§ 30111. Administrative provisions

(a) Duties of Commission

The Commission shall—

(1) prescribe forms necessary to implement this Act;

(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

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

(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Secretary or the Commission shall exclude these lists from the public record;

(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d); and

(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate.

(b) Audits and field investigations

The Commission may conduct audits and field investigations of any political committee required to file a report under section 30104 of this title. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of title 26 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an affirmative vote of 5 of its members, conduct an audit and field investigation of any committee which does meet the threshold requirements established by the Commission. Such audit shall be commenced within 30 days of such vote, except that any
audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

(c) Statutory provisions applicable to forms and information-gathering activities

Any forms prescribed by the Commission under subsection (a)(1), and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512 of title 44.

(d) Rules, regulations, or forms; issuance, procedures applicable, etc.

(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

(3) For purposes of this subsection, the term "legislative day" means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

(4) For purposes of this subsection, the terms "rule" and "regulation" mean a provision or series of interrelated provisions stating a single, separable rule of law.

(3)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

(B) Whenever a committee of the House of Representatives reports any resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

(e) Scope of protection for good faith reliance upon rules or regulations

Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of title 26.

(f) Promulgation of rules, regulations, and forms by Commission and Internal Revenue Service; report to Congress on cooperative efforts

In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this subsection.


REFERENCES IN TEXT

This Act, referred to in text, means the Federal Election Campaign Act of 1971, as defined by section 30101 of this title.

Section 3512 of title 44, referred to in subsec. (c), which related to requirements for the collection of information by independent Federal regulatory agencies, was a part of chapter 35 of Title 44, Public Printing and Documents. Chapter 35 was amended generally by the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and subsequently by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

APPLICABILITY

Section was formerly classified to section 438 of Title 2, The Congress, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification to this title.

PRIOR PROVISIONS


Another prior section 311 of Pub. L. 92–225 was renumbered section 307, and is classified to section 30107 of this title.

Another prior section 311 of Pub. L. 92–225 was renumbered section 320, and was classified to section 441 of Title 2, The Congress, prior to repeal by Pub. L. 94–263.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–252 inserted "and" at end of par. (8), substituted a period for "; and" at end of par. (9), and struck out par. (10) and concluding sentences which read as follows: "serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections. The Commission may enter into contracts for the purpose of conducting studies under this paragraph. Reports or studies made under this paragraph shall be available to the public upon the payment of the cost thereof, except that copies shall be made available without cost, upon request, to agencies and branches of the Federal Government."

1995—Subsec. (a)(4). Pub. L. 104–79 substituted "Secretary" for "Clerk, Secretary.".

1980—Subsec. (a). Pub. L. 96–187, §109, substituted in introductory clause “The Commission shall” for “It shall be the duty of the Commission to serve the public by the Clerk and Secretary of the House of Representatives and the Office of Senator, such reports to be made available to the public by the Clerk and Secretary of the House of Representatives and Senate, respectively.”

Subsec. (d)(2). Pub. L. 96–187, §109, substituted provisions permitting the Commission to prescribe a rule or regulation in the absence of disapproval by resolution of either House of Congress within 30 legislative days after the date of receipt of such proposed rule or regulation or within 10 legislative days after receipt of such proposed form for provisions that it is the duty of the Clerk and Secretary of the House of Representatives and Senate, respectively, to cooperate with the Commission in carrying out its duties under this Act and to furnish such services and facilities as may be required.

Subsec. (a)(6). Pub. L. 94–283, §110(a)(1), inserted provisions covering and index of reports and statements filed by committees supporting more than one candidate.

