§ 30101. Definitions

When used in this Act:

(1) The term "election" means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party which has authority to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000.

(3) The term "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(4) The term "political committee" means—

(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 30118(b) of this title; or

(C) any local committee of a political party which receives contributions aggregating in excess of $5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in paragraphs (D) and (E) aggregating in excess of $5,000 during a calendar year, or makes contributions aggregating in excess of $1,000 during a calendar year or makes expenditures aggregating in excess of $1,000 during a calendar year.

(5) The term "principal campaign committee" means a political committee designated and authorized by a candidate under section 30102(e)(1) of this title.

(6) The term "authorized committee" means the principal campaign committee or any other political committee authorized by a candidate under section 30102(e)(1) of this title to receive contributions or make expenditures on behalf of such candidate.

(7) The term "connected organization" means any organization which is not a political committee but which directly or indirectly establishes, administers or financially supports a political committee.

(8)(A) The term "contribution" includes—

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

(B) The term "contribution" does not include—

(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iii) the sale of any food or beverage by a vendor for use in any candidate's campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political com-
mittees of a political party does not exceed $2,000 in any calendar year;
(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;
(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;
(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 30118(b) of this title, would not constitute an expenditure by such corporation or labor organization;
(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—
(I) shall be considered a loan by each endorser or guarantor bears to the total number of endorsers or guarantors;
(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and
(III) shall bear the usual and customary interest rate of the lending institution;
(viii) any legal or accounting services rendered to or on behalf of—
(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or
(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of title 26,
but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 30104(b) of this title by the committee receiving such services;
(ix) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tableaux, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: Provided, That—
(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;
(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and
(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;
(x) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or referenced to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising): Provided, That such payments are made from contributions subject to the limitations and prohibitions of this Act;
(xi) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: Provided, That—
(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;
(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and
(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;
(xii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access;
(xiii) any honorarium (within the meaning of section 30125 of this title); and
(xiv) any loan of money derived from an advance on a candidate’s brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate,
if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans derived from an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit in the normal course of the person's business.

(9)(A) The term “expenditure” includes—
(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and
(ii) a written contract, promise, or agreement to make an expenditure.

(B) The term “expenditure” does not include—
(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;
(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;
(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed $2,000 for any election, be reported to the Commission in accordance with section 30104(a)(4)(A)(i) of this title, and in accordance with section 30104(a)(4)(A)(ii) of this title with respect to any general election;
(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;
(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 30118(b) of this title, would not constitute an expenditure by such corporation or labor organization;
(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 30116(b) of this title, but all such costs shall be reported in accordance with section 30104(b) of this title;
(vii) the payment of compensation for legal or accounting services—
(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or
(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of title 26,
but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 30104(b) of this title by the committee receiving such services;
(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: Provided, That—
(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;
(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and
(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;
(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: Provided, That—
(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;
(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and
(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and
(x) payments received by a political party committee as a condition of ballot access which are transferred to another political
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The term “Commission” means the Federal Election Commission.

The term “person” includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

The term “identification” means—

(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(B) in the case of any other person, the full name and address of such person.

The term “national committee” means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

The term “State committee” means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

The term “political party” means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

The term “independent expenditure” means an expenditure by a person—

(A) expressly advocating the election or defeat of a clearly identified candidate; and

(B) that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate’s authorized political committee, or their agents, or a political party committee or its agents.

The term “clearly identified” means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.


The term “Federal election activity” means—

(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual’s compensated time during that month on activities in connection with a Federal election.

The term “Federal election activity” does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

(ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);

(iii) the costs of a State, district, or local political convention; and

(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

The term “generic campaign activity” means a campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate.

The term “public communication” means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.

The term “mass mailing” means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

The term “telephone bank” means more than 500 telephone calls of an identical or substantially similar nature within any 30-day period.

For purposes of sections 30116(i) and 30117 of this title and paragraph (26), the term “election cycle” means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

The term “personal funds” means an amount that is derived from—
(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had

(i) legal and rightful title; or

(ii) an equitable interest;

(B) income received during the current election cycle of the candidate, including—

(i) a salary and other earned income from bona fide employment;

(ii) dividends and proceeds from the sale of the candidate’s stocks or other investments;

(iii) income from trusts established before the beginning of the election cycle;

(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

(vii) proceeds from lotteries and similar legal games of chance; and

(C) a portion of assets that are jointly owned by the candidate and the candidate’s spouse equal to the candidate’s share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of $5 of the property.


REFERENCES IN TEXT


 Codification

Section was formerly classified to section 431 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.

Amendments

2002—Par. (18)(B)(viii) to (xx). Pub. L. 107–155, §103(b)(1), redesignated cls. (ix) to (xx) as (viii) to (xiv), respectively, and struck out former cl. (viii) which read as follows: “any gift, subscription, loan, advance, or deposit of money or anything of value to a national or a State committee of a political party specifically designated to defray any cost for construction or purchase of any office facility not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office”.

Par. (17). Pub. L. 107–155, §211, added par. (17) and struck out former par. (17) which read as follows: “The term ‘independent expenditure’ means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

Par. (20) to (24). Pub. L. 107–155, §101(b), added pars. (20) to (24).

Par. (25), (26). Pub. L. 107–155, §304(c), added pars. (25) and (26).


1996—Pub. L. 96–187 changed the section designations from letters to numbers, and as so redesignated, substantially redefined the terms applicable to the provisions of this Act.

1976—Subsec. (a)(2). Pub. L. 94–283, §102(a), substituted “party which has authority to nominate” for “party held to nominate”.

Subsec. (e)(2). Pub. L. 94–283, §102(b), substituted “written contract, promise, or agreement,” for “contract, promise, or agreement, expressed or implied,”.

Subsec. (e)(4). Pub. L. 94–283, §102(c), inserted provisions establishing an exception for legal or accounting services.

Subsec. (e)(5). Pub. L. 94–283, §§102(d), (e), 115(d)(1), substituted “section 441b(b) of this title” for “the last paragraph of section 610 of title 18, United States Code” in cl. (F), added cls. (G), (H), and (I), and, in the provisions following cl. (I), substituted “person” for “individual”.

Subsec. (f)(4). Pub. L. 94–283, §§102(f), 115(d)(2), inserted provisions in cl. (C) requiring the reporting to the Commission of costs directly attributable to a communication expressly advocating the election or defeat of a clearly identifiable candidate if those costs should exceed $2,000 per election, substituted “section 441b(b) of this title” for “the last paragraph of section 610 of title 18, United States Code” in cl. (H), and added cls. (J), (K), and (L).

Subsec. (n). Pub. L. 94–283, §115(h), substituted “section 432(e) (1) of this title” for “section 432(f)(1) of this title”.

Subsec. (o) to (q). Pub. L. 94–283, §102(g)(3), added subsecs. (o) to (q).

1974—Pub. L. 93–443, §201(a)(1), inserted introductory reference to title IV of this Act, which for purposes of codification is translated as subchapter II of this chapter.

Subsec. (a)(5). Pub. L. 93–443, §201(a)(2), struck out from definition of “election” the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.

Subsec. (d). Pub. L. 93–443, §201(a)(3), inserted reference to “club,” before “association” and substituted “other group of persons” and “receives” for “organization” and “accepts”.

Subsec. (e). Pub. L. 93–443, §201(a)(4), transferred the word “means” after introductory word “contribution” to become the initial word in pars. (1) to (4); in par. (1), incorporated existing provisions in provisions designated subs. (A) and (B), and deleted former provisions respecting contributions for the purpose of influencing the nomination for election, or election, of any person as a presidential election or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States; in par. (2), provided for express or implied transactions; in par. (3), substitution of “funds received by a political committee which are transferred to such committee from another political committee or other source” for “the transfer of funds between political committees”; inserted at end of par. (4) the word “but”; and added par. (5).
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Subsec. (f). Pub. L. 93–443, § 201(a)(5), transferred the word "means" following introductory word "expenditure" to become the initial word in pars. (1) to (3); in par. (1), incorporated existing provisions in provisions designated subpars. (A) to (C) and deleted end text reading ", or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States"; in par. (2), provided for express or implied transactions; in par. (3), substituted "the transfer of funds by a political committee to another political committee" for "a transfer of funds between political committees"; and added par. (4).

Subsec. (g). Pub. L. 93–443, § 208(c)(1), substituted definition of "Commission" for "supervisory officer".

Subsec. (h). Pub. L. 93–443, § 201(a)(6)–(8), added subsecs. (j) to (n).

**Effect of Date of 2002 Amendment: Regulations**


"(a) **General Effective Date.**—

"(1) **In General.**—Except as provided in the succeeding provisions of this section, the effective date of this Act [see Tables for classification], and the amendments made by this Act, is November 6, 2002.

"(2) **Modification of Contribution Limits.**—The amendments made by—

"(A) section 102 [amending section 30101 of this title] shall apply with respect to contributions made on or after January 1, 2003; and

"(B) section 307 [amending section 30116 of this title] shall take effect on the date of enactment of this Act [Mar. 27, 2002].

"(3) **Severability: Effective Dates and Regulations: Judicial Review.**—Title IV [enacting provisions set out as notes under sections 30110 and 30144 of this title] shall take effect on the date of enactment of this Act [Mar. 27, 2002].

"(4) **Provisions Not to Apply to Runoff Elections.**—Section 323(b) of the Federal Election Campaign Act of 1971 [52 U.S.C. 30125(b)] (as added by section 101(a)), section 103(a) [amending section 30104 of this title], title II [amending this section and sections 30104, 30116, and 30118 of this title and enacting provisions set out as notes under sections 30110 of this title], sections 304 [amending this section and sections 30104 and 30116 of this title] (including section 315(j) of Federal Election Campaign Act of 1971 [52 U.S.C. 30116(j)], as added by section 304(a)(2)), 305 [amending section 315 of Title 47, Telecommunications, and enacting provisions set out as a note under section 30104 of this title], section 315 of Title 47 (notwithstanding subsection (c) of such section [enacting provisions set out as a note under section 315 of Title 47]), 311 [amending section 30120 of this title], 316 [amending section 30116 of this title], 318 [enacting section 30126 of this title], and 319 [enacting section 30117 of this title and amending section 30116 of this title], and title V [enacting section 30112 of this title and amending section 30104 of this title and sections 315 of Title 47] (and the amendments made by such sections and titles) shall take effect on November 6, 2002, but shall not apply with respect to runoff elections, recounts, or election contests resulting from elections held prior to such date.

"(b) **Soft Money of National Political Parties.**—

"(1) **In General.**—Except for subsection (b) of such section, section 323 of the Federal Election Campaign Act of 1971 [52 U.S.C. 30125(a)] (as added by section 101(a)) shall take effect on November 6, 2002.

"(2) **Transitional Rules for the Spending of Soft Money of National Political Parties.**—

"(A) **In General.**—Notwithstanding section 323(a) of the Federal Election Campaign Act of 1971 [52 U.S.C. 30125(a)] (as added by section 101(a)), if a national committee of a political party described in such section (including any person who is subject to such section under paragraph (2) of such section), has received funds described in such section prior to November 6, 2002, the rules described in subparagraph (B) shall apply with respect to the spending of the amount of such funds in the possession of such committee as of such date.

"(B) **Use of Excess Soft Money Funds.**—

"(i) **In General.**—Subject to clauses (ii) and (iii), the national committee of a political party may use the amount described in subparagraph (A) prior to January 1, 2003, solely for the purpose of

"(I) retiring outstanding debts or obligations that were incurred solely in connection with an election held prior to November 6, 2002; or

"(II) paying expenses or retiring outstanding debts or paying for obligations that were incurred solely in connection with any runoff election, recount, or election contest resulting from an election held prior to November 6, 2002.

"(ii) **Prohibition on Using Soft Money for Hard Money Expenses, Debts, and Obligations.**—A national committee of a political party may not use the amount described in subparagraph (A) for any expenditure (as defined in section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 331(9)) [now 52 U.S.C. 30101(9)]) or for retiring outstanding debts or obligations that were incurred for such an expenditure.

"(iii) **Prohibition on Using Soft Money for Hard Money Expenses, Debts, and Obligations.**—A national committee of a political party may not use the amount described in subparagraph (A) for activities to defray the costs of the construction or purchase of any office building or facility.

"(c) **Regulations.**—

"(1) **In General.**—Except as provided in paragraph (2), the Federal Election Commission shall promulgate regulations to carry out this Act [see Tables for classification] and the amendments made by this Act that are under the Commission's jurisdiction not later than 270 days after the date of enactment of this Act [Mar. 27, 2002].

