed statement of such
13 expenditure in the same manner as required of the treasurer
14 of a political committee by section 204 of this title.

15 DUTIES OF THE COMPTROLLER GENERAL

16 SEC. 206. (a) The Comptroller General shall—

- 17 (1) Prescribe standard forms for all statements re-
18 quired to be filed by this title;
- 19 (2) Receive all such statements;
- 20 (3) Maintain all such statements in such manner
21 that they shall be available for public inspection and
22 copying during regular business hours;
- 23 (4) Make copies of all such statements available on
24 request at the cost of reproduction;
- 25 (5) Review all such statements at the time they

1 are filed to determine whether they are timely filed and
2 appear to be complete and consistent with prior state-
3 ments filed with him by the same committees or other
4 persons pursuant to this title;

5 (6) Compile and maintain a list of all statements
6 or parts of statements pertaining to each candidate; and

7 (7) Preserve permanently the statements required
8 to be filed by sections 204 and 205 of this title, and
9 make such statements available for inspection by any
10 Member of the Congress at any time and by the public
11 for a period of eight years after the filing thereof.

12 (b) The Comptroller General shall establish within
13 the General Accounting Office an automatic information
14 retrieval system through the use of automatic data processing
15 equipment to provide permanently for prompt access to all
16 information contained in all statements filed under this title
17 or information of any kind contained in any or all of such
18 statements.

19 (c) The Comptroller General is authorized and directed
20 upon receipt of a complaint alleging a violation of this Act,
21 or in the absence of such a complaint, upon his own initia-
22 tive, to conduct such investigations as he shall deem neces-
23 sary to ascertain (1) whether statements filed under this
24 title are complete and correct, and (2) whether all state-

1 ments required under this title to be filed in fact have been
2 filed. Whenever the report of any such investigation dis-
3 closes information which in the opinion of the Comptroller
4 General may evidence any violation of any provision of
5 this title for which any criminal penalty is prescribed, he
6 shall promptly transmit such report to the Attorney Gen-
7 eral, who shall institute such criminal action as he may
8 determine to be warranted.

9 STATEMENTS; VERIFICATION; FILING

10 SEC. 207. Statements required to be filed with the
11 Comptroller General—

12 (a) Shall be verified by the oath or affirmation of
13 the person filing such statement, taken before any officer
14 authorized to administer oaths; and

15 (b) Shall be deemed properly filed when deposited
16 in an established post office of the United States within
17 the prescribed time, duly stamped, registered, and di-
18 rected to the Comptroller General at Washington, Dis-
19 trict of Columbia; but in the event that evidence of
20 receipt thereof by the Comptroller General is not re-
21 ceived within days after the deposit thereof in the
22 United States mails, a duplicate of such statement shall
23 be promptly filed.

15

1 PENALTY FOR VIOLATIONS

2 SEC. 208. Any person who violates any of the provi-
3 sions of this title shall be fined not more than \$1,000, or
4 imprisoned not more than one year, or both.

5 STATE LAWS NOT AFFECTED

6 SEC. 209. This title shall not be construed to annul or
7 impair the enforcement of the laws of any State relating to
8 the nomination or election of candidates, unless directly in-
9 consistent with the provisions of this title, or to exempt
10 any candidate from complying with such State laws.

11 PARTIAL INVALIDITY

12 SEC. 210. If any provision of this title, or the applica-
13 tion thereof, to any person or circumstance is held invalid,
14 the validity of the remainder of said title and the application
15 of such provision to other persons and circumstances shall
16 not be affected thereby.

17 REPEAL

18 SEC. 211. The Federal Corrupt Practices Act, 1925, and
19 all other Acts or parts of Acts inconsistent with the provi-
20 sions of this title are repealed.

21 SHORT TITLE

22 SEC. 212. This title may be cited as the "Campaign
23 Funds Disclosure Act".

16

1 TITLE III—DISCLOSURE OF GIFTS AND CERTAIN
2 COMPENSATION

3 DEFINITIONS

4 SEC. 301. When used in this title—

5 (a) The term “asset” includes any beneficial interest
6 held or possessed directly or indirectly in any business or
7 financial entity or enterprise, or in any security or evidence
8 of indebtedness, but does not include any interest in any
9 organization described in section 501 (c) (3) of the Internal
10 Revenue Code of 1954 which is exempt from taxation under
11 section 501 (a) of such Code.

12 (b) The term “liability” includes any liability of any
13 trust in which a beneficial interest is held or possessed
14 directly or indirectly.

15 (c) The term “income” means gross income as defined
16 by section 61 of the Internal Revenue Code of 1954.

17 (d) The term “security” means any security as defined
18 by section 2 of the Securities Act of 1933, as amended (15
19 U.S.C. 77b).

20 (e) The term “commodity” means any commodity as
21 defined by section 2 of the Commodity Exchange Act, as
22 amended (7 U.S.C. 2).

23 (f) The term “dealing in securities or commodities”

1 means any acquisition, transfer, disposition, or other transac-
2 tion involving any security or commodity.

