to questions as the Commission may prescribe” for “in writing such reports and answers to questions as the Commission may prescribe” and struck out provision that such submission be made within such reasonable time and under oath as determined by the Commission; in par. (4) struck out “of this subsection” after “paragraph (3)” ; in par. (6) substituted “section 437g(a)(8)” for “section 437g(a)(9)”; and substituted “to enforce the provisions of this Act” for “for the purpose of enforcing the provisions of this Act”; struck out par. (9) relating to formulation of general policy respecting administration of this Act and chapters 95 and 96 of title 26; and redesignated former par. (10) as (9).


Subsec. (d). Pub. L. 96–187, § 106, struck out “of the United States” after “President” in pars. (1) and (2).

Subsec. (e). Pub. L. 96–187, § 106, substituted “section 437g(a)(8)” for “section 437g(a)(9)”.

1976—Subsec. (a)(6). Pub. L. 94–283, § 107(b)(1), substituted “civil actions” for “civil proceedings” and inserted “(in the case of any civil action brought under section 437g(a)(9) of this title)” after “defend” and “and chapter 95 and chapter 96 of title 26” after “this Act”.

Subsec. (a)(7). Pub. L. 94–283, § 107(b)(1), substituted “section 312” for “section 313” in the original to accommodate the renumbering of section 313 of Pub. L. 92–225 as section 312 of Pub. L. 92–225 by section 106 of Pub. L. 94–283. Since both the original and substituted references translate as “section 437f of this title” no change in text was required.

Subsec. (a)(8). Pub. L. 94–283, § 107(a)(1), inserted “to develop such prescribed forms and to” before “to make, amend, and repeal” and inserted “and chapter 95 and chapter 96 of title 26” after “provisions of this Act”.

Subsec. (a)(9). Pub. L. 94–283, § 107(a)(2), substituted “and chapter 95 and chapter 96 of title 26” for “(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.


Editorial Notes

References to 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.

Classification

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


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—Subsec. (a)(1), (b), (c)(2). Pub. L. 99–514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

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 to 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.

§ 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...