"(2) **Soft Money of Political Parties.**—Not later than 90 days after the date of enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out title I of this Act [enacting sections 30125 of this title and amending this section and sections 30104, 30116, and 30143 of this title] and the amendments made by such title."

**Effective Date of 2000 Amendment**


**Effective Date of 1980 Amendment**

Pub. L. 96–187, title III, § 301, Jan. 8, 1980, 93 Stat. 1368, provided that:

"(a) Except as provided in subsection (b), the amendments made by this Act [see Tables for classification] are effective upon enactment [Jan. 8, 1980].

"(b) For authorized committees of candidates for President and Vice President, section 304(b) of the Federal Election Campaign Act of 1971 [section 304(b) of this title] shall be effective for elections occurring after January 1, 1981."

**Effective Date of 1974 Amendment**

Pub. L. 93–443, title IV, § 410, Oct. 15, 1974, 88 Stat. 1304, provided that:

"(a) Except as provided by subsection (b) and subsection (c), the foregoing provisions of this Act [see Tables for classification] shall become effective January 1, 1975.

"(b) Section 104 [set out as a note under section 591 of Title 18, Crimes and Criminal Procedure] and the amendment made by such section (amending section 30143 of this title) shall become effective on the date of the enactment of this Act [Oct. 15, 1974]."
“(c)(1) The amendments made by sections 403(a), 404, 405, 406, 408, and 409 [enacting sections 9031 to 9042, amending sections 276, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9010, 9011, and 9012, and repealing section 9021 of Title 26, Internal Revenue Code] shall apply with respect to taxable years beginning after December 31, 1974.”

“(c)(2) The amendment made by section 407 [amending section 6012 of Title 26] shall apply with respect to taxable years beginning after December 31, 1971.”

**Effective Date**

Pub. L. 92–225, title IV, §408, formerly §406, Feb. 7, 1972, 86 Stat. 20, as reenacted §408 by Pub. L. 93–443, title III, §302, Oct. 15, 1974, 88 Stat. 1280, provided that: “Except as provided in section 401 of this Act [section 3014 of this title], the provisions of this Act [see Tables for classification] shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act [Feb. 7, 1972], whichever is later.”

**Transfer of Functions**


**Transition Provisions**


“(a) The Federal Election Commission shall transmit to the Congress proposed rules and regulations necessary for the purpose of implementing the provisions of this Act [see Tables for classification], and the amendments made by this Act, prior to February 29, 1980.

“(b) The provisions of section 311(d) of the Federal Election Campaign Act of 1971 [section 30111(d) of this title] allowing disapproval of rules and regulations by either House of Congress within 30 legislative days after receipt shall, with respect to rules and regulations required to be proposed under subsection (a) of this section, be deemed to allow such disapproval within 15 legislative days after receipt.”

**Study and Report on Clean Money Clean Elections Laws**


**Voting System Study; Report to Congress; Cost of Study**

Pub. L. 96–187, title III, §302, Jan. 8, 1980, 93 Stat. 1368, as amended by Pub. L. 100–418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433, provided that: “The Federal Election Commission with the cooperation and assistance of the National Institute of Standards and Technology, shall conduct a preliminary study with respect to the future development of voluntary engineering and procedural performance standards for voting systems used in the United States. The Commission shall report to the Congress the results of the study, and such report shall include recommendations, if any, for the implementation of a program of such standards (including estimates of the costs and time requirements of implementing such a program). The cost of the study shall be paid out of any funds otherwise available to defray the expenses of the Commission.”

§ 30102. Organization of political committees

(a) Treasurer; vacancy; official authorizations

Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

(b) Account of contributions; segregated funds

(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of $50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) Recordkeeping

The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of $200.

(d) Preservation of records and copies of reports

The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed. For any report filed in electronic format under section 30104(a)(1) of this title, the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.

(e) Principal and additional campaign committee; designations, status of candidate, authorized committees, etc.

(1) Each candidate for Federal office (other than the nominee for the office of Vice Presi-
dent) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1).

(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

(B) As used in this section, the term ‘support’ does not include a contribution by any authorized committee in amounts of $2,000 or less to an authorized committee of any other candidate.

(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.

(5) The name of any separate segregated fund established pursuant to section 30118(b) of this title shall include the name of its connected organization.

(f) Filing with and receipt of designations, statements, and reports by principal campaign committee

(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts or disbursements made by an authorized committee of a candidate shall be filed with the candidate’s principal campaign committee.

(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

(g) Filing with the Commission

All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.

(h) Campaign depositories; designations, maintenance of accounts, etc.; petty cash fund for disbursements; record of disbursements

(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

(2) A political committee may maintain a petty cash fund for disbursements not in excess of $100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5).

(i) Reports and records; compliance with requirements based on best efforts

When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of title 26.


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.

CODIFICATION

Section was formerly classified to section 432 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.

AMENDMENTS

2018—Subsec. (g). Pub. L. 115–244 amended subsec. (g) generally. Prior to amendment, text read as follows: “(1) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, by the principal campaign committee of such candidate, and by the Republican and Democratic Senatorial Campaign Committees shall be filed with the Secretary of the Senate, who shall receive such des-
ignations, statements, and reports, as custodian for the Commission.

(2) The Secretary of the Senate shall forward a copy of any designation, statement, or report filed with the Secretary under this subsection to the Commission as soon as possible (but no later than 2 working days) after receiving such designation, statement, or report.

(3) All designations, statements, and reports required to be filed under this Act, except designations, statements, and reports filed in accordance with paragraph (1), shall be filed with the Commission.

(4) The Secretary of the Senate shall file with the Commission a machine-readable copy of the report as the copy preserved under the preceding sentence.

Subsec. (g)(1). Pub. L. 104–79, § 1(b), inserted at end "For any report filed in electronic format under section 434(a)(1) of this title, the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence."
§ 30103 Registration of political committees

(a) Statements of organizations

Each authorized campaign committee shall file a statement of organization no later than 10 days after designation pursuant to section 30102(e)(1) of this title. Each separate segregated fund established under the provisions of section 30118(b) of this title shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 30101(4) of this title.

(b) Contents of statements

The statement of organization of a political committee shall include—

(1) the name, address, and type of committee;

(2) the name, address, relationship, and type of any connected organization or affiliated committee;

(3) the name, address, and position of the custodian of books and accounts of the committee;

(4) the name and address of the treasurer of the committee;

(5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and

(6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

(c) Change of information in statements

Any change in information previously submitted in a statement of organization shall be reported in accordance with section 30102(g) of this title no later than 10 days after the date of the change.

(d) Termination, etc., requirements and authorities

(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 30102(g) of this title, that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

(A) the determination of insolvency with respect to any political committee;

(B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and

(C) the termination of an insolvent political committee after such liquidation and application of assets.

(3) The Commission may terminate any political committee if it determines that the committee is no longer entitled to the protection provided by this title or if the Committee determines that the termination of the committee is otherwise in the public interest. The Commission shall make written findings of fact supporting a determination to terminate a political committee under this subsection.

EFFECTIVE DATE OF 1995 AMENDMENT

Pub. L. 104–79, § 3(d), Dec. 28, 1995, 109 Stat. 793, provided that: “The amendments made by subsection (a) and subsection (b) [amending this section and section 30104 of this title] shall apply with respect to reports for periods beginning after December 31, 1996.”

EFFECTIVE DATE OF 1980 AMENDMENT


EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 30101 of this title.

TRANSFER OF FUNCTIONS

reference to type of committee; in par. (2) inserted reference to type of organization or affiliated committee; in par. (3) substituted provisions relating to the name, address and position of custodian of books and accounts for provisions relating to area, scope or jurisdiction of the committee; in par. (4) substituted provisions relating to the name and address of the treasurer for provisions relating to the name, address and position of the custodian of books and accounts; in par. (5) substituted provisions relating to the name, address, office sought and party affiliation of the candidate for provisions relating to the name, address and position of principal officers including officers of the finance committee; in par. (6) substituted provisions relating to listings of banks, safety deposit boxes, etc. for provisions relating to name and address, office sought and political affiliation of supported candidates, and struck out pars. (7) to (11) relating to other information.

Subsec. (c). Pub. L. 96–187 substituted “in accordance with section 432(g) of this title no later than 10 days after the date of the change” for “to the Commission within a ten-day period following the change”.

Subsec. (d). Pub. L. 96–187 redesignated existing provisions relating to termination of a political committee by written statement in accordance with section 432(g) of this title for provisions relating to notification to the Commission in the event of disbandment or determination no longer to receive contributions during the calendar year of an amount exceeding $1,000, and added par. (2).

Subsec. (e). Pub. L. 96–187 struck out subsec. (e) relating to filing of required reports and notifications with the appropriate principal campaign committee instead of the Commission in the case of a political committee which is not a principal campaign committee.


Subsec. (a). Pub. L. 93–443, § 208(c)(3)(A), substituted “it prescribes” for “he prescribes”.

Subsec. (e). Pub. L. 93–443, § 208(c)(3)(B), substituted “in accordance with the provisions of this sub-section. The treasurer shall sign each such report.” for “the provisions relating to the name, address, office sought and principal officers of the committee; in par. (9) substituted provisions relating to termination of a political committee by written statement in accordance with section 432(g) of this title for provisions relating to notification to the Commission in the event of disbandment or determination no longer to receive contributions during the calendar year of an amount exceeding $1,000, and added par. (2) relating to filing of required reports and notifications with the appropriate principal campaign committee instead of the Commission in the case of a political committee which is not a principal campaign committee.”

§ 30104. Reporting requirements

(a) Receipts and disbursements by treasurers of political committees; filing requirements

(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is a regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to

an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election;

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

(B) in any other calendar year the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.

(3) If the committee is the principal campaign committee of a candidate for the office of President—

(A) in any calendar year during which a general election is held to fill such office—

(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating $100,000 or made expenditures aggregating $100,000 or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

(iii) if at any time during the election year a committee filing under paragraph (3)(A)(i) receives contributions in excess of $100,000 or makes expenditures in excess of $100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

(B) in any other calendar year, the treasurer shall file either—

So in original. Probably should be followed by “a.”
(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or
(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

(4) All political committees other than authorized committees of a candidate shall file either—

(A)(i) quarterly reports, in a calendar year, in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter; except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;

(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise required in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1)) is sent by registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1)) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement.

(6)(A) The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

(i) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—In this subparagraph, the term “expenditure from personal funds” means—

(I) an expenditure made by a candidate using personal funds; and

(II) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate’s authorized committee.

(ii) DECLARATION OF INTENT.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed the State-by-State competitive and fair campaign formula with—

(I) the Commission; and

(II) each candidate in the same election.

(iii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

(I) the Commission; and

(II) each candidate in the same election.

(iv) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed $10,000 with—

(I) the Commission; and

(II) each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

(v) CONTENTS.—A notification under clause (iii) or (iv) shall include—

(I) the name of the candidate and the office sought by the candidate;
(II) the date and amount of each expenditure; and
(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

(C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate’s authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 30116(i) of this title) and the manner in which the candidate or the candidate’s authorized committee used such funds.

(D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 30109 of this title.

(E) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but when there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—
(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and
(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.

(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(D) As used in this paragraph, the term “report” means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.

(12) SOFTWARE FOR FILING OF REPORTS.—

(A) IN GENERAL.—The Commission shall—
(i) promulgate standards to be used by vendors to develop software that—
(I) permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement;
(II) allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and
(III) allows the Commission to post the information on the Internet immediately upon receipt; and
(ii) make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a designation, statement, or report in electronic form under this Act.

(B) ADDITIONAL INFORMATION.—To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

(C) REQUIRED USE.—Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate’s authorized committee) shall use software that meets the standards promulgated under this paragraph once such software is made available to such candidate.

(D) REQUIRED POSTING.—The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.