3 (g) The term "officer or employee of the Congress"
4 means (1) an elected officer of the Senate or the House of
5 Representatives who is not a Member of the Senate or the
6 House of Representatives, (2) an employee of the Senate or
7 the House of Representatives or any committee or subcom-
8 mittee of either such House, (3) the Legislative Counsel of
9 the Senate or the House of Representatives and employees of
10 his office, (4) an Official Reporter of Debates of the Senate
11 or the House of Representatives and any person employed
12 by the Official Reporters of Debates of the Senate or the
13 House of Representatives in connection with the performance
14 of their official duties, (5) a member of the Capitol Police
15 force whose compensation is disbursed by the Secretary of the
16 Senate or the Clerk of the House of Representatives, (6) an
17 employee of the Vice President if such employee's compen-
18 sation is disbursed by the Secretary of the Senate, (7) an
19 employee of a Member of the Senate or the House of Repre-
20 sentatives if such employee's compensation is disbursed by
21 the Secretary of the Senate or the Clerk of the House of
22 Representatives, and (8) an employee of a joint committee
23 of the Congress whose compensation is disbursed by the

1 Secretary of the Senate or the Clerk of the House of
2 Representatives.

3 DISCLOSURE OF FINANCIAL INTERESTS

4 SEC. 302. Each individual who at any time during any
5 calendar year serves as a Member of the Senate or the House
6 of Representatives, or as an officer or employee of the Con-
7 gress compensated at a gross rate in excess of \$10,000 per
8 annum, shall file with the Comptroller General of the United
9 States for that calendar year a written report containing the
10 following information:

11 (a) The fair market value of each asset having a fair
12 market value of \$5,000 or more held by him or by his spouse
13 or by him and his spouse jointly, exclusive of any dwelling
14 occupied as a residence by him or by members of his imme-
15 diate family, at the end of that calendar year;

16 (b) The amount of each liability in excess of \$5,000
17 owed by him or by his spouse, or by him and his spouse
18 jointly, at the end of that calendar year;

19 (c) The total amount of all capital gains realized, and
20 the source and amount of each capital gain realized in any
21 amount exceeding \$5,000, during that calendar year by him
22 or by his spouse, by him and his spouse jointly, or by any
23 person acting on behalf or pursuant to the direction of him
24 or his spouse, or him and his spouse jointly, as a result of
25 any transaction or series of related transactions in securities

1 or commodities, or any purchase or sale of real property or
2 any interest therein other than a dwelling occupied as a resi-
3 dence by him or by members of his immediate family;

4 (d) The source and amount of each item of income,
5 each item of reimbursement for any expenditure, and each
6 gift or aggregate of gifts from one source (other than gifts
7 received from any relative or his spouse) received by or
8 accruing to him, his spouse, or from him and his spouse
9 jointly, from any source other than the United States during
10 that calendar year, which exceeds \$100 in amount or value;
11 including any fee or other honorarium received by him for
12 or in connection with the preparation or delivery of any
13 speech or address, attendance at any convention or other
14 assembly of individuals, or the preparation of any article
15 or other composition for publication, and the monetary value
16 of subsistence, entertainment, travel, or other facilities re-
17 ceived by him in kind;

18 (e) The name and address of any professional firm
19 which engages in practice before any department, agency,
20 or instrumentality of the United States in which he has a
21 financial interest; and the name, address, and a brief descrip-
22 tion of the principal business of any client of such firm for
23 whom any services involving representation before any
24 department, agency, or instrumentality of the United States
25 which were performed during that calendar year, together

1 with a brief description of the services performed, and the
2 total fees received or receivable by the firm as compensation
3 for such services; and

4 (f) The name, address, and nature of the principal
5 business or activity of each business or financial entity or
6 enterprise with which he was associated at any time during
7 that calendar year as an officer, director, or partner, or in
8 any other managerial capacity.

9 IDENTIFICATION REQUIRED

10 SEC. 303. Each asset consisting of an interest in a
11 business or financial entity or enterprise which is subject to
12 disclosure under section 302 shall be identified in each report
13 made pursuant to that section by a statement of the name of
14 such entity or enterprise, the location of its principal office,
15 and the nature of the business or activity in which it is prin-
16 cipally engaged or with which it is principally concerned,
17 except that an asset which is a security traded on any
18 securities exchange subject to supervision by the Securities
19 and Exchange Commission of the United States may be
20 identified by a full and complete description of the security
21 and the name of the issuer thereof. Each liability which is
22 subject to disclosure under section 302 shall be identified in
23 each report made pursuant to that section by a statement of
24 the name and the address of the creditor to whom the obliga-
25 tion of such liability is owed.

90TH CONGRESS
1ST SESSION

S. 1880

IN THE SENATE OF THE UNITED STATES

MAY 25, 1967

Mr. CANNON introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To revise the Federal election laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Election Reform Act of
4 1967".