ting of the verification for, and the receipt and use of, any payments received by a candidate under chapter 95 or 96 of title 26.
Subsec. (c)(2). Pub. L. 94–283, § 113(b)(1), inserted provision for priority consideration by the House of Representatives of a motion to consider resolutions relating to a rule or regulation reported by a committee of the House.
Subsec. (a)(1), (4). Pub. L. 93–443, § 208(c)(9)(A), (B), substituted “him” for “it” in pars. (1) and (4).
Subsec. (a)(6). Pub. L. 93–443, § 208(a)(1), substituted provisions respecting index of reports and statements and publication thereof in Federal Register for provisions respecting compilation and maintenance of current list of candidate statements.
Subsec. (a)(7). Pub. L. 93–443, § 208(a)(1), substituted provision for preparation and publication of special reports listing candidates for whom reports were filed as required by this subchapter and those candidates for whom such reports were not filed as so required for provisions respecting publication of annual reports and compilations of data.
Subsec. (a)(8). Pub. L. 93–443, § 208(a)(1), redesignated pars. (11) to (13) as (8) and struck out former par. (8) provision for preparation and publication of special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections.
Subsec. (a)(9). Pub. L. 93–443, § 208(a)(1), redesignated par. (12) as (9) and struck out former par. (9) provision for preparation and publication of other reports.
Subsec. (a)(10). Pub. L. 93–443, § 208(a)11, (h)(1), redesignated par. (13) as (10), inserted end text reading “, in accordance with the provisions of subsection (c)”, and struck out former par. (10) provision for dissemination of information.
Subsec. (a)(11) to (13). Pub. L. 93–443, § 208(a)(1), redesignated pars. (11) to (13) as (8) to (10), respectively.
Subsec. (b). Pub. L. 93–443, §§ 208(c)(10)(A), (B), 208(b)(2)(A), substituted “Commission” for “Comptroller General” wherever appearing and “its” for “his” in pars. (1) and (4).
Subsec. (c)(11) to (13). Pub. L. 93–443, § 208(a)(1), redesignated pars. (11) to (13) as (8) to (10), respectively.
Subsec. (c). Pub. L. 93–443, § 208(b)(2)(A), (B), added subsec. (c) and redesignated former subsec. (c) as (b).
Subsec. (d). Pub. L. 93–443, § 208(b)(2)(A), (B), added subsec. (d) and struck out former subsec. (d) provisions respecting violations, the paragraphs relating to: (1) complaints, investigations, notice and hearing, Federal civil actions for injunction, restraining orders, or other appropriate orders, venue, and bond; (2) subpenas; (3) review by court of appeals and time for petition of review; (4) finality of appellate judgment and review by Supreme Court; and (5) docket advancement and priorities, provisions now covered by section 437g(a) of this title.

Effective Date of 1980 Amendment
Amendment by Pub. L. 107–252 effective upon appointment of all members of the Election Assistance Commission under section 2923 of this title, see section 2113(a) of this title.

Effective Date of 1995 Amendment
Amendment by Pub. L. 104–79 applicable with respect to reports, designations, and statements required to be filed after Dec. 31, 1995, see section 3(d) of Pub. L. 104–79, set out as a note under section 30102 of this title.

Effective Date of 1980 Amendment

Termination of Reporting Requirements
For termination, effective May 15, 2000, of provisions in subsecs. (a)(9) and (f) of this section relating to submittal of annual reports to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 188 of House Document No. 103–7.

Transition Provisions
Disapproval of rules and regulations by either House of Congress under subsec. (d) of this section within 30 legislative days after receipt to be deemed to allow such disapproval within 15 days with respect to rules and regulations implementing Pub. L. 96–187 proposed under section 303(a) of Pub. L. 96–187, see section 303(b) of Pub. L. 96–187, set out as a note under section 30101 of this title.

§ 30112. Maintenance of website of election reports
(a) In general
The Federal Election Commission shall maintain a central site on the Internet to make accessible to the public all publicly available election-related reports and information.
(b) Election-related report
In this section, the term “election-related report” means any report, designation, or statement required to be filed under the Federal Election Campaign Act of 1971.
(c) Coordination with other agencies
Any Federal executive agency receiving election-related information which that agency is required by law to publicly disclose shall cooperate and coordinate with the Federal Election Commission to make such report available through, or for posting on, the site of the Federal Election Commission in a timely manner.

Effective Date of 1980 Amendment

References in Text

Codification
Section was formerly classified to section 438a of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.
Section was enacted as part of the Bipartisan Campaign Reform Act of 2002, and not as a part of the Federal Election Campaign Act of 1971 which comprises this chapter.

Effective Date
Section effective Nov. 6, 2002, but not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, see section 482 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 30101 of this title.