(b) Contents of reports
Each report under this section shall disclose—
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(1) the amount of cash on hand at the beginning of the reporting period;
(2) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all receipts and the total amount of all receipts in the following categories:
  (A) contributions from persons other than political committees;
  (B) for an authorized committee, contributions from the candidate;
  (C) contributions from political party committees;
  (D) contributions from other political committees;
  (E) for an authorized committee, transfers from other authorized committees of the same candidate;
  (F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;
  (G) for an authorized committee, loans made by or guaranteed by the candidate;
  (H) all other loans;
  (I) rebates, refunds, and other offsets to operating expenditures;
  (J) dividends, interest, and other forms of receipts; and
  (K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of title 26;
(3) the identification of each—
  (A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;
  (B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;
  (C) authorized committee which makes a transfer to the reporting committee;
  (D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;
  (E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;
  (F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of such receipt; and
  (G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such receipt;
(4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements, and all disbursements in the following categories:
  (A) expenditures made to meet candidate or committee operating expenses;
  (B) for authorized committees, transfers to other committees authorized by the same candidate;
  (C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;
  (D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;
  (E) repayment of all other loans;
  (F) contribution refunds and other offsets to contributions;
  (G) for an authorized committee, any other disbursements;
  (H) for any political committee other than an authorized committee—
    (i) contributions made to other political committees;
    (ii) loans made by the reporting committees;
    (iii) independent expenditures;
    (iv) expenditures made under section 30116(d) of this title; and
    (v) any other disbursements; and
  (I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 30116(b) of this title;
(5) the name and address of each—
  (A) person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;
  (B) authorized committee to which a transfer is made by the reporting committee;
  (C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;
(D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and

(E) person who receives a contribution refunded or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

(6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such disbursement;

(B) for any other political committee, the name and address of each—

(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate;

(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 30116(d) of this title, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office); and

(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

(c) Statements by other than political committees; filing; contents; indices of expenditures

(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) for all contributions received by such person.

(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2), and shall include—

(A) the information required by subsection (b)(6)(B)(iii), indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(C) the identification of each person who made a contribution in excess of $250 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii), made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(d) Filing by facsimile device or electronic mail

(1) Any person who is required to file a statement under subsection (c) or (g) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents.
covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(e) Political committees

(1) National and congressional political committees

The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

(2) Other political committees to which section 30125 of this title applies

(A) In general

In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 30125(b)(1) of this title applies shall report all receipts and disbursements made for activities described in section 30101(20)(A) of this title, unless the aggregate amount of such receipts and disbursements during the calendar year is less than $5,000.

(B) Specific disclosure by State and local parties of certain non-Federal amounts permitted to be spent on Federal election activity

Each report by a political committee under subparagraph (A) of receipts and disbursements made for activities described in section 30101(20)(A) of this title shall include a disclosure of all receipts and disbursements described in section 30125(b)(2)(A) and (B) of this title.

(3) Itemization

If a political committee has receipts or disbursements to which this subsection applies from or to any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

(4) Reporting periods

Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B).

(f) Disclosure of electioneering communications

(1) Statement required

Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(2) Contents of statement

Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business of the person making the disbursement, if not an individual.

(C) The amount of each disbursement of more than $200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 1101(a)(20) of title 8) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.

(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to the person making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

(3) Electioneering communication

For purposes of this subsection—

(A) In general

(i) The term “electioneering communication” means any broadcast, cable, or satellite communication which—

(II) is made within—

(aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or

(bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and

(III) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(ii) If clause (i) is held to be constitutionally insufficient by final judicial decision to support the regulation provided hereafter, then the term “electioneering commun-
"disclosure date" means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate. Nothing in this subparagraph shall be construed to affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.

(B) Exceptions

The term "electioneering communication" does not include—

(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) a communication which constitutes an expenditure or an independent expenditure under this Act;

(iii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission, or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

(iv) any other communication exempted under such regulations as the Commission may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate implementation of this paragraph, except that under any such regulation a communication may not be exempted if it meets the requirements of this paragraph and is described in section 30101(20)(A)(iii) of this title.

(C) Targeting to relevant electorate

For purposes of this paragraph, a communication which refers to a clearly identified candidate for Federal office is "targeted to the relevant electorate" if the communication can be received by 50,000 or more persons—

(i) in the district the candidate seeks to represent, in the case of a candidate for a Representative in, or Delegate or Resident Commissioner to, the Congress; or

(ii) in the State the candidate seeks to represent, in the case of a candidate for Senator.

(4) Disclosure date

For purposes of this subsection, the term "disclosure date" means—

(A) the first date during any calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of $10,000; and

(B) any other date during such calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

(5) Contracts to disburse

For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

(6) Coordination with other requirements

Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.

(7) Coordination with title 26

Nothing in this subsection may be construed to establish, modify, or otherwise affect the definition of political activities or electioneering activities (including the definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate for public office) for purposes of title 26.

(g) Time for reporting certain expenditures

(1) Expenditures aggregating $1,000

(A) Initial report

A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours.

(B) Additional reports

After a person files a report under sub paragraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

(2) Expenditures aggregating $10,000

(A) Initial report

A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

(B) Additional reports

After a person files a report under sub paragraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

(3) Place of filing; contents

A report under this subsection—

(A) shall be filed with the Commission; and

(B) shall contain the information required by subsection (b)(6)(B)(i), including the name of each candidate whom an expenditure is intended to support or oppose.

(4) Time of filing for expenditures aggregating $1,000

Notwithstanding subsection (a)(5), the time at which the statement under paragraph (1) is
received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.

(h) Reports from Inaugural Committees

The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title 36 accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.

(i) Disclosure of bundled contributions

(1) Required disclosure

Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

(2) Covered period

In this subsection, a “covered period” means, with respect to a committee—
(A) the period beginning January 1 and ending June 30 of each year;
(B) the period beginning July 1 and ending December 31 of each year; and
(C) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

(3) Applicable threshold

(A) In general

In this subsection, the “applicable threshold” is $15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (7) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person’s spouse.

(B) Indexing

In any calendar year after 2007, section 30116 of this title shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subparagaphs (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amount applicable under subparagraph (A), the “base period” shall be 2006.

(4) Public availability

The Commission shall ensure that, to the greatest extent practicable—
(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and
(B) the Commission’s public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995 [2 U.S.C. 1601 et seq.].

(5) Regulations

Not later than 6 months after September 14, 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission—
(A) may, notwithstanding paragraphs (1) and (2), provide for quarterly filing of the schedule described in paragraph (1) by a committee which files reports under this section more frequently than on a quarterly basis;
(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (7), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995;
(C) may not exempt the activity of a person described in paragraph (7) from disclosure under this subsection on the grounds that the person is authorized to engage in fundraising for the committee or any other similar grounds; and
(D) shall provide for the broadest possible disclosure of activities described in this subsection by persons described in paragraph (7) that is consistent with this subsection.

(6) Committees described

A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

(7) Persons described

A person described in this paragraph is any person, who, at the time a contribution is forwarded to a committee as described in paragraph (8)(A)(i) or is received by a committee as described in paragraph (8)(A)(ii), is—
(A) a current registrant under section 4(a) of the Lobbying Disclosure Act of 1995 [2 U.S.C. 1603(a)];
(B) an individual who is listed on a current registration filed under section 4(b) of such Act [2 U.S.C. 1603(b)(6)] or a current report under section 5(b)(2)(C) of such Act [2 U.S.C. 1604(b)(2)(C)]; or
(C) a political committee established or controlled by such a registrant or individual.

(8) Definitions

For purposes of this subsection, the following definitions apply:

(A) Bundled contribution

The term “bundled contribution” means, with respect to a committee described in
paragraph (6) and a person described in paragraph (7), a contribution (subject to the applicable threshold) which is—
(i) forwarded from the contributor or contributors to the committee by the person;
(ii) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

(B) Leadership PAC
The term “leadership PAC” means, with respect to a candidate for election to Federal office or an individual holding Federal office, a political committee that is directly or indirectly established, financed, maintained or controlled by the candidate or the individual but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual, except that such term does not include a political committee of a political party.

(1) 1984—Subsec. (a)(5). Pub. L. 98–272, § 502(a), added par. (5) and struck out former par. (5) which read as follows: “If a designation, report, or statement filed pursuant to this Act (other than under paragraph (4)(A)(i) or (4)(A)(ii)), or subsection (g)(i) of this section) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.”

2002—Subsec. (a)(2)(B). Pub. L. 107–155, § 603(a), substituted “the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.” for “the following reports shall be filed:

“(i) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

“(ii) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.”


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Subsec. (a)(5). Pub. L. 107–155, § 512(b)(2)(A), added subpars. (B) to (D) and redesignated former subpar. (B) as (E).

Subsec. (a)(11)(B). Pub. L. 107–155, § 501, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.”


Subsec. (c)(2). Pub. L. 107–155, § 212(a)(1), struck out concluding provisions which read as follows: “Any independent expenditure (including those described in subsection (b)(6)(B)(ii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be filed within 24 hours after such independent expenditure is made. Such statement shall be filed with the Secretary or the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) of this section indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved. Notwithstanding subsection (a)(5) of this section, the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.”

Subsec. (d)(1). Pub. L. 107–155, § 212(b)(2)(B), inserted “or (g)” after “subsection (c)”.


2000—Subsec. (a)(5). Pub. L. 106–346, § 101(a) [title V, § 502(c)(2)], substituted “or (4)(A)(ii), or the second sentence of subsection (c)(2)” for “or (4)(A)(i)”.

Subsec. (c)(2). Pub. L. 106–346, § 101(a) [title V, § 502(c)(1)], in concluding provisions, substituted “shall be filed within” for “shall be reported within” and inserted at end “Notwithstanding subsection (a)(5) of this section, the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.”

Subsec. (b)(2) to (4), (6), (7), Pub. L. 106–38, § 464(a), which directed insertion of “(or election cycle, in the case of an authorized committee of a candidate for Federal office)” after “calendar year” wherever appearing in pars. (2)–(4), (6), (7) of section 304(b) of the Federal Election Campaign Act, was executed by making the insertions in this section, which is section 304(b) of the Federal Election Campaign Act of 1971, to reflect the probable intent of Congress. 

Subsec. (b)(5). Pub. L. 104–79, § 3(b)(2), substituted “filed with the Secretary” for “filed with the Clerk, the Secretary,” in first sentence. 

Subsec. (c)(2). Pub. L. 104–79, § 3(b)(2), substituted “filing with the Secretary” for “filing with the Clerk, the Secretary.” in last sentence.

1980—Pub. L. 96–187 completely revised this section by changing the reporting requirements of candidates and committees so as to substantially reduce the maximum number of reports to be filed while maintaining full and adequate disclosure of campaign activities. 

1976—Subsec. (a)(1)(C). Pub. L. 94–233, § 104(a), inserted provisions covering reports which must be filed in any year in which a candidate is not on the ballot for election to Federal office. 

Subsec. (a)(2). Pub. L. 94–233, § 104(b), substituted “committee authorized by a candidate to raise contributions or make expenditures on his behalf, other than the candidate’s principal campaign committee, shall file the reports required under this section with the candidate’s principal campaign committee” for “committee which is not a principal campaign committee shall file the reports required under this section with the appropriate principal campaign committee”. 

Subsec. (b). Pub. L. 94–233, § 104(c), added par. (13), redesignated former par. (13) as (14), and provided that committee treasurers and candidates be deemed to be in compliance with this subsection when they show that best efforts have been used to obtain and submit the information required by this subsection. 

Subsec. (e). Pub. L. 94–233, § 104(d), designated existing provisions as par. (1), substituted “independent expenditures expressly advocating the election or defeat of a clearly identifiable candidate” for “expenditures”, “$100 during a calendar year” for “$100 within a calendar year”, and “on a form prepared by the Commission” for “a statement containing the information required of a person who makes a contribution in excess of $100 to a candidate or political committee and the information required of a candidate or political committee receiving such a contribution” for “a statement containing the information required by this section. 

Statements required by this subsection shall be filed on the date on which reports by candidates or political committees for elections held prior to January 1, 2008, are filed but need not be cumulative”, and added pars. (2) and (3). 

1979—Subsec. (a)(11), Pub. L. 96–187, § 303(a), added par. (11) and struck out former par. (11) which read as follows:

“(11) (A) The Commission shall permit reports required by this Act to be filed and preserved by means of computer disk or any other appropriate electronic format or method, as determined by the Commission.

(B) The Commission shall provide for one or more methods (other than requiring a signature on the report being filed) for verifying reports filed by means of computer disk or other electronic format or method. Any verification under the preceding sentence shall be treated for all purposes (including penalties for perjury) in the same manner as a verification by signature.

(C) As used in this paragraph, the term Report’ means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.”

1975—Subsec. (b)(2). Pub. L. 93–443, § 304(b)(2), made the report to disclose the total receipts less transfers between political committees which support the same candidate and which do not support more than one candidate.

Subsec. (b)(3). Pub. L. 93–443, § 304(b)(3), substituted “identification” for “full name and mailing address (occupation and the principal place of business, if any)” in pars. (9) and (10).

Subsec. (b)(4). Pub. L. 93–443, § 304(b)(4), required the report to disclose the total expenditures less transfers between political committees which support the same candidate and which do not support more than one candidate.

Subsec. (b)(5). Pub. L. 93–443, § 304(b)(5), 208(c)(4)(B), required the report to include a statement as to the circumstances and conditions under which any debt or obligation is extinguished and the consideration therefor and substituted “Commission” for “supervisory officer”.