TITLE I

AMENDMENTS TO CRIMINAL CODE

7 SEC. 101. Section 591 of title 18 of the United States
8 Code is amended to read as follows:
9 "§ 591. Definitions
10 "When used in sections 597, 599, 602, 608, and 610
11 of this title—

2

1 “(a) The term ‘election’ means (1) a general, special,
2 or primary election, (2) a convention or caucus of a political
3 party held to nominate a candidate, (3) a primary election
4 held for the selection of delegates to a national nominating
5 convention of a political party, or (4) a primary election
6 held for the expression of a preference for the nomination of
7 persons for election to the office of President;

8 “(b) The term ‘candidate’ means an individual who
9 seeks nomination for election, or election, to Federal office,
10 whether or not such individual is elected. For purposes of this
11 paragraph, an individual shall be deemed to seek nomination
12 for election, or election, if he (1) has taken the action neces-
13 sary under the law of a State to qualify himself for nomina-
14 tion for election, or election, to Federal office, or (2) has
15 received contributions or made expenditures, or has given his
16 consent for any other person to receive contributions or make
17 expenditures, with a view to bringing about his nomination
18 for election, or election, to such office;

19 “(c) The term ‘Federal office’ means the office of Presi-
20 dent or Vice President of the United States, or of Senator or
21 Representative in, or Resident Commissioner to, the Con-
22 gress of the United States;

23 “(d) The term ‘political committee’ means any individ-
24 ual, committee, association, or organization which supports a
25 candidate and which accepts contributions or makes expendi-

3

1 tures during a calendar year in an aggregate amount exceed-
2 ing \$1,000;

3 “(e) The term ‘contribution’ means a gift, subscription,
4 loan, advance, or deposit of money or any thing of value,
5 made for the purpose of influencing the nomination for elec-
6 tion, or election, of any person to Federal office, or for the
7 purpose of influencing the result of a primary held for the
8 selection of delegates to a national nominating convention of
9 a political party or for the expression of a preference for the
10 nomination of persons for election to the office of President,
11 and includes a contract, promise, or agreement, express or
12 implied, whether or not legally enforceable, to make a con-
13 tribution, and also includes a transfer of funds between
14 political committees;

15 “(f) The term ‘expenditure’ includes a purchase, pay-
16 ment, distribution, loan, advance, deposit, or gift of money
17 or any thing of value, made for the purpose of influencing
18 the nomination for election, or election, of any person to
19 Federal office, or for the purpose of influencing the result
20 of a primary held for the selection of delegates to a national
21 nominating convention of a political party or for the expres-
22 sion of a preference for the nomination of persons for elec-
23 tion to the office of President, and includes a contract, prom-
24 ise, or agreement, express or implied, whether or not legally

1 enforceable, to make an expenditure, and also includes a
2 transfer of funds between political committees;

3 “(g) The term ‘person’ or the term ‘whoever’ means
4 an individual, partnership, committee, association, corpo-
5 ration, or any other organization or group of persons.”

6 SEC. 102. Section 600 of title 18 of the United States
7 Code is amended to read as follows:

8 **“§ 600. Promise of employment or other benefit for politi-
9 cal activity**

10 “Whoever, directly or indirectly, promises any employ-
11 ment, position, compensation, contract, appointment, or other
12 benefit, provided for or made possible in whole or in part
13 by any Act of Congress, or any special consideration in
14 obtaining any such benefit, to any person as consideration,
15 favor, or reward for any political activity or for the support
16 of or opposition to any candidate or any political party in
17 any election, shall be fined not more than \$1,000 or im-
18 prisoned not more than one year, or both.”

19 SEC. 103. Section 608 of title 18 of the United States
20 Code is amended to read as follows:

21 **“§ 608. Limitations on political contributions and pur-
22 chases**

23 “(a) It shall be unlawful for any person, directly or
24 indirectly, to make a contribution or contributions in an
25 aggregate amount in excess of \$5,000

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1 “(1) during any calendar year, or
2 “(2) in connection with any campaign for nomi-
3 nation for election, or election,
4 to any political committee or candidate, to two or more
5 political committees substantially supporting the same candi-
6 date, or to a candidate and one or more political committees
7 substantially supporting the candidate: *Provided, however,*
8 That the term ‘person’ as used in this subsection shall not
9 include a political committee the sole substantial purpose
10 of which is to support a candidate or candidates.

11 “(b) (1) It shall be unlawful for any political committee
12 or candidate to sell goods, commodities, advertising, or other
13 articles, or any services to anyone other than a political
14 committee or candidate.

15 “(2) It shall be unlawful for any person, other than a
16 political committee or candidate, to purchase goods, com-
17 modities, advertising, or other articles, or any services from
18 a political committee or candidate.

19 “(c) Whoever violates subsection (a) or (b) of this
20 section shall be fined not more than \$5,000 or imprisoned
21 not more than five years, or both.

22 “(d) Subsection (b) of this section shall not apply to
23 a sale or purchase (1) of any political campaign pin, button,
24 badge, flag, emblem, hat, banner, or similar campaign
25 souvenir or any political campaign literature or publications

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1 (but shall apply to sales of advertising including the sale
2 of space in any publication), for prices not exceeding \$25
3 each, (2) of tickets to political events or gatherings, (3) of
4 food or drink for a charge not substantially in excess of
5 the normal charge therefor, or (4) made in the course of
6 the usual and known business, trade, or profession of any
7 person or in a normal arm's-length transaction: *Provided,*
8 *however,* That a sale or purchase described in paragraph
9 (1), (2), or (3) shall be deemed a contribution under
10 subsection (a) of this section.

