§ 30105

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 304(f) of the Federal Election Campaign Act of 1971 [52 U.S.C. 30104(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.


Editorial Notes

Conliquidation

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’’.

Statutory Notes and Related Subsidiaries

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.

(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment 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, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his
or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (5 U.S.C. 5315).

(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.

(b) Administration, enforcement, and formulation of policy; exclusive jurisdiction of civil enforcement; Congressional authorities or functions with respect to elections for Federal office

(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 28. 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.

(c) 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 by staff director; 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 pay the compensation of employees of the Commission.


Editorial Notes

References in Text

This Act, referred to in subsecs. (b), (c), and (f)(3), (4), means the Federal Election Campaign Act of 1971, as defined by section 30101 of this title.
Section was formerly classified to section 437c 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 “or his 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. (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 take any action in accordance with paragraph (6), (7), (8), or (9) of section 437d(a) of this title or with chapter 95 or chapter 96 of title 26, or 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 paragraphs (6), (7), (8), or (10) of section 437d(a) of this title. A member of the Commission may not delegate to any person his vote or any decisionmaking authority or duty vested in the Commission by the provisions of this subchapter”.

Pub. L. 96–187, §122(b), purported to substitute “section 306(a)” for “section 306(a)”, referred to in text as “section 437(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(c)(1), 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)(1), 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 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. (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.

Statutory Notes and Related Subsidiaries
Effective Date of 1997 Amendment
Pub. L. 105–61, title V, §512(b), Oct. 10, 1997, 111 Stat. 2523, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to individuals nominated by the President to be members of the Federal Election Commission after December 31, 1997 unless the President announced his intent to nominate the individual prior to November 30, 1997.”

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; Repeal of 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 Campaign Act as it was recast or substituted under the Federal Election Campaign Act of 1971 as amended by Pub. L. 94–283 by providing for appointment of mem-
§ 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 by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to 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.


Editorial Notes

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.

Codification

Section was formerly classified to section 437d 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 307 of Pub. L. 92–225 was renumbered section 305, and is classified to section 30105 of this title.

Amendments


1980—Subsec. (a). Pub. L. 96–187, § 106, in par. (1) substituted “under oath, such written reports and answers...