Subsec. (b)(10). Pub. L. 93–443, § 304(b)(10), substituted “Commission” for “supervisory officer”.

Subsecs. (d), (e). Pub. L. 93–443, § 304(c)(4)(B), added subsec. (d) and incorporated provisions of former section 435 of this title in provisions designated as subsec. (e), substituting “Commission” for “supervisory officer” therein.

Effective Date of 2007 Amendment

Pub. L. 110–81, title II, § 204(b), Sept. 14, 2007, 121 Stat. 757, provided that: “The amendment made by section (a)(amending this section) shall apply with respect to reports filed under section 304 of the Federal Election Campaign Act [52 U.S.C. 30104] after the expiration of the 3-month period which begins on the date that the regulations required to be promulgated by the Federal Election Commission under section 304(h)(5) of such Act (as added by subsection (a)) become final.”


Effective Date of 2002 Amendment

Amendment by Pub. L. 107–155 effective Nov. 6, 2002, except that amendment by sections 103(a), 201(a), 212, 207, and 211 of Pub. L. 106–58 not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002.
see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 30101 of this title.

**Effective Date of 2000 Amendment**


**Effective Date of 1999 Amendment**

Pub. L. 106–58, title VI, § 829(b), Sept. 29, 1999, 113 Stat. 476, provided that: "The amendments made by this section [amending this section] shall be effective for reporting periods beginning after December 31, 2000."

Pub. L. 106–58, title VI, § 641(b), Sept. 29, 1999, 113 Stat. 477, provided that: "The amendment made by this section [amending this section] shall become effective with respect to reporting periods beginning after December 31, 2000."

**Effective Date of 1995 Amendment**

Amendment by section 1(a) of Pub. L. 104–79 applicable with respect to reports for periods beginning after Dec. 31, 1996, see section 1(c) of Pub. L. 104–79, set out as a note under section 30102 of this title.

Amendment by section 3(b) of 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**

Amendment by Pub. L. 96–187 effective Jan. 8, 1980, with subsec. (b) of this section applicable to authorized committees for President and Vice President in elections occurring after Jan. 1, 1981, see section 301 of Pub. L. 96–187, set out as a note under section 30101 of this title.

**Effective Date of 1974 Amendment**

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 30101 of this title.

**Responsibilities of Federal Communications Commission**

Pub. L. 107–155, title II, § 201(b), Mar. 27, 2002, 116 Stat. 90, provided that: "The Federal Communications Commission shall compile and maintain any information the Federal Election Commission may require to carry out section 301(f) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30106(f) (as added by subsection (a)), and shall make such information available to the public on the Federal Communication Commission's website."

**Report Required To Be Filed By January 31, 1975**

Pub. L. 93–443, title II, § 204(e), Oct. 15, 1974, 88 Stat. 1278, provided that notwithstanding the amendment to this section as to the time to file reports, nothing in Pub. L. 93–443 [see Tables for classification] is to be construed as waiving the report required to be filed by Jan. 31, 1975 under the provisions of this section as in effect on Oct. 15, 1974, the date of enactment of Pub. L. 93–443.

§ 30105. Reports on convention financing

Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, shall, within 60 days following the end of the convention (but not later than 20 days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purpose for which such funds were expended.


**Codification**

Section was formerly classified to section 437 of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.

**Prior Provisions**


**Amendments**

1980—Pub. L. 96–187 substituted “60” and “20” for “sixty” and “twenty”, respectively, and struck out “Federal Election” before “Commission”.


**Effective Date of 1980 Amendment**


**Effective Date of 1974 Amendment**

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 30101 of this title.

§ 30106. Federal Election Commission

(a) Establishment; membership; term of office; vacancies; qualifications; compensation; chairman and vice chairman

(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

(2)(A) Members of the Commission shall serve for a single term of 6 years, except that of the members first appointed—

(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.
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(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of title 26. The Commission shall have exclusive jurisdiction with respect to the civil enforcement of such provisions.

(2) Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress with respect to elections for Federal office.

(e) Voting requirements; delegation of authorities

All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 30107(a) of this title or with chapter 95 or chapter 96 of title 26.

(d) Meetings

The Commission shall meet at least once each month and also at the call of any member.

(e) Rules for conduct of activities; judicial notice of seal; principal office

The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia (but it may meet or exercise any of its powers anywhere in the United States).

(f) Staff director and general counsel; appointment and compensation; appointment and compensation of personnel and procurement of intermittent services; use of assistance, personnel, and facilities of Federal agencies and departments; counsel for defense of actions

(1) The Commission shall have a staff director and a general counsel who shall be appointed by the Commission. The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of title 5 governing appointments in the competitive service.

(2) With the approval of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332).

(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

(4) Notwithstanding the provisions of paragraph (2), the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in its office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5 governing appointments in the competitive service, and whose compensation it
may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to provide the compensation of employees of the Commission.


REFERENCES IN TEXT

This Act, referred to in subs. (b), (c), and (f)(3), (4), means the Federal Election Campaign Act of 1971, as defined by section 30101 of this title.

CODIFICATION

Section was formerly classified to section 437e 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


AMENDMENTS


1980—Subsec. (a). Pub. L. 96–187, §105(6), in par. (1) inserted “or their designees,” before “ex officio,” and struck out “of the United States” after “President”; in par. (2)(B) inserted “or her” after “his” in two places; in par. (2)(C) inserted “or she” after “he”; in par. (3) struck out “maturity” before “experience” substituted “and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission” for “and shall be chosen from among individuals who, at the time of their appointment”, substituted “Such members of the Commission” for “Members of the Commission” and substituted “of or her appointment to the Commission” for “such individual begins to serve as a member of the Commission”; and in par. (5) substituted “A member may serve as Chairman only once” for “No member may serve as Chairman more often than once”.

Subsec. (b)(1). Pub. L. 96–187, §105(6), substituted “exclusive jurisdiction” for “exclusive primary jurisdiction”.

Subsec. (c). Pub. L. 96–187, §105(6), substituted “provisions of this Act” for “provisions of this subchapter” in first sentence, and substituted “A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to establish guidelines for compliance with the provisions of this Act or with chapter 95 or chapter 96 of title 26, or for the Commission to take any action in accordance with paragraph (6), (7), (8), or (10) of section 437d(a) of this title.”

Subsec. (d). Pub. L. 96–187, §121(b), purported to substitute “section 307(a)” for “section 310(a)”, referred to in text as “section 437d(a) of this title”. However, that substitution had been made in the general amendment of the subsection by section 105(6) of Pub. L. 96–187. See preceding paragraph.

Subsec. (f). Pub. L. 96–187, §105(6), in par. (1) inserted “or she” after “as he”; in par. (3) struck out “Government” after “United States” and added par. (4).

1976—Subsec. (a)(1). Pub. L. 94–283, §101(a), changed provisions covering the appointment and confirmation of the six members of the Commission other than the Secretary of the Senate and the Clerk of the House of Representatives by substituting a requirement that they be appointed by the President of the United States, by and with the advice and consent of the Senate, for a requirement that appointment be made by the President, the President pro tempore of the Senate, and the Speaker of the House, with confirmation by a majority of both Houses of the Congress, and made technical changes in the provisions covering the political affiliation of the six appointees so as to accommodate the changed appointment and confirmation procedures.

Subsec. (a)(2). Pub. L. 94–283, §101(b), provided that members of the Commission serve for terms of 6 years, except that members first appointed serve for staggered terms as designated by the President, and inserted provision that a member may serve on the Commission after the expiration of his term until his successor has taken office as a member of the Commission.

Subsec. (a)(3). Pub. L. 94–283, §101(c)(1), inserted provisions that Commission members may not engage in other businesses, vocations, or employment, but allowed appointees one year after beginning service as members of the Commission to terminate or liquidate other businesses, vocations, or employment which they may be engaged in when they begin their service as Commission members.

Subsec. (b). Pub. L. 94–283, §101(c)(2), designated existing provisions as par. (1), substituted “chapter 95 and chapter 96 of title 26” for “sections 608, 610, 611, 613, 614, 615, 616, and 617 of Title 18” and “shall have exclusive primary jurisdiction” for “has primary jurisdiction”, and added par. (2).

Subsec. (c). Pub. L. 94–283, §101(c)(3), provided that the affirmative vote of the Commission shall be required in order for the Commission to establish guidelines for compliance with the provisions of this Act or with chapter 95 or chapter 96 of title 26, or for the Commission to take any action in accordance with paragraph (6), (7), (8), or (10) of section 437d(a) of this title.

Subsec. (f)(1). Pub. L. 94–283, §101(d), provided that the appointment and the fixing of pay of additional personnel by the staff director may be done without regard to the provisions of title 5 governing appointments in the competitive service.

EFFECTIVE DATE OF 1997 AMENDMENT

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Effective Date of 1980 Amendment

Effective Date
Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as an Effective Date of 1974 Amendment note under section 30101 of this title.

Operation of Federal Election Commission After 1976 Amendment of Federal Election Campaign Act; Appointment of Commission Members; Transfer of Personnel, Liabilities, Contracts, Property, and Records, of Commission; References to Commission Prior to Amendment Deemed References to Commission as Constituted After 1976 Amendment of Federal Election Campaign Act
Pub. L. 94–283, title I, §101(e)–(g), May 11, 1976, 90 Stat. 476, 477, provided for the transition of the Federal Election Commission as it was reconstituted under the Federal Election Campaign Act of 1971 as amended by Pub. L. 94–283 by providing for appointment of members, transfer of personnel, liabilities, contracts, property, and records, and savings provisions for orders, determinations, rules, opinions, and proceedings issued, pending, or commenced before such amendments.

Transitional Provision Pending Appointment and Qualification of Members and General Counsel of Federal Election Commission and Transfer of Records, Documents, Memorandums, and Other Papers
Pub. L. 93–443, title II, §208(b), Oct. 15, 1974, 88 Stat. 1286, provided transitional authority for the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives pending the appointment and qualification of the members and general counsel of the Federal Election Commission and authority for transfer of records, documents, memorandums, and other papers to the Commission.

§ 30107. Powers of Commission
(a) Specific authorities
The Commission has the power—
(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;
(2) to administer oaths or affirmations;
(3) to require by subpoena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;
(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);
(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;
(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 30109(a)(8) of this title) or appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of title 26, through its general counsel;
(7) to render advisory opinions under section 30108 of this title;
(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of title 26; and
(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

(b) Judicial orders for compliance with subpoenas and orders of Commission; contempt of court
Upon petition by the Commission, any United States district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpoena or order of the Commission issued under subsection (a), issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) Civil liability for disclosure of information
No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(d) Concurrent transmissions to Congress or Member of budget estimates, etc.; prior submission of legislative recommendations, testimony, or comments on legislation
(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.
(2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or to the Member requesting the same, No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(e) Exclusive civil remedy for enforcement
Except as provided in section 30109(a)(8) of this title, the power of the Commission to initiate civil actions under subsection (a)(6) shall be the exclusive civil remedy for the enforcement of the provisions of this Act.


References in Text
This Act, referred to in subsecs. (a)(6), (8), and (e), means the Federal Election Campaign Act of 1971, as defined by section 30101 of this title.
§ 30108. Advisory opinions

(a) Requests by persons, candidates, or authorized committees; subject matter; time for response

(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of title 26, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

(2) If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request.

(b) Procedures applicable to initial proposal of rules or regulations, and advisory opinions

Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 30111(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

(c) Persons entitled to rely upon opinions; scope of protection for good faith reliance

(1) Any advisory opinion rendered by the Commission under subsection (a) may be relied upon by—

(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of title 26.

(d) Requests made public; submission of written comments by interested public

The Commission shall make public any request made under subsection (a) for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public.

REFERENCE IN TEXT
This Act, referred to in subsecs. (a)(1), (b), and (c)(2), means the Federal Election Campaign Act of 1971, as defined by section 30101 of this title.

CODIFICATION
Section was formerly classified to section 437f 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
A prior section 308 of Pub. L. 92-225 was classified to section 437f of Title 2, The Congress, prior to repeal by Pub. L. 96-187. Another prior section 308 of Pub. L. 92-225 was classified to section 437a of Title 2, The Congress, prior to repeal by Pub. L. 94-283. Another prior section 308 of Pub. L. 92-225 was renumbered section 311, and is classified to section 30111 of this title.

AMENDMENTS
1986—Subsecs. (a)(1), (b), (c)(2). Pub. L. 99-514 substituted “Federal Election Campaign Act of 1971,” as defined by section 30101 of this title, for “Federal Election Campaign Act of 1971, as defined by subsection (a) of this section.”