11 “(e) For the purposes of this section, a contribution
12 made by the spouse or a minor child of a person shall be
13 deemed a contribution made by such person.

14 “(f) Nothing contained in this section shall be deemed
15 to prohibit any contribution to a candidate by the spouse
16 or a child, grandchild, parent, grandparent, brother, or sister
17 of the candidate.

18 “(g) In all cases of violations of this section by a
19 partnership, committee, association, corporation, or other
20 organization or group of persons, the officers, directors, or
21 managing heads thereof who knowingly and willfully partici-
22 pate in such violation shall be punished as herein provided.”

23 SEC. 104. Section 609 of title 18 of the United States
24 Code is repealed.

1 SEC. 105. Section 611 of title 18 of the United States
2 Code is amended to read as follows:

3 **“§ 611. Contributions by Government contractors**

4 “Whoever, including a corporation, enters into any con-
5 tract with the United States or any department or agency
6 thereof, either for the rendition of personal services or fur-
7 nishing any material, supplies, or equipment to the United
8 States or any department or agency thereof, or selling any
9 land or building to the United States or any department or
10 agency thereof, if payment for the performance of such con-
11 tract or payment for such material, supplies, equipment, land,
12 or building is to be made in whole or in part from funds
13 appropriated by the Congress, during the period of negotia-
14 tion for, or performance under, such contract or furnishing
15 of material, supplies, equipment, land, or buildings, directly
16 or indirectly makes any contribution to any person, associa-
17 tion, or organization for the purpose of influencing the nomi-
18 nation for election, or election, of any person to any public
19 office, or to any political party, committee, or candidate for
20 any public office for any political purpose whatever; or

21 “Whoever knowingly solicits any such contribution from
22 any such person during any such period—

23 “Shall be fined not more than \$5,000 or imprisoned not
24 more than five years, or both.”

9

1 make expenditures, with a view to bringing about his nomi-
2 nation for election, or election, to such office;

3 (c) The term "Federal office" means the office of Presi-
4 dent or Vice President of the United States; or of Senator
5 or Representative in, or Resident Commissioner to, the Con-
6 gress of the United States;

7 (d) The term "political committee" means any com-
8 mittee, association, or organization which supports a candi-
9 date and which accepts contributions or makes expenditures
10 during a calendar year in an aggregate amount exceeding
11 \$1,000;

12 (e) The term "contribution" means a gift, subscription,
13 loan, advance, or deposit of money or any thing of value,
14 made for the purpose of influencing the nomination for elec-
15 tion, or election, of any person to Federal office or as presi-
16 dential and vice-presidential electors, or for the purpose of
17 influencing the result of a primary held for the selection of
18 delegates to a national nominating convention of a political
19 party, or for the expression of a preference for the nomina-
20 tion of persons for election to the office of President, and
21 includes a contract, promise, or agreement, whether or not
22 legally enforceable, to make a contribution, and also in-
23 cludes a transfer of funds between political committees;

24 (f) The term "expenditure" includes a purchase, pay-

1 ment, distribution, loan, advance, deposit, or gift of money
2 or any thing of value, made for the purpose of influencing
3 the nomination for election, or election, of any person to
4 Federal office, or as presidential and vice-presidential elec-
5 tors, or for the purpose of influencing the result of a primary
6 held for the selection of delegates to a national nominating
7 convention of a political party, or for the expression of a
8 preference for the nomination of persons for election to the
9 office of President, and includes a contract, promise, or
10 agreement, whether or not legally enforceable, to make an
11 expenditure, and also includes a transfer of funds between
12 political committees;

13 (g) The term "clerk" means the Clerk of the House of
14 Representatives of the United States;

15 (h) The term "Secretary" means the Secretary of the
16 Senate of the United States;

17 (i) The term "person" includes an individual, partner-
18 ship, committee, association, corporation, labor organization,
19 and any other organization or group of persons;

20 (j) The term "State" includes the District of Columbia,
21 the Commonwealth of Puerto Rico, and any territory or
22 possession of the United States.

23 ORGANIZATION OF POLITICAL COMMITTEES

24 SEC. 202. (a) Every political committee shall have a
25 chairman and a treasurer. No contribution and no expendi-

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1 ture shall be accepted or made by or on behalf of a political
2 committee at a time when there is a vacancy in the office of
3 chairman or treasurer thereof. No expenditure shall be made
4 for or on behalf of a political committee without the author-
5 ization of its chairman or treasurer, or their designated
6 agents.

7 (b) Every person who receives a contribution for a
8 political committee shall, on demand of the treasurer, and
9 in any event within five days after the receipt of such con-
10 tribution, render to the treasurer a detailed account thereof,
11 including the amount, the name and address of the person
12 making such contribution, and the date on which received.
13 All funds of a political committee shall be kept separate
14 from other funds.

15 (c) It shall be the duty of the treasurer of a political
16 committee to keep a detailed and exact account of—

17 (1) all contributions made to or for such com-
18 mittee;

19 (2) the full name and mailing address of every per-
20 son making any contribution, and the date and amount
21 thereof;

22 (3) all expenditures made by or on behalf of such
23 committee; and

24 (4) the full name and mailing address of every per-

1 son to whom any expenditure is made, and the date and
2 amount thereof.

3 (d) It shall be the duty of the treasurer to obtain and
4 keep a receipted bill, stating the particulars, for every ex-
5 penditure made by or on behalf of a political committee of
6 \$100 or more in amount, and for any such expenditure in a
7 lesser amount, if the aggregate amount of such expenditures
8 to the same person during a calendar year exceeds \$100.
9 The treasurer shall preserve all receipted bills and accounts
10 required to be kept by this section for periods of time to be
11 determined by the Secretary or Clerk, as the case may be.

12 REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

13 SEC. 203. (a) Each political committee which antici-
14 pates receiving contributions or making expenditures during
15 the calendar year in an aggregate amount exceeding \$1,000
16 shall, within ten days after its organization or, if later, ten
17 days after the date on which it has information which causes
18 it to anticipate it will receive contributions or make expendi-
19 tures in excess of \$1,000, file with the Secretary or Clerk, as
20 the case may be, a statement of organization. Each such com-
21 mittee in existence at the date of enactment of this Act shall
22 file a statement of organization with the Secretary or Clerk,
23 as the case may be, at such time as he prescribes.

24 (b) The statement of organization shall include—

25 (1) the name and address of the committee;

13

- 1 (2) the names, addresses, and relationships of af-
2 filiated or connected organizations;
- 3 (3) the area, scope, or jurisdiction of the com-
4 mittee;
- 5 (4) the name, address, and position of the cus-
6 todian of books and accounts;
- 7 (5) the name, address, and position of other prin-
8 cipal officers, including officers and members of the fi-
9 nance committee, if any;
- 10 (6) the name, address, office sought, and party
11 affiliation of (A) each candidate whom the committee
12 is supporting and (B) any other individual, if any, whom
13 the committee is supporting for nomination for election,
14 or election, to any public office whatever; or, if the
15 committee is supporting the entire ticket of any party,
16 the name of the party;
- 17 (7) a statement whether the committee is a con-
18 tinuing one;
- 19 (8) the disposition of residual funds which will be
20 made in the event of dissolution;
- 21 (9) a listing of all banks, safety deposit boxes, or
22 other repositories used;
- 23 (10) a statement of the reports required to be filed
24 by the committee with State or local officers, and, if so,

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1 the names, addresses, and positions of such persons; and

2 (11) such other information as shall be required

3 by the Secretary or Clerk.

4 (c) Any change in information previously submitted in
5 a statement of organization shall be reported to the Secre-
6 tary or Clerk, as the case may be, within a ten-day period
7 following the change.

8 (d) Any committee which, after having filed one or
9 more statements of organization, disbands or determines it
10 will no longer receive contributions or make expenditures
11 during the calendar year in an aggregate amount exceeding
12 \$1,000 shall so notify the Secretary or Clerk, as the case
13 may be.

14 REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

15 SEC. 204. (a) Each treasurer of a political committee
16 supporting a candidate or candidates for election to the office
17 of President or Vice President of the United States or Sen-
18 ator, and each candidate for election to such office, shall file
19 with the Secretary, and each treasurer of a political commit-
20 tee supporting a candidate or candidates for election to the
21 office of Representative in, or Resident Commissioner to,
22 the Congress of the United States, and each candidate for
23 election to such office, shall file with the Clerk, reports of
24 receipts and expenditures on forms to be prescribed or ap-
25 proved by him. Such reports shall be filed on the 10th day

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1 of March, June, and September, in each year, and on the
2 fifteenth and fifth days next preceding the date on which
3 an election is held, and also by the 31st day of January.
4 Such reports shall be complete as of such date as the Secre-
5 tary may prescribe, which shall not be less than five days
6 before the date of filing.

7 (b) Each report under this section shall disclose—

8 (1) the amount of cash on hand at the beginning
9 of the reporting period;

10 (2) the full name and mailing address of each
11 person who has made one or more contributions to or
12 for such committee or candidate (including the purchase
13 of tickets for events such as dinners, luncheons, rallies,
14 and similar fundraising events) within the calendar
15 year in the aggregate amount or value of \$100 or more,
16 together with the amount and date of such contributions;

17 (3) the total sum of individual contributions made
18 to or for such committee or candidate during the report-
19 ing period and not reported under paragraph (2);

20 (4) the name and address of each political com-
21 mittee or candidate from which the reporting committee
22 or the candidate received, or to which that committee
23 or candidate made, any transfer of funds, together with
24 the amounts and dates of all such transfers;