1980—Subsec. (a). Pub. L. 96-187, §107, redesignated existing provisions as par. (1), substituted provisions requiring the Commission to render a written advisory opinion no later than 60 days after receiving a written request concerning the application of this Act, chapters 95 or 96 of title 26, or a rule or regulation for provisions requiring a written advisory opinion within a reasonable time in response to a written request by any individual holding Federal office, candidate for Federal office, any political committee or the national committee of a political party, provisions requiring promulgation of a rule or regulation pursuant to procedures established by section 438(c) of this title, and prohibiting issuance of advisory opinions except in accordance with the provisions of this section, and added par. (2).

Subsec. (b). Pub. L. 96-187, §107, struck out the par. (1) and (2) designations and substituted provisions requiring any rule of law not stated in this Act or chapter 95 or 96 of title 26 be initially proposed as a rule or regulation pursuant to the procedures of section 438(d) of this title, and provisions prohibiting issuance of an advisory opinion except in accordance with the provisions of this section for provisions holding any person relying upon an advisory opinion free from any sanction provided by this Act or chapter 95 or 96 of title 26, and provisions allowing reliance on an advisory opinion by any person involved in the specific transaction and any person involved in a transaction indistinguishable from the transaction with respect to which such opinion was rendered.

Subsec. (c). Pub. L. 96-187, §107, redesignated existing provisions as par. (1), substituted provisions allowing reliance on any advisory opinion by any person involved in the specific transaction or activity to which such opinion was rendered and any person involved in a transaction or activity indistinguishable from the transaction with respect to which such opinion was rendered for provisions mandating that any request for an advisory opinion be made public and allowing any interested party to transmit written comments to the Commission prior to the rendering of its opinion, and added par. (2).


1976—Subsec. (a). Pub. L. 94-283, §108(a), added national committees of political parties to the enumeration of persons and political bodies authorized to request advisory opinions, substituted the application of general rules of law as stated in the Act or in chapter 95 or 96 of title 26 or as prescribed by rules or regulations of the Commission to specific factual situations for the resolution of the question of whether or not any specific transaction or activity by an individual, candidate, or political committee would constitute a violation of the Act as the subject matter of advisory opinions, and inserted requirement that rules or regulations forming the basis for rules of law be rules or regulations proposed pursuant to section 438(c) of this title and that advisory opinions be issued only in accordance with the provisions of this section.

Subsec. (b). Pub. L. 94-283, §108(a), designated existing provisions as par. (1), substituted provisions that any person who relies upon any finding or provision of an advisory opinion in accordance with the provisions of paragraph (2) and who acts in good faith in accordance with the provisions and findings of the advisory opinion shall not, as a result of that act, be subject to any sanctions provided by the Act or by chapter 95 or 96 of title 26 for provisions that any person with respect to whom an advisory opinion was rendered was acting in violation of this Act as defined by subsection (a) who acted in good faith in accordance with the provisions and findings of an advisory opinion would be presumed to be in compliance with the Act, and added par. (2).

EFFECTIVE DATE OF 1980 AMENDMENT
Amendment by Pub. L. 96-187 effective Jan. 8, 1980, see section 301(a) of Pub. L. 96-187, set out as a note under section 30101 of this title.

EFFECTIVE DATE
Section effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 30101 of this title.

CONFORMANCE OF ADVISORY OPINIONS ISSUED PRIOR TO MAY 11, 1976, TO REQUIREMENTS IMPOSED UNDER 1976 AMENDMENTS
Pub. L. 94-283, title I, §108(b), May 11, 1976, 90 Stat. 482, provided that: “The Commission shall, no later than 90 days after the date of the enactment of this Act [May 11, 1976], conform the advisory opinions issued before such date of enactment to the requirements established by section 312(a) of the Act [subsec. (a) of this section], as amended by subsection (a) of this section. The provisions of section 312(b) of the Act [subsec. (b) of this section], as amended by subsection (a) of this section, shall apply with respect to all advisory opinions issued before the date of the enactment of this Act as conformed to meet the requirements of section 312(a) of the Act, as amended by subsection (a) of this section.”

§ 30109. Enforcement
(a) Administrative and judicial practice and procedure
(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of title 26 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no
action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of title 26, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

(4)(A)(i) Except as provided in clauses (ii) and (iii), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of title 26, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to a written consent of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of title 26, the Commission shall make public such determination.

(C)(i) Notwithstanding subparagraph (A), in the case of a violation of a qualified disclosure requirement, the Commission may—

(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and

(II) based on such finding, require the person to pay a civil money penalty in an amount determined, for violations of each qualified disclosure requirement, under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations by the person, and such other factors as the Commission considers appropriate.

(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity to be heard before the Commission.

(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.

(iv) In this subparagraph, the term "qualified disclosure requirement" means any requirement of—

(I) subsections (a), (c), (e), (f), (g), or (i) of section 30104 of this title; or

(II) section 30105 of this title.

(v) This subparagraph shall apply with respect to violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2023.

(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation.

(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not
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(7) In any action brought under paragraph (5) or (6), subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(8)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.

(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.

(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.


(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000.

(b) Notice to persons not filing required reports prior to institution of enforcement action; publication of identity of persons and unfiled reports

Before taking any action under subsection (a) against any person who has failed to file a report required under section 30104(a)(2)(A)(iii) of this title for the calendar quarter immediately preceding the election involved, or in accordance with section 30104(a)(2)(A)(i) of this title, the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commis-
(d) Penalties; defenses; mitigation of offenses

(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, or imprisoned for not more than 5 years, or both; or

(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.

(B) In the case of a knowing and willful violation of section 30118(b)(3) of this title, the penalties set forth in this subsection shall apply to a violation involving an amount aggregating $250 or more during a calendar year. Such violation of section 30118(b)(3) of this title may incorporate a violation of section 30119(b), 30122, or 30123 of this title.

(C) In the case of a knowing and willful violation of section 30124 of this title, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

(D) Any person who knowingly and willfully commits a violation of section 30122 of this title involving an amount aggregating more than $10,000 during a calendar year shall be—

(i) imprisoned for not more than 2 years if the amount is less than $25,000 (and subject to imprisonment under subparagraph (A) if the amount is $25,000 or more);

(ii) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

(I) $50,000; or

(II) 1,000 percent of the amount involved in the violation; or

(iii) both imprisoned under clause (i) and fined under clause (II).

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of title 26, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) which specifically deals with the act or failure to act constituting such violation and which is still in effect.

(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of title 26, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

(B) the conciliation agreement is in effect; and

(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (d), means the Federal Election Campaign Act of 1971, as defined by section 3101 of this title.

CODIFICATION

Section was formerly classified to section 437g 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

A prior section 309 of Pub. L. 92–225 was renumbered section 306, and is classified to section 30106 of this title.

Another prior section 309 of Pub. L. 92–225 was renumbered section 308, and was classified to section 437b of Title 2, The Congress, prior to repeal by Pub. L. 96–187.

Another prior section 309 of Pub. L. 92–225 was renumbered section 312, and is classified to section 30113 of this title.

AMENDMENTS


Subsec. (a)(4)(C)(i)(II). Pub. L. 113–72, §2(b), inserted “; for violations of each qualified disclosure requirement,” before “under a schedule of penalties”.


Pub. L. 113–72, §1, substituted “December 31, 2018” for “December 31, 2013”.

the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

“(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

“(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

“(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

“(d) APPLICABILITY.—

“(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2006, the provisions of subsection (a) shall apply with respect to each action described in such section.

“(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2006, the provisions of subsection (a) shall not apply to any action described in such section unless the person filing such action elects such provisions to apply to the action.”

§ 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
§ 30111

(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.

(5)(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 form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion 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 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).

CODIFICATION
Section was formerly classified to section 438 of Title 2, The Congress, prior to editorial reclassification and renumbering as this section. Some section numbers referred to 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 326, and was classified to section 441 of Title 2, The Congress, prior to repeal by Pub. L. 94–283.

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 sentence 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.”


Subsec. (a)(1). Pub. L. 96–187, §109, substituted “prescribe forms necessary to implement this Act” for “to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with it under this subchapter”.

Subsec. (a)(2). Pub. L. 96–187, §109, substituted “prepare, publish, and furnish to all persons required to file reports and statements under this Act” for “to prepare, publish, and furnish to the person required to file such reports and statements”.

Subsec. (a)(3). Pub. L. 96–187, §109, struck out “to” before “develop” and substituted “consistent with the purposes of this Act” for “consonant with the purposes of this subchapter”.

Subsec. (a)(4). Pub. L. 96–187, §109, substituted provisions making available for inspection and copying reports and statements within 48 hours after receipt and prohibiting the sale or use of any information for soliciting contributions or for commercial purposes other than using names and addresses of any political committee and allowing a political committee to submit 10 pseudonyms on each report to protect against illegal use of names and addresses of contributors, such lists to be excluded from the public record, for provisions making available for public inspection and copying reports and statements as soon as practicable but no later than the end of the second day following the day during which it was received, and to permit copying by hand or duplicating machine at the person’s own expense, provided that no information so copied be sold or utilized for purposes of soliciting contributions or for commercial purposes.

Subsec. (a)(5). Pub. L. 96–187, §109, substituted “keep such designations, reports” for “to preserve such reports”,”except that designations, reports, and statements that relate” for “except that reports and statements relating” and “shall be kept” for “shall be preserved”.

Subsec. (a)(6). Pub. L. 96–187, §109, redesignated existing provisions as subpar. (A), added subpars. (B) and (C), and in subpar. (A) as so designated substituted provisions for the compilation and maintenance of a cumulative index of designations, reports, and statements filed under this Act, to be published at regular intervals and made available for direct or mail purchase for provisions for compilation and maintenance of such index to be published in the Federal Register at regular intervals to be made available for direct or mail purchase at reasonable prices, and for compilation and maintenance of a separate cumulative index of reports and statements of political committees supporting more than one candidate including a listing of the date of registration of such committee and the date of qualification to make expenditures under section 441(a)(2), to be revised on the same basis as the other cumulative indices.

Subsec. (a)(7). Pub. L. 96–187, §109, substituted provisions requiring preparation and publication periodically lists of committees failing to file reports as required by this Act for provisions requiring preparation and publication from time to time of special reports listing candidates for whom reports were filed as required and candidates for whom reports were not filed.

Subsec. (a)(8). Pub. L. 96–187, §109, substituted provisions for rules, regulations and forms to carry out the provisions of this Act in public inspections, audits, field investigations with respect to reports and statements and failure to file such and giving priority to auditing and field investigation verification and receipt and use of payments received by a candidate.

Subsec. (a)(9). Pub. L. 96–187, §109, substituted provisions for transmittal to the President and Congress no later than June 1 of each year a report of Commission activities and recommendations for legislation for provisions for reporting apparent violations of law to appropriate law enforcement authorities.

Subsec. (a)(10). Pub. L. 96–187, §109, substituted provisions authorizing the Commission to serve as a national clearinghouse for compilation of information and review procedures with respect to administration of Federal elections, and to enter into contracts to conduct studies, to be made available to the public upon payment of costs except that copies be made available without cost to agencies and branches of the Federal Government for provisions for prescription of rules and regulations to carry out the provisions of this subchapter in accordance with the provisions of subsec. (c) of this section.

Subsec. (b). Pub. L. 96–187, §109, substituted provisions for the conduct of audits and field investigations with priority to verification for, and receipt and use of
payments received by a candidate or committee under chapter 95 or 96 of title 26, and performance of internal review of reports of selected committees to determine compliance with threshold requirements of this Act, such requirements to be established by the Commission, audits and investigations to be undertaken upon affirmative vote of 4 members within 30 days of such vote. Report audits of an authorized committee of a candidate to be commenced within 6 months of the election for which such committee was authorized, for provisions declaring it the duty of the Commission to act as a national clearinghouse for information in respect to administration of elections, to enter into contracts to conduct independent studies of administration of elections, such studies to be published by the Commission and any information-gathering activities of the Commission for provisions of pars. (1) to (5) relating to prescribing of rules and regulations and approval thereof by either the Senate or the House of Representatives, and definition of "legislative days" and "rule or regulation".

Subsec. (d)(1). Pub. L. 96–187, §109, substituted provisions for transmittal to Congress of a motion to consider resolutions relating to a rule or regulation reported by a committee of the House or Senate, 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. (d)(3), (4). Pub. L. 96–187, §109, added pars. (3) and (4).

Subsecs. (e), (f). Pub. L. 96–187, §109, added subsecs. (e) and (f).

1976—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.

Subsec. (a)(8). Pub. L. 94–283, §110(a)(2), inserted provisions giving priority to auditing and field investigating 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, §110(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 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, §209(a)(1), redesignated par. (11) 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, §209(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, §209(a)(1), (b)(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, §209(a)(1), redesignated pars. (11) to (13) as (8) to (10), respectively.