- 1 (5) each loan to or from any person within the
2 calendar year in the aggregate amount or value of
3 \$100 or more, together with the full names and mailing
4 addresses of the lender and endorsers, if any, and the
5 date and amount of such loan;
- 6 (6) the total amount of proceeds from (A) the sale
7 of tickets to each dinner, luncheon, rally, and other fund-
8 raising event; (B) mass collections made at such events;
9 and (C) sales of items such as political campaign pins,
10 buttons, badges, flags, emblems, hats, banners, literature,
11 and similar materials;
- 12 (7) each contribution, rebate, refund, or other
13 receipt of \$100 or more not otherwise listed under para-
14 graphs (2) through (6);
- 15 (8) the total sum of all receipts by or for such
16 committee or candidate during the reporting period;
- 17 (9) the full name and mailing address of each per-
18 son to whom an expenditure or expenditures have been
19 made by such committee or candidate within the calen-
20 dar year in the aggregate amount or value of \$100 or
21 more, and the amount, date, and purpose of each such
22 expenditure;
- 23 (10) the full name and mailing address of each
24 person to whom an expenditure for personal services,
25 salaries, and reimbursed expenses of \$100 or more has

1 been made, and which is not otherwise reported, includ-
2 ing the amount, date, and purpose of such expenditure;

3 (11) the total sum of expenditures made by such
4 committee or candidate during the calendar year;

5 (12) the amount and nature of debts and obliga-
6 tions owed by or to the committee, in such form as the
7 Secretary or Clerk may prescribe;

8 (13) such other information as shall be required by
9 the Secretary or Clerk.

10 (c) The reports required to be filed by subsection (a)
11 shall be cumulative during the calendar year to which they
12 relate, but where there has been no change in an item re-
13 ported in a previous report during such year, only the
14 amount need be carried forward. If no contributions or ex-
15 penditures have been accepted or expended during a calendar
16 year, the treasurer of the political committee or candidate
17 shall file a statement to that effect.

18 REPORTS BY OTHERS THAN POLITICAL COMMITTEES

19 SEC. 205. Every person (other than a political com-
20 mittee or candidate) who makes contributions or expendi-
21 tures, other than by contribution to a political committee or
22 candidate, aggregating \$100 or more within a calendar year
23 shall file with the Secretary or Clerk, as the case may be, a
24 statement containing the information required by section

1 204. Statements required by this section shall be filed on the
2 dates on which reports by political committees are filed, but
3 need not be cumulative.

4 FORMAL REQUIREMENTS RESPECTING REPORTS AND
5 STATEMENTS

6 SEC. 206. (a) A report or statement required by this
7 title to be filed by a treasurer of a political committee, a
8 candidate, or by any other person, shall be verified by the
9 oath or affirmation of the person filing such report or state-
10 ment, taken before any officer authorized to administer oaths.

11 (b) A copy of a report or statement shall be preserved
12 by the person filing it for a period of time to be designated
13 by the Secretary or Clerk, as the case may be, in a published
14 regulation.

15 (c) The Secretary or Clerk, as the case may be, shall
16 have authority to modify, suspend, or waive by published
17 regulation of general applicability such of the requirements
18 of sections 203, 204, and 205 as he finds to be unnecessarily
19 burdensome to the persons required to report thereunder or
20 not to be necessary to effectuate the purpose of this title.
21 The Secretary or Clerk may, by published regulation of gen-
22 eral applicability, relieve any category of political committees
23 of the obligation to comply with section 204 if such com-
24 mittee (1) primarily supports persons seeking State or local
25 office, and does not substantially support candidates, and

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1 (2) does not operate in more than one State or on a state-
2 wide basis.

3 (d) The Secretary or Clerk, as the case may be, shall,
4 by published regulations of general applicability, prescribe
5 the manner in which contributions and expenditures in the
6 nature of debts and other contracts, agreements, and promises
7 to make contributions or expenditures shall be reported.
8 Such regulations shall provide that they be reported in
9 separate schedules. In determining aggregate amounts of
10 contributions and expenditures, amounts reported as pro-
11 vided in such regulations shall not be considered until actual
12 payment is made.

13 REPORTS ON CONVENTION FINANCING

14 SEC. 207. Each committee or other organization
15 which—

16 (1) represents a State, or a political subdivision
17 thereof, or any group of persons, in dealing with officials
18 of a national political party with respect to matters
19 involving a convention held in such State or political
20 subdivision to nominate a candidate for the office of
21 President or Vice President, or

22 (2) represents a national political party in making
23 arrangements for the convention of such party held to
24 nominate a candidate for the office of President or
25 Vice President,

1 shall, within sixty days following the end of the convention
2 (but not later than twenty days prior to the date on which
3 presidential and vice-presidential electors are chosen), file
4 with the Secretary a full and complete financial statement,
5 in such form and detail as he may prescribe, the sources
6 from which it derived its funds, and the purposes for which
7 such funds were expended.