Subsec. (b). Pub. L. 93–443, §§208(c)(10)(A), (B), 209(b)(2)(A), substituted "Commission" for "Comptroller General" wherever appearing and "its" for "his" in second sentence and struck out provision that "Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any information-gathering activities of the Comptroller General in any such study.", redesignated subsec. (c) as (b) and struck out former subsec. (b) provisions respecting Federal and State filing of reports, including procedures for Federal copies of State requirements to eliminate multiple filings.

Subsec. (c). Pub. L. 93–443, §209(b)(2)(A), (B), added subsec. (c) and redesignated former subsec. (c) as (b).

Subsec. (d). Pub. L. 93–443, §209(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 2002 Amendment**
Amendment by Pub. L. 107–252 effective upon appointment of all members of the Election Assistance Commission under section 20923 of this title, see section 23194(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 168 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)
§ 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.

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.

Effective Date

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.

§ 30113. Statements filed with State officers; “appropriate State” defined; duties of State officers; waiver of duplicate filing requirement for States with electronic access

(a) Statements filed; “appropriate State” defined

(1) A copy of each report and statement required to be filed by any person under this Act shall be filed by such person with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.

(2) For purposes of this subsection, the term “appropriate State” means—

(A) for statements and reports in connection with the campaign for nomination for election of a candidate to the office of President or Vice President, each State in which an expenditure is made on behalf of the candidate; and

(B) for statements and reports in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, the State in which the candidate seeks election; except that political committees other than authorized committees are only required to file, and Secretaries of State required to keep, that portion of the report applicable to candidates seeking election in that State.

(b) Duties of State officers

The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1), shall—

(1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;

(2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;

(3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine at the request of any person, except that such copying shall be at the expense of the person making the request; and

(4) compile and maintain a current list of all reports and statements pertaining to each candidate.

(c) Waiver; electronic access

Subsections (a) and (b) shall not apply with respect to any State that, as determined by the Commission, has a system that permits electronic access to, and duplication of, reports and statements that are filed with the Commission.

References in Text

This Act, referred to in subsecs. (a)(1) and (b)(1), means the Federal Election Campaign Act of 1971, as defined by section 30101 of this title.

Codification

Section was formerly classified to section 439 of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.

A prior section 312 of Pub. L. 92–225 was renumbered section 308, and is classified to section 30108 of this title.

Another prior section 312 of Pub. L. 92–225 was renumbered section 311, and was classified to section 437e of Title 2, The Congress, prior to repeal by Pub. L. 96–187.
§ 30114  TITLE 52—VOTING AND ELECTIONS

1980—Subsec. (a), Pub. L. 96–187, § 110, in revising text, added par. (1), incorporating part of first sentence reading—"A copy of each statement required to be filed with the Commissioner by this subchapter shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State."); and reenacted as par. (2) definition provision of second sentence, redesignating as cl. (A) prior cl. (1) provisions, inserting reference to statements respecting the campaign, striking out reference to campaign for election and provision for expenditure by the candidate, and redesignating as cl. (B) prior cl. (2), inserting reference to statements respecting the campaign and requirement only for political committees other than authorized committees to file and Secretaries of State to keep that portion of report applicable to candidates seeking election in that State.

Subsec. (b), Pub. L. 96–187, § 110, in revising text, provided for performance of the prescribed duties by the officer designated under subsec. (a)(1); substituted in cl. (1) “reports and statements required by this Act to be filed therewith” for “reports and statements required by this subchapter to be filed with him”; substituted in cl. (2) requirement of a 2 year retention period for reports and statements after receipt in original form or in facsimile copy by microfilm for ten year retention period after such receipt and five year period when relating to House of Representatives candidates; required in cl. (3) that filed reports and statements be available within 48 hours of receipt rather than no later than end of day of receipt; and provided in cl. (4) for inclusion of reports in current list and exclusion of parts of statements.

1974—Subsec. (a), Pub. L. 93–443, § 208(c)(11), substituted “the Commission” for “a supervisory officer”.

Effective Date of 1980 Amendment

Effective Date of 1974 Amendment
Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 30101 of this title.

§ 30114. Use of contributed amounts for certain purposes

(a) Permitted uses

A contribution accepted by a candidate, and any other donation received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

(1) for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual;

(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

(3) for contributions to an organization described in section 178(c) of title 26;

(4) for transfers, without limitation, to a national, State, or local committee of a political party;

(5) for donations to State and local candidates subject to the provisions of State law; or

(6) for any other lawful purpose unless prohibited by subsection (b) of this section.

(b) Prohibited use

(1) In general

A contribution or donation described in subsection (a) shall not be converted by any person to personal use.

(2) Conversion

For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign or individual’s duties as a holder of Federal office, including—

(A) a home mortgage, rent, or utility payment;

(B) a clothing purchase;

(C) a noncampaign-related automobile expense;

(D) a country club membership;

(E) a vacation or other noncampaign-related trip;

(F) a household food item;

(G) a tuition payment;

(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

(I) dues, fees, and other payments to a health club or recreational facility.

(c) Restrictions on use of campaign funds for flights on noncommercial aircraft

(1) In general

Notwithstanding any other provision of this Act, a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft unless—

(A) the aircraft is operated by an air carrier or commercial operator certified by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certified by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or

(B) the candidate, the authorized committee, or other political committee pays the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size by the number of candidates on the flight) within a commercially reasonable time frame after the date on which the flight is taken.

(2) House candidates

Notwithstanding any other provision of this Act, in the case of a candidate for election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an authorized committee and a leadership PAC of the candidate may not make any expenditure for a flight on an aircraft unless—

(A) the aircraft is operated by an air carrier or commercial operator certified by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or
commercial operator certified by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules; or
(B) the aircraft is operated by an entity of the Federal government or the government of any State.

(3) Exception for aircraft owned or leased by candidate

(A) In general

Paragraphs (1) and (2) do not apply to a flight on an aircraft owned or leased by the candidate involved or an immediate family member of the candidate (including an aircraft owned by an entity that is not a public corporation in which the candidate or an immediate family member of the candidate has an ownership interest), so long as the candidate does not use the aircraft more than the candidate’s or immediate family member’s proportionate share of ownership allows.

(B) Immediate family member defined

In this subparagraph (A), the term “immediate family member” means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.

(4) Leadership PAC defined

In this subsection, the term “leadership PAC” has the meaning given such term in section 30104(i)(8)(B) of this title.


REFERENCES IN TEXT

This Act, referred to in subsec. (c)(1), (2), means the Federal Election Campaign Act of 1971, as defined by section 30101 of this title.

CODIFICATION

Section was formerly classified to section 439a of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS


Another prior section 313 of Pub. L. 92–225 was renumbered section 309, and is classified to section 30109 of this title.

Another prior section 313 of Pub. L. 92–225 was renumbered section 308, and is classified to section 30108 of this title.

AMENDMENTS

2004—Subsec. (a)(5), (6). Pub. L. 108–447, which directed the amendment of section 312a(a) of the Federal Election Campaign Act of 1971 by adding pars. (5) and (6), was executed by making the amendments to this section, which is section 313 of the Federal Election Campaign Act of 1971, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110–81, title VI, §601(b), Sept. 14, 2007, 121 Stat. 775, provided that: ‘‘The amendment made by sub-

SEC. 30115. Authorization of appropriations

There are authorized to be appropriated to the Commission for the purpose of carrying out its functions under this Act, and under chapters 95 and 96 of title 26, not to exceed $5,000,000 for the fiscal year ending June 30, 1975. There are authorized to be appropriated to the Commission $6,000,000 for the fiscal year ending June 30, 1976, $1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, $6,000,000 for the fiscal year ending September 30, 1977, $7,811,500 for the fiscal year ending September 30, 1978, and $9,400,000 (of which not more than $400,000 are authorized to be appropriated for the national clearinghouse function described in section 30111(a)(10) of this title) for the fiscal year ending September 30, 1981.


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.


CODIFICATION

Section was formerly classified to section 439c of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 314 of Pub. L. 92–225 was renumbered section 310, and is classified to section 30110 of this title.

Another prior section 314 of Pub. L. 92–225 was renumbered section 309, and is classified to section 30109 of this title.

AMENDMENTS


1 See References in Text note below.
§ 30116

LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

(a) Dollar limits on contributions

(1) Except as provided in subsection (i) and section 30117 of this title, no person shall make contributions—
   (A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $2,000;
   (B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $25,000, or, in the case of contributions made to any of the accounts described in paragraph (9), exceed 300 percent of the amount otherwise applicable under this subparagraph with respect to such calendar year;
   (C) to any other political committee (other than a committee described in subparagraph (D)) in any calendar year which, in the aggregate, exceed $5,000; or
   (D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.

(2) No multicandidate political committee shall make contributions—
   (A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;
   (B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $15,000, or, in the case of contributions made to any of the accounts described in paragraph (9), exceed 300 percent of the amount otherwise applicable under this subparagraph with respect to such calendar year; or
   (C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

(3) During the period which begins on January 1 of an odd-numbered year and ends on December 31 of the next even-numbered year, no individual shall make contributions aggregating more than—
   (A) $37,500, in the case of contributions to candidates and the authorized committees of candidates;
   (B) $37,500, in the case of any other contributions, of which not more than $37,500 may be attributable to contributions to political committees which are not political committees of national political parties.

(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term “multicandidate political committee” means a political committee which has been registered under section 30103 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that—
   (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fund raising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2) all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by the State committee of a political party shall not be considered to have been made by a single political committee; and
   (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such transfer is not made when the candidate is actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on contributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of title 26. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

(6) The limitations on contributions to a candidate imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.

(7) For purposes of this subsection—
   (A) contributions to a named candidate made to any political committee authorized by such candidate to accept contributions on his behalf shall be considered to be contributions made to such candidate;
   (B)(i) expenditures made by any person in cooperation, consultation, or concert, with, or
at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

(ii) expenditures made by any person (other than a candidate or candidate’s authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee; and

(iii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and

(C) if—

(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 3014(f)(3) of this title); and

(ii) such disbursement is coordinated with a candidate or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee;

such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate’s party and as an expenditure by that candidate or that candidate’s party; and

(D) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

(8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

(9) An account described in this paragraph is any of the following accounts:

(A) A separate, segregated account of a national committee of a political party (other than a national congressional campaign committee of a political party) which is used solely to defray expenses incurred with respect to a presidential nominating convention (including the payment of deposits) or to repay loans the proceeds of which were used to defray such expenses, or otherwise to restore funds used to defray such expenses, except that the aggregate amount of expenditures the national committee of a political party may make from such account may not exceed $20,000,000 with respect to any single convention.

(B) A separate, segregated account of a national committee of a political party (including a national congressional campaign committee of a political party) which is used solely to defray expenses incurred with respect to the construction, purchase, renovation, operation, and furnishing of one or more headquarters buildings of the party or to repay loans the proceeds of which were used to defray such expenses, or otherwise to restore funds used to defray such expenses (including expenses for obligations incurred during the 2-year period which ends on December 16, 2014).

(C) A separate, segregated account of a national committee of a political party (including a national congressional campaign committee of a political party) which is used to defray expenses incurred with respect to the preparation for and the conduct of election recounts and contests and other legal proceedings.

(b) Dollar limits on expenditures by candidates for office of President of United States

(1) No candidate for the office of President of the United States who is eligible under section 9003 of title 26 (relating to condition for eligibility for payments) or under section 9033 of title 26 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury may make expenditures in excess of—

(A) $10,000,000, in the case of a campaign for nomination for election to such office except the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e)), or $200,000; or

(B) $20,000,000 in the case of a campaign for election to such office.

(2) For purposes of this subsection—

(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States;

(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

(c) Increases on limits based on increases in price index

(1)(A) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such cal-

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1 So in original. The word “and” probably should not appear.
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(endor year and the price index for the base period.
(B) Except as provided in subparagraph (C), in any calendar year after 2002—
(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);
(ii) each amount so increased shall remain in effect for the calendar year; and
(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

(C) In the case of limitations under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), increases shall only be made in odd-numbered years and such increases shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election.

(1) For purposes of paragraph (1)—
(A) the term “price index” means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and
(B) the term “base period” means—
(i) for purposes of subsections (b) and (d), calendar year 1974; and
(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), calendar year 2001.

(d) Expenditures by national committee, State committee, or subordinate committee of State committee in connection with general election campaign of candidates for Federal office

(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection.

(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (e)). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.