8 DUTIES OF THE SECRETARY AND CLERK

9 SEC. 208. (a) It shall be the duty of the Secretary
10 and Clerk, respectively.

11 (1) to develop prescribed forms for the making of
12 the reports and statements required to be filed with him
13 under this title;

14 (2) to prepare and publish a manual setting forth
15 recommended uniform methods of bookkeeping and re-
16 porting for use by persons required to make such reports
17 and statements;

18 (3) to develop a filing, coding, and cross-indexing
19 system consonant with the purposes of this Act;

20 (4) to make the reports and statements filed with
21 him available for public inspection and copying during
22 regular office hours, commencing as soon as practicable
23 but not later than the end of the second day following
24 the day during which it was received, and to permit

21

1 copying of any such report or statement by hand or by
2 duplicating machine, as requested by any person, at the
3 expense of such person;

4 (5) to preserve such reports and statements for a
5 period of ten years from date of receipt, except that
6 reports and statements relating solely to candidates for
7 the House of Representatives shall be preserved for
8 only five years from the date of receipt;

9 (6) to compile and maintain a current list of all
10 statements or parts of statements pertaining to each
11 candidate;

12 (7) to prepare and publish an annual report includ-
13 ing compilations of (A) total reported contributions and
14 expenditures for all candidates, political committees, and
15 other persons during the year; (B) total amounts ex-
16 pended according to such categories as he shall deter-
17 mine and broken down into candidate, party, and non-
18 party expenditures on the National, State, and local
19 levels; (C) total amounts expended for influencing
20 nominations and elections stated separately; (D) total
21 amounts contributed according to such categories of
22 amounts as he shall determine and broken down into con-
23 tributions on the National, State, and local levels for
24 candidates and political committees; and (E) aggregate

1 amounts contributed by any contributor shown to have
2 contributed the sum of \$100 or more;

3 (8) to prepare and publish from time to time
4 special reports comparing the various totals and cate-
5 gories of contributions and expenditures made with re-
6 spect to preceding elections;

7 (9) to prepare and publish such other reports as he
8 may deem appropriate;

9 (10) to assure wide dissemination of statistics, sum-
10 maries, and reports prepared under this Act;

11 (11) to make from time to time audits and field
12 investigations with respect to reports and statements
13 filed under the provisions of this title, and with respect
14 to alleged failures to file any report or statement required
15 under the provisions of this title;

16 (12) to report apparent violations of law to the
17 appropriate law enforcement authorities; and

18 (13) to prescribe suitable rules and regulations to
19 carry out the provisions of this title.

20 (b) In the performance of their duties under this Act,
21 the Secretary and Clerk shall coordinate their activities with
22 the activities of the Comptroller General under the Presiden-
23 tial Election Campaign Fund Act of 1966.

1 STATEMENTS FILED WITH CLERK OF UNITED STATES
2 COURT

3 SEC. 209. (a) A copy of each statement required to be
4 filed with the Secretary or Clerk by this title shall be filed
5 with the clerk of the United States district court for the
6 judicial district in which is located the principal office of the
7 political committee or, in the case of a statement filed by a
8 candidate or other person, in which is located such person's
9 residence. The Secretary or Clerk may require the filing of
10 reports and statements required by this Act with the clerks
11 of other United States district courts where he determines
12 the public interest will be served thereby.

13 (b) It shall be the duty of the clerk of a United States
14 district court under subsection (a)—

15 (1) to receive and maintain in an orderly manner
16 all reports and statements required by this title to be
17 filed with such clerks;

18 (2) to preserve such reports and statements for
19 a period of ten years from date of receipt, except that
20 reports and statements relating solely to candidates for
21 the House of Representatives shall be preserved for only
22 five years from the date of receipt;

23 (3) to make the reports and statements filed with

1 him available for public inspection and copying during
2 regular office hours, commencing as soon as practicable
3 but not later than the end of the second day following
4 the day during which it was received, and to permit
5 copying of any such report or statement by hand or by
6 duplicating machine, as requested by any person, at the
7 expense of such person; and

8 (4) to compile and maintain a current list of all
9 statements or parts of statements pertaining to each
10 candidate.

11 PROHIBITION ON CONTRIBUTIONS IN NAME OF ANOTHER

12 SEC. 210. No person shall make a contribution in the
13 name of another person, and no person shall knowingly
14 accept a contribution made by one person in the name of
15 another person.

16 PENALTY FOR VIOLATIONS

17 SEC. 211. Any person who violates any of the provi-
18 sions of this title shall be fined not more than \$1,000 or
19 imprisoned not more than one year, or both.

20 STATE LAWS NOT AFFECTED

21 SEC. 212. (a) Nothing in this title shall be deemed to
22 invalidate or make inapplicable any provision of any State
23 law, except where compliance with such provision of law
24 would result in a violation of a provision of this title.

25 (b) The Secretary and Clerk shall encourage, and coop-

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1 erate with, the election officials in the several States to
2 develop procedures which will eliminate the necessity of
3 multiple filings by permitting the filing of copies of Federal
4 reports to satisfy the State requirements.

5 PARTIAL INVALIDITY

6 SEC. 213. If any provision of this title, or the applica-
7 tion thereof, to any person or circumstance is held invalid,
8 the validity of the remainder of the title and the application
9 of such provision to other persons and circumstances shall
10 not be affected thereby.

11 REPEALING CLAUSE

12 SEC. 214. The Federal Corrupt Practices Act and all
13 other Acts or parts of Acts inconsistent herewith are
14 repealed.

15 CITATION

16 SEC. 215. This title may be cited as the "Campaign
17 Funds Disclosure Act of 1967."

18 TITLE III

19 AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE

20 DATE

21 SEC. 301. There are hereby authorized to be appro-
22 priated such sums as may be necessary to carry out the
23 purposes of this Act.

24 SEC. 302. This Act shall take effect January 1, 1968.

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90TH CONGRESS
1ST SESSION

S. 1881

IN THE SENATE OF THE UNITED STATES

MAY 25, 1967

Mr. CANNON introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Residency Voting Act
4 of 1967".

5 SEC. 2. The Congress hereby declares that to enhance
6 the right under the fourteenth amendment to the Consti-
7 tution of citizens who change their residences to enjoy equal
8 access to the right to vote in the election for President and
9 Vice President of the United States and to be free of dis-
10 crimination in public services, it is necessary to prohibit the

1 States from conditioning the right to vote on the fulfillment
2 of unfair requirements of residence or registration.

3 SEC. 3. (a) No citizen of the United States who is
4 otherwise qualified to vote in any election for the purpose, in
5 whole or in part, of choosing electors for President and Vice
6 President of the United States shall be denied the right to
7 vote for such electors in such election because of any require-
8 ment of residence or registration: *Provided*, That such citi-
9 zen has resided in the State or political subdivision, with
10 respect to which the requirement of residence applies, since
11 the first day of September next preceding such election, and
12 has complied with the requirements of registration to the
13 extent that such requirements provide for registration after
14 such date.

15 (b) No citizen of the United States who is otherwise
16 qualified to vote by absentee ballot in any election for the
17 purpose, in whole or in part, of choosing electors for Presi-
18 dent and Vice President of the United States shall be denied
19 the right to vote for such electors in such election because of
20 any requirement of registration that does not include a pro-
21 vision for absentee registration.

22 SEC. 4. (a) In the exercise of the powers of the Con-
23 gress under section 5 of the fourteenth amendment to the
24 Constitution, the Attorney General is authorized and directed
25 to institute forthwith in the name of the United States such

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1 actions, including actions against States or political subdivi-
2 sions, for declaratory judgment or injunctive relief against
3 the enforcement of any requirement of residence or registra-
4 tion as a precondition to voting, as he may determine to be
5 necessary to implement the purposes of this Act.

6 (b) The district courts of the United States shall have
7 jurisdiction of proceedings instituted pursuant to this section,
8 which shall be heard and determined by a court of three
9 judges in accordance with the provisions of section 2284 of
10 title 28 of the United States Code, and any appeal shall
11 lie to the Supreme Court. It shall be the duty of the judges
12 designated to hear the case to assign the case for hearing at
13 the earliest practicable date, to participate in the hearing
14 and determination thereof, and to cause the case to be in
15 every way expedited.

16 SEC. 5. (a) Whenever any person has engaged, or
17 there are reasonable grounds to believe that any person is
18 about to engage, in any act or practice in violation of the
19 rights conferred by section 3, the Attorney General is
20 authorized to institute for the United States, or in the name
21 of the United States, an action for preventive relief, in-
22 cluding an application for a temporary or permanent injunc-
23 tion, restraining order, or other order, and including an
24 order directed to the State and State or local election officials

1 to require them to (1) permit persons benefitted by this
2 Act to vote and (2) count such votes.

3 (b) The district courts of the United States shall have
4 jurisdiction of proceedings instituted pursuant to this section
5 and shall exercise the same without regard to whether a per-
6 son asserting rights under the provisions of this Act shall
7 have exhausted any administrative or other remedies that
8 may be provided by law.

9 SEC. 6. (a) Whoever knowingly or willfully gives false
10 information as to his name, address, or period of residence in
11 a State or political subdivision for the purpose of establishing
12 his eligibility to register or vote under this Act, or conspires
13 with another individual for the purpose of encouraging his
14 false registration to vote or illegal voting under this Act shall
15 be fined not more than \$10,000 or imprisoned not more than
16 five years, or both.

17 (b) Whoever shall deprive or attempt to deprive any
18 person of any right secured by this Act shall be fined not
19 more than \$5,000, or imprisoned not more than five years, or
20 both.

90TH CONGRESS
1ST SESSION**H. R. 8176**

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1967

Mr. BRADEMAS introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 101 of the Federal Voting Assistance Act of
4 1955 (5 U.S.C. 2171) is hereby amended by striking out
5 subsection (3) and (4) and inserting in lieu thereof a new
6 subsection (3) as follows:

7 “(3) Citizens of the United States temporarily residing
8 outside the territorial limits of the United States and the

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1 District of Columbia and their spouses and dependents when
2 residing with or accompanying them.”

3 SEC. 2. Section 204 (b) of the Act (5 U.S.C. 2184
4 (b)), is hereby amended by striking out subparagraphs
5 3 (c), (d), (e), and (f) and inserting in lieu thereof new
6 subparagraphs 3 (c), (d), and (e) as follows:

7 “(c) A citizen of the United States temporarily resid-
8 ing outside the territorial limits of the United States
9 and the District of Columbia

10 “(d) A spouse or dependent of a person listed in (a)
11 or (b) above

12 “(e) A spouse or dependent residing with or accom-
13 panying a person described in (c) above”.

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