(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—
(A) in the case of a candidate for election to the office of Senator, or of Representative from a State which is entitled to only one Representative, the greater of—
(i) 2 cents multiplied by the voting age population of the State (as certified under subsection (e)); or
(ii) $20,000; and

(B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

(4) Independent versus coordinated expenditures by party.—

(A) In general.—On or after the date on which a political party nominates a candidate, no committee of the political party may make—
(i) any coordinated expenditure under this subsection with respect to the candidate during the election cycle at any time after it makes any independent expenditure (as defined in section 30101(17) of this title) with respect to the candidate during the election cycle; or
(ii) any independent expenditure (as defined in section 30101(17) of this title) with respect to the candidate during the election cycle at any time after it makes any coordinated expenditure under this subsection with respect to the candidate during the election cycle.

(B) Application.—For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

(C) Transfers.—A committee of a political party that makes coordinated expenditures under this subsection with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.

(5) The limitations contained in paragraphs (2), (3), and (4) of this subsection shall not apply to expenditures made from any of the accounts described in subsection (a)(9).

(e) Certification and publication of estimated voting age population

During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term “voting age population” means resident population, 18 years of age or older.

(f) Prohibited contributions and expenditures

No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this
section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

(g) Attribution of multi-State expenditures to candidate's expenditure limitation in each State

The Commission shall prescribe rules under which any expenditure by a candidate for presidential nominations for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

(h) Senatorial candidates

Notwithstanding any other provision of this Act, amounts totaling not more than $35,000 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.

(i) Increased limit to allow response to expenditures from personal funds

(1) Increase

(A) In general

Subject to paragraph (2), if the opposition personal funds amount with respect to a candidate for election to the office of Senator exceeds the threshold amount, the limit under subsection (a)(1)(A) (in this subsection referred to as the "applicable limit") with respect to that candidate shall be the increased limit.

(B) Threshold amount

(i) State-by-State competitive and fair campaign formula

In this subsection, the threshold amount with respect to an election cycle of a candidate described in subparagraph (A) is an amount equal to the sum of—

(I) $150,000; and

(ii) $0.04 multiplied by the voting age population.

(ii) Voting age population

In this subparagraph, the term "voting age population" means in the case of a candidate for the office of Senator, the voting age population of the State of the candidate (as certified under subsection (e)).

(C) Increased limit

Except as provided in clause (ii), for purposes of subparagraph (A), if the opposition personal funds amount is over—

(i) 2 times the threshold amount, but not over 4 times that amount—

(I) the increased limit shall be 3 times the applicable limit; and

(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

(ii) 4 times the threshold amount, but not over 10 times that amount—

(I) the increased limit shall be 6 times the applicable limit; and

(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

(iii) 10 times the threshold amount—

(I) the increased limit shall be 6 times the applicable limit;

(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

(III) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party shall not apply.

(D) Opposition personal funds amount

The opposition personal funds amount is an amount equal to the excess (if any) of—

(i) the greatest aggregate amount of expenditures from personal funds (as defined in section 30104(a)(6)(B) of this title) that an opposing candidate in the same election makes; over

(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

(E) Special rule for candidate's campaign funds

(i) In general

For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate's authorized committee.

(ii) Gross receipts advantage

For purposes of clause (i), the term "gross receipts advantage" means the excess, if any, of—

(I) the aggregate amount of 50 percent of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during
any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

(2) Time to accept contributions under increased limit

(A) In general

Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

(i) until the candidate has received notification of the opposition personal funds amount under section 30104(a)(6)(B) of this title; and

(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

(B) Effect of withdrawal of an opposing candidate

A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(3) Disposal of excess contributions

(A) In general

The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) Return to contributors

A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

(j) Limitation on repayment of personal loans

Any candidate who incurs personal loans made after the effective date of the Bipartisan Campaign Reform Act of 2002 in connection with the candidate's campaign for election shall not repay (directly or indirectly), to the extent such loans exceed $250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.

References in Text

This Act, referred to in subsecs. (a)(5) and (h), means the Federal Election Campaign Act of 1971, as defined by section 30101 of this title. For effective date of the Bipartisan Campaign Reform Act of 2002, referred to in subsec. (j), see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 30111 of this title.

Compensation

Section was formerly classified to section 441a 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.

Constitutionality


Prior Provisions

A prior section 315 of Pub. L. 92–225 was renumbered section 311, and is classified to section 30111 of this title. Another prior section 315 of Pub. L. 92–225 was renumbered section 310, and is classified to section 30110 of this title.

Amendments

2014—Subsec. (a)(1)(B). Pub. L. 113–235, § 101(a)(1), inserted ‘‘; or, in the case of contributions made to any of the accounts described in paragraph (9), exceed 300 percent of the amount otherwise applicable under this subparagraph with respect to such calendar year’’ before semicolon at end.

Subsec. (a)(2)(B). Pub. L. 113–235, § 101(a)(2), which directed amendment by substituting ‘‘; or, in the case of contributions made to any of the accounts described in paragraph (9), exceed 300 percent of the amount otherwise applicable under this subparagraph with respect to such calendar year;’’ for the semicolon at end, was executed by making the substitution for the semicolon which appeared before ‘‘or’’ at the end to reflect the probable intent of Congress.


2002—Subsec. (a)(1). Pub. L. 107–155, §§ 304(a)(1), 319(b), substituted ‘‘Except as provided in subsection (1) and section 441a–1 of this title, no person’’ for ‘‘No person’’ in introductory provisions.


Subsec. (a)(1)(B). Pub. L. 107–155, §§ 102(1), 307(a)(2), substituted ‘‘$25,000’’ for ‘‘$2,000; or’’.

Subsec. (a)(1)(C). Pub. L. 107–155, § 102(2), inserted ‘‘(other than a committee described in subparagraph (D))’’ after ‘‘committee’’ and substituted ‘‘; or’’ for period at end.

§ 30117. Modification of certain limits for House candidates in response to personal fund expenditures of opponents

(a) Availability of increased limit

(1) In general

Subject to paragraph (3), if the opposition personal funds amount with respect to a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress exceeds $350,000—

(A) the limit under subsection (a)(1)(A) with respect to the candidate shall be tripled;

(B) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to the candidate if the contribution is made under the increased limit allowed under subparagraph (A) during a period in which the candidate may accept such a contribution; and

(C) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party on behalf of the candidate shall not apply.

(2) Determination of opposition personal funds amount

(A) In general

The opposition personal funds amount is an amount equal to the excess (if any) of—

(i) the greatest aggregate amount of expenditures from personal funds (as defined in subsection (b)(1)) that an opposing candidate in the same election makes; over

(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

(B) Special rule for candidate’s campaign funds

(i) In general

For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (A), such amount shall include the gross receipts advantage of the candidate’s authorized committee.

(ii) Gross receipts advantage

For purposes of clause (i), the term “gross receipts advantage” means the excess, if any, of—

(I) the aggregate amount of 50 percent of gross receipts of a candidate’s authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50 percent of gross receipts of the opposing can-
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(3) Time to accept contributions under increased limit

(A) In general

Subject to subparagraph (B), a candidate and the candidate’s authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

(i) until the candidate has received notification of the opposition personal funds amount under subsection (b)(1); and

(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 100 percent of the opposition personal funds amount.

(B) Effect of withdrawal of an opposing candidate

A candidate and a candidate’s authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(4) Disposal of excess contributions

(A) In general

The aggregate amount of contributions accepted by a candidate or a candidate’s authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) Return to contributors

A candidate or a candidate’s authorized committee shall return the excess contribution to the person who made the contribution.

(b) Notification of expenditures from personal funds

(1) In general

(A) Definition of expenditure from personal funds

In this paragraph, the term “expenditure from personal funds” means—

(i) an expenditure made by a candidate using personal funds; and

(ii) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate’s authorized committee.

(B) Declaration of intent

Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed $350,000.

(C) Initial notification

Not later than 24 hours after a candidate described in subparagraph (B) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of $350,000 in connection with any election, the candidate shall file a notification.

(D) Additional notification

After a candidate files an initial notification under subparagraph (C), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceeds $10,000. Such notification shall be filed not later than 24 hours after the expenditure is made.

(E) Contents

A notification under subparagraph (C) or (D) shall include—

(i) the name of the candidate and the office sought by the candidate;

(ii) the date and amount of each expenditure; and

(iii) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

(F) Place of filing

Each declaration or notification required to be filed by a candidate under subparagraph (C), (D), or (E) shall be filed with—

(i) the Commission; and

(ii) each candidate in the same election and the national party of each such candidate.

(2) Notification of disposal of excess contributions

In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate’s authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under subsection (a)) and the manner in which the candidate or the candidate’s authorized committee used such funds.

(3) Enforcement

For provisions providing for the enforcement of the reporting requirements under this subsection, see section 30109 of this title.

REFERENCES IN TEXT
Subsections (a)(1)(A), (3), and (d), referred to in subsec. (a)(1), probably mean subsections (a)(1)(A), (3), and (d) of section 30116 of this title.

CONSTITUTIONALITY

CODIFICATION
Section was formerly classified to section 441a–1 of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.

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 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 30101 of this title.

§ 30118. Contributions or expenditures by national banks, corporations, or labor organizations

(a) In general
It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation 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 knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b) Definitions; particular activities prohibited or allowed
(1) For the purposes of this section the term “labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
(2) For purposes of this section and section 79(h) of title 15, the term “contribution or expenditure” includes a contribution or expenditure, as those terms are defined in section 30101 of this title, and also includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section or for any applicable electioneering communication, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful—
(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;
(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and
(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—
(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and
(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) It shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A
solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of $50 or less as a result of such solicitation and who does not make such a contribution.

(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.

(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or of facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

(7) For purposes of this section, the term “executive or administrative personnel” means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.

(c) Rules relating to electioneering communications

(1) Applicable electioneering communication

For purposes of this section, the term “applicable electioneering communication” means an electioneering communication (within the meaning of section 30104(f)(3) of this title) which is made by any entity described in subsection (a) of this section or by any other person using funds donated by an entity described in subsection (a) of this section.

(2) Exception

Notwithstanding paragraph (1), the term “applicable electioneering communication” does not include a communication by a section 501(c)(4) organization or a political organization (as defined in section 527(e)(1) of title 26) made under section 30104(f)(2)(E) or (F) of this title if the communication is paid for exclusively by funds provided directly by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 1101(a)(20) of title 8). For purposes of the preceding sentence, the term “provided directly by individuals” does not include funds the source of which is an entity described in subsection (a) of this section.

(3) Special operating rules

(A) Definition under paragraph (1)

An electioneering communication shall be treated as made by an entity described in subsection (a) if an entity described in subsection (a) directly or indirectly disburses any amount for any of the costs of the communication.

(B) Exception under paragraph (2)

A section 501(c)(4) organization that derives amounts from business activities or receives funds from any entity described in subsection (a) shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute, as described in section 30104(f)(2)(E) of this title.

(4) Definitions and rules

For purposes of this subsection—

(A) the term “section 501(c)(4) organization” means—

(i) an organization described in section 501(c)(4) of title 26 and exempt from taxation under section 501(a) of such title; or

(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

(B) a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

(5) Coordination with title 26

Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of title 26 to carry out any activity which is prohibited under such title.

(6) Special rules for targeted communications

(A) Exception does not apply

Paragraph (2) shall not apply in the case of a targeted communication that is made by an organization described in such paragraph.

(B) Targeted communication

For purposes of subparagraph (A), the term “targeted communication” means an electioneering communication (as defined in section 30104(f)(3) of this title) that is distributed from a television or radio broadcast.
station or provider of cable or satellite television service and, in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

(C) Definition

For purposes of this paragraph, a communication is "targeted to the relevant electorate" if it meets the requirements described in section 30101(f)(3)(C) of this title.


REFERENCES IN TEXT

Section 3(b) of title 15, referred to in subsec. (b)(2), was repealed by Pub. L. 109–58, title XII, §1203, Aug. 8, 2005, 119 Stat. 974.

Codification

Section was formerly classified to section 411b 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.

Constitutionality


Prior Provisions

A prior section 316 of Pub. L. 92–225 was renumbered section 312, and is classified to section 30113 of this title.

Another prior section 316 of Pub. L. 92–225 was renumbered section 311, and is classified to section 30111 of this title.

Amendments

2002—Subsec. (b)(2). Pub. L. 107–155, §§203(a), 214(d), substituted ‘‘contribution or expenditure’’ for ‘‘contribution or expenditure’ or ‘‘contribution or expenditure’ as those terms are defined in section 431 of this title, and also includes’’ for ‘‘contribution or expenditure’ includes a contribution or expenditure, as those terms are defined in section 30101(f)(3)(C) of this title, and added ‘‘contribution or expenditure’ or ‘‘contribution or expenditure’ as those terms are defined in section 431 of this title’’ and inserted ‘‘or for any applicable electioneering communication’’ before ‘‘contribution or expenditure’’. Pub. L. 107–155, §203(b), added subsec. (c). Subsec. (c)(6), Pub. L. 107–155, §204, added par. (6).


Effective Date of 2002 Amendment

Amendment by Pub. L. 107–155 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 492 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 30101 of this title.

Effective Date of 1980 Amendment


§30119. Contributions by Government contractors

(a) Prohibition

It shall be unlawful for any person—

(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or implicitly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

(b) Separate segregated funds

This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 30118 of this title prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 30118 of this title applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

(c) "Labor organization" defined

For purposes of this section, the term ‘‘labor organization’’ means the meaning given it by section 30118(b)(1) of this title.


References in Text

Section 30118 of this title, referred to in subsecs. (b) and (c), was in the original ‘‘section 321’’ meaning section 321 of Pub. L. 92–225 which is classified to section 3023 of this title. In view of the renumbering of section 321 as section 316 by section 105(5) of Pub. L. 96–187, the reference has been translated as reading ‘‘section 316’’ to reflect the probable intent of Congress.

Codification

Section was formerly classified to section 441c of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.

Prior Provisions

A prior section 317 of Pub. L. 92–225 was renumbered section 313, and is classified to section 30114 of this title.
§ 30120. Publication and distribution of statements and solicitations

(a) Identification of funding and authorizing sources

Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising or makes a disbursement for an electioneering communication (as defined in section 30104(f)(3) of this title), such communication—

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee: 1

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee:

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate’s committee.

(b) Charge for newspaper or magazine space

No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate’s campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

(c) Specification

Any printed communication described in subsection (a) shall—

(1) be of sufficient type size to be clearly readable by the recipient of the communication;

(2) be contained in a printed box set apart from the other contents of the communication; and

(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

1So in original. The word “or” probably should appear at the end of par. (2).

(d) Additional requirements

(1) Communications by candidates or authorized persons

(A) By radio

Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through radio shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

(B) By television

Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through television shall include, in addition to the requirements of that paragraph, a statement that identifies the candidate and states that the candidate has approved the communication. Such statement—

(i) shall be conveyed by—

(II) the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; and

(ii) shall also appear in writing at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

(2) Communications by others

Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following audio statement: “ is responsible for the content of this advertising.” (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall be conveyed by an unobscured, full-screen view of a representative of the political committee or other person making the statement, or by a representative of such political committee or other person in voice-over, and shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.


CODIFICATION

Section was formerly classified to section 411d of Title 2, The Congress, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classi-
§ 30122. Contributions in name of another prohibited

No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution,
and no person shall knowingly accept a contribution made by one person in the name of another person.


CODIFICATION
Section was formerly classified to section 441f of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS
A prior section 320 of Pub. L. 92–225 was renumbered section 315, and is classified to section 30116 of this title.

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

Another prior section 320 of Pub. L. 92–225 was renumbered section 314, and is classified to section 30115 of this title.

§ 30123. Limitation on contribution of currency

No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.


CODIFICATION
Section was formerly classified to section 441g of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS
A prior section 321 of Pub. L. 92–225 was renumbered section 316, and is classified to section 30118 of this title.

Another prior section 321 of Pub. L. 92–225 was renumbered section 328, and was classified to section 441 of Title 2, The Congress, prior to repeal by Pub. L. 94–263.

§ 30124. Fraudulent misrepresentation of campaign authority

(a) In general

No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(b) Fraudulent solicitation of funds

No person shall—

(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).


CODIFICATION
Section was formerly classified to section 441h of Title 2, The Congress, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS
A prior section 322 of Pub. L. 92–225 was renumbered section 317, and is classified to section 30119 of this title.

AMENDMENTS

EFFECTIVE DATE OF 2002 AMENDMENT
Amendment by Pub. L. 107–155 effective Nov. 6, 2002, see section 402 of Pub L. 107–155, set out as an Effective Date of 2002 Amendment; Regulations note under section 30101 of this title.

§ 30125. Soft money of political parties

(a) National committees

(1) In general

A national committee of a political party (including a national congressional campaign committee of a political party) may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Applicability

The prohibition established by paragraph (1) applies to any such national committee, any officer or agent acting on behalf of such a national committee, and any entity that is directly or indirectly established, financed, maintained, or controlled by such a national committee.

(b) State, district, and local committees

(1) In general

Except as provided in paragraph (2), an amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or of individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.
(2) Applicability

(A) In general

Notwithstanding clause (i) or (ii) of section 30101(20)(A) of this title, and subject to subparagraph (B), paragraph (1) shall not apply to any amount expended or disbursed by a State, district, or local committee of a political party for an activity described in either such clause to the extent the amounts expended or disbursed for such activity are allocated (under regulations prescribed by the Commission) among amounts—

(i) which consist solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act (other than amounts described in subparagraph (B)(ii)); and

(ii) other amounts which are not subject to the limitations, prohibitions, and reporting requirements of this Act (other than any requirements of this subsection).

(B) Conditions

Subparagraph (A) shall only apply if—

(i) the activity does not refer to a clearly identified candidate for Federal office;

(ii) the amounts expended or disbursed are not for the costs of any broadcasting, cable, or satellite communication, other than a communication which refers solely to a clearly identified candidate for State or local office;

(iii) the amounts expended or disbursed which are described in subparagraph (A)(ii) are paid from amounts which are donated in accordance with State law and which meet the requirements of subparagraph (C), except that no person (including any person established, financed, maintained, or controlled by such person) may donate more than $10,000 to a State, district, or local committee of a political party in a calendar year for such expenditures or disbursements; and

(iv) the amounts expended or disbursed are made solely from funds raised by the State, local, or district committee which makes such expenditure or disbursement, and do not include any funds provided to such committee from—

(I) any other State, local, or district committee of any State party;

(II) the national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an officer or agent acting on behalf of any such political party committee or entity, shall not solicit any funds for, or make or direct any donations to—

(1) an organization that is described in section 501(c) of title 26 and exempt from taxation under section 501(a) of such title (or has submitted an application for determination of tax exempt status under such section) and that makes expenditures or disbursements in connection with an election for Federal office (including expenditures or disbursements for Federal election activity); or

(2) an organization described in section 527 of such title (other than a political committee, a State, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).

(c) Fundraising costs

An amount spent by a person described in subsection (a) or (b) to raise funds that are used, in whole or in part, for expenditures and disbursements for a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

(d) Tax-exempt organizations

A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an officer or agent acting on behalf of any such political party committee or entity, shall not solicit any funds for, or make or direct any donations to—

(i) are not solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e); and

(ii) are not solicited, received, or directed through fundraising activities conducted jointly by 2 or more State, local, or district committees of any political party or their agents, or by a State, local, or district committee of a political party on behalf of the State, local, or district committee of a political party or its agent in one or more other States.

(e) Federal candidates

(1) In general

A candidate, individual holding Federal office, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not—

(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

(i) are not in excess of the amounts permitted with respect to contributions to
candidates and political committees under paragraphs (1), (2), and (3) of section 30116(a) of this title; and
(ii) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.

(2) State law

Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual described in such paragraph who is or was also a candidate for a State or local office solely in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law and refers only to such State or local candidate, or to any other candidate for the State or local office sought by such candidate, or both.

(3) Fundraising events

Notwithstanding paragraph (1) or subsection (b)(2)(C), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

(4) Permitting certain solicitations

(A) General solicitations

Notwithstanding any other provision of this subsection, an individual described in paragraph (1) may make a general solicitation of funds on behalf of any organization that is described in section 501(c) of title 26 and exempt from taxation under section 501(a) of such title (or has submitted an application for determination of tax exempt status under such section) (other than an entity whose principal purpose is to conduct activities described in clauses (i) and (ii) of section 30101(20)(A) of this title) where such solicitation does not specify how the funds will or should be spent.

(B) Certain specific solicitations

In addition to the general solicitations permitted under subparagraph (A), an individual described in paragraph (1) may make a solicitation explicitly to obtain funds for carrying out the activities described in clauses (i) and (ii) of section 30101(20)(A) of this title, or for an entity whose principal purpose is to conduct such activities, if—

(i) the solicitation is made only to individuals; and

(ii) the amount solicited from any individual during any calendar year does not exceed $20,000.

(f) State candidates

(1) In general

A candidate for State or local office, individual holding State or local office, or an agent of such a candidate or individual may not spend any funds for a communication described in section 30101(20)(A)(iii) of this title unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Exception for certain communications

Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for such State or local office and refers only to such individual or to any other candidate for the State or local office held or sought by such individual, or both.


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.

CODIFICATION

Section was formerly classified to section 441i of Title 2, The Congress, prior to editorial classification and renumbering as this section.

PRIOR PROVISIONS


EFFECTIVE DATE

Section effective Nov. 6, 2002, except that subsec. (b) of this section not applicable with respect to runoff elections, recounts, or election contests resulting from elections held prior to Nov. 6, 2002, with transitional rules for the spending of soft money of national political parties, see section 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment: Regulations note under section 30101 of this title.

§ 30126. Prohibition of contributions by minors

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.


CODIFICATION

Section was formerly classified to section 441k of Title 2, The Congress, prior to editorial classification and renumbering as this section.

CONSTITUTIONALITY


PRIOR PROVISIONS

A prior section 324 of Pub. L. 92–225 was renumbered section 319, and is classified to section 30121 of this title.

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 402 of Pub. L. 107–155, set out as an Effective Date of 2002 Amendment: Regulations note under section 30101 of this title.
SUBCHAPTER II—GENERAL PROVISIONS

§ 30141. Extension of credit by regulated industries; regulations

The Secretary of Transportation, the Federal Communications Commission, and the Surface Transportation Board shall each maintain, its own regulations with respect to the extension of credit, without security, by any person regulated by the Secretary under subpart II of part A of subtitle VII of title 49, or such Commission or Board, to any candidate for Federal office, or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.


REFERENCES IN TEXT

Subpart II of part A of subtitle VII of title 49, referred to in text, is set out in section 4101 et seq. of Title 49, Transportation.

CONCIDERATION

Section was formerly classified to section 451 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.

AMENDMENTS

1996—Pub. L. 104–287 substituted "the Secretary" for "such Secretary".
1995—Pub. L. 104–88 inserted "or Board" after "or such Commission" and substituted "Surface Transportation Board shall each maintain" for "Interstate Commerce Commission shall each promulgate, within ninety days after February 7, 1972".
1994—Pub. L. 103–272 substituted "Secretary of Transportation" for "Civil Aeronautics Board" and "Secretary under subpart II of part A of subtitle VII of title 49, or such Commission," for "Board or Commission".
1974—Pub. L. 93–443 struck out "(as such term is defined in section 431(c) of this title)" after "Federal office".

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 1301 of Title 49, Transportation.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 30101 of this title.

§ 30142. Prohibition against use of certain federal funds for election activities

No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.] shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity.


REFERENCES IN TEXT


CONCIDERATION

Section was formerly classified to section 452 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.

AMENDMENTS

1974—Pub. L. 93–443 struck out reference to section 431(a) and (c) of this title for definition of "election" and "Federal office".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 30101 of this title.

OFFICE OF ECONOMIC OPPORTUNITY

Pub. L. 93–444, §9(a), Jan. 4, 1975, 88 Stat. 2310 [42 U.S.C. 2941], amended the Economic Opportunity Act of 1964 (42 U.S.C. 2701 et seq.), to create the Community Services Administration, an independent agency in the executive branch, as the successor authority to the Office of Economic Opportunity, and provided that references to the Office of Economic Opportunity or to its Director were deemed to refer to the Community Services Administration or to its Director. The Community Services Administration was terminated when the Economic Opportunity Act of 1964, except for titles VIII and X, was repealed, effective Oct. 1, 1981, by section 683(a) of Pub. L. 97–35, title VI, Aug. 13, 1981, 95 Stat. 519, which is classified to 42 U.S.C. 9912(a). An Office of Community Services, headed by a Director, was established in the Department of Health and Human Services by section 676 of Pub. L. 97–35, which is classified to 42 U.S.C. 9965.

§ 30143. State laws affected

(a) In general

Subject to subsection (b), the provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office.

(b) State and local committees of political parties

Notwithstanding any other provision of this Act, a State or local committee of a political party may, subject to State law, use exclusively funds that are not subject to the prohibitions, limitations, and reporting requirements of the Act for the purchase or construction of an office building for such State or local committee.


1 So in original. The comma probably should